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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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



F-3

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER

Date: **AUG 13 2010**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for a Replacement Citizenship Document (Form N-565)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank You,

Perry Rhew
Chief, Administrative Appeals Office

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

The applicant is a native of Mexico who acquired U.S. citizenship through her father. The applicant seeks to amend her certificate of citizenship, citing 8 C.F.R. § 338.5, claiming that her middle and last name are listed incorrectly.

The Service Center Director determined that the name listed on the certificate of citizenship is the same as the one listed on the Form N-600, Application for Certificate of Citizenship, the applicant's birth certificate, and her immigration records. The director further noted that the applicant failed to establish that a clerical error was made in preparing her certificate of citizenship. The application was accordingly denied.

On appeal, the applicant, through her father, maintains that her last name is [REDACTED] and that her name should be listed as [REDACTED]. See Statement of the Applicant on Form I-290B, Notice of Appeal to the AAO and Appeal Statement. In support of her claim, the applicant submits documents listing her name as [REDACTED] and the family name as [REDACTED].

Section 343 of the Act, 8 U.S.C. § 1454, and the corresponding regulations at 8 C.F.R. § 343a provide no authority to change the name stated on a certificate of citizenship, absent a court order. At most, the statute and regulations allow for issuance of a replacement certificate if the original document has been lost, mutilated or destroyed; or if a citizen's name has changed after naturalization due to marriage or a court order. See Section 343(a), (c) of the Act; 8 C.F.R. § 343a.1. None of these circumstances are present in the applicant's case.

Section 338 of the Act, 8 U.S.C. § 1449, and the regulations promulgated thereunder, at 8 C.F.R. § 338.5, permit the correction of a certificate of naturalization in certain limited circumstances, but the applicant in this case did not naturalize, she acquired citizenship at birth through her father and was, accordingly, issued a certificate of citizenship, not naturalization. Even if the regulations pertaining to the correction of naturalization certificates were extended to certificates of citizenship, the applicant would not meet the requirements for a corrected certificate.

The regulation at 8 C.F.R. § 338.5 provides, in pertinent part:

- (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 name or date of birth at the time of the naturalization.

In this case, the record reveals no clerical error in the preparation of the applicant's certificate. The name listed in the applicant's birth certificate is [REDACTED]. [REDACTED] is also the name listed on her Form N-600, Application for Certificate of Citizenship, on her Form I-94, Arrival/Departure Record, and on her visa records.

As noted above, section 343 of the Act and the regulations at 8 C.F.R. § 343a do not provide any authority to change, amend or correct a certificate of citizenship. At most, the regulation allows for issuance of a replacement certificate in case of an official name change. 8 C.F.R. § 343a.1(b). The applicant has not submitted evidence to establish that her name was officially changed. The applicant's appeal must therefore be dismissed.

ORDER: The appeal is dismissed.