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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

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Date: **SEP 22 2011**

Office: TEXAS SERVICE CENTER

FILE:

IN RE: Applicant:

APPLICATION: Application for Replacement Naturalization/Citizenship Certificate Document

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The applicant seeks to correct a certificate of naturalization pursuant to sections 338 and 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1449 and 1454, claiming that the date of birth listed on the certificate is incorrect.

The director determined that the certificate of naturalization reflects the applicant's correct date of birth. The application was denied accordingly.

On appeal, the applicant maintains that the date of birth listed on her certificate is incorrect due to a faulty translation of the birth certificate submitted with her naturalization application. The applicant's Certificate of Naturalization indicates that her date of birth is [REDACTED]. The applicant maintains that her date of birth is [REDACTED].

Section 338 of the Act provides the statutory authority relating to the contents of a certificate of naturalization. The specific regulations regarding the execution and issuance of certificates of naturalization are contained in 8 C.F.R. § 338.5, and provide, in pertinent part, that:

- (a) Whenever a Certificate of Naturalization has been delivered which does not conform to the facts shown on the application for naturalization, or a clerical error was made in preparing the certificate, an application for issuance of a corrected certificate, Form N-565, without fee, may be filed by the naturalized person.

....

- (e) The correction will not be deemed to be justified where the naturalized person later alleges that the name or date of birth which the applicant stated to be his or her correct name or date of birth at the time of naturalization was not in fact his or her own name or date of birth at the time of naturalization.

The record reflects that [REDACTED] is listed as the applicant's date of birth on her naturalization application. Nevertheless, the applicant's lawful permanent resident card and immigration documents list [REDACTED] as the applicant's date of birth. The applicant maintains that the error was caused by a faulty translation of the birth certificate submitted with the naturalization application. The date of birth on the applicant's certificate of naturalization does not conform to the facts as set forth in the applicant's immigration record. U.S. Citizenship and Immigration Services has the authority to change a certificate of citizenship to reflect a date of birth other than that shown on the naturalization application where, as here, there has been a clerical error. See 8 C.F.R. § 338.5.

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The appeal will therefore be sustained. The matter will be returned to the Texas Service Center for issuance of a corrected certificate of naturalization listing ██████████ as the applicant's date of birth.

ORDER: The appeal is sustained. The matter is returned to the Texas Service Center for issuance of a corrected certificate of naturalization.