

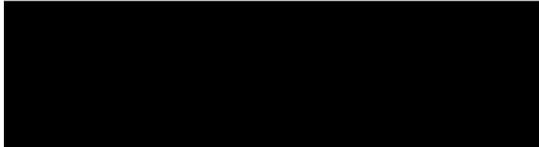
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U.S. Citizenship  
and Immigration  
Services

*EB*



FILE:



Office: CHICAGO, ILLINOIS

Date: MAR 30 2007

IN RE:

Applicant:



APPLICATION:

Application for Replacement Naturalization/Citizenship Document under Section 338  
of the Immigration and Nationality Act, 8 U.S.C. § 1149.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Chicago, Illinois. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of Mexico and a naturalized citizen of the United States. She seeks to have her Certificate of Naturalization corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to reflect a change in her name from [REDACTED] to [REDACTED].

The District Director reviewed the applicant's record and determined that she was not eligible for a new certificate of naturalization. In his decision the District Director noted that on February 22, 2005 the applicant was requested to send documentation from the court that her name had been changed to [REDACTED]. The applicant failed to comply, and the application was denied accordingly.

On appeal, the applicant submits a Default Judgment ordering her marriage to be dissolved. *See Default Judgment*, dated July 2, 2002. The record also includes photocopies of the applicant's driver's license, social security card, identity card, and police department handling permit showing the applicant's name to be [REDACTED].

Section 343 of the Act states, in part, that:

- (c) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdictions, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Attorney General [now Secretary of Homeland Security] finds the name of the applicant to have been changed as claimed, the Attorney General shall issue to the applicant a new certificate and shall notify the court of such action.

In the present case, the applicant seeks a new certificate of naturalization in the name of [REDACTED] her birth name, following her divorce from [REDACTED]. While the AAO acknowledges the evidence submitted by the applicant to establish that she and [REDACTED] are divorced, this documentation does not satisfy the requirement at section 343(c) of the Act for a new Certificate of Naturalization, as it does not indicate that the applicant's name was legally changed to [REDACTED] as a part of those proceedings. Neither is there any other documentary evidence in the record that establishes that the applicant's name has been changed to [REDACTED] "by order of any court of competent jurisdiction." Accordingly, the applicant has not established eligibility for a new Certificate of Naturalization to the applicant under section 343 of the Act.

The appeal will be dismissed without prejudice.

**ORDER:** The appeal is dismissed.