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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**

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER

Date:

IN RE:

Applicant: [REDACTED]

**AUG 16 2010**

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

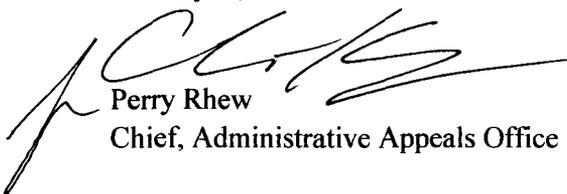
ON BEHALF OF APPLICANT:

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.

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 Somalia who acquired U.S. citizenship through her parent. The applicant seeks to amend her certificate of citizenship, citing 8 C.F.R. § 338.5, claiming that the date of birth listed on the certificate is incorrect.

The service center director determined that the applicant failed to establish that a clerical error was made in preparing her certificate of citizenship, and that the date of birth listed on the certificate conforms to the date of birth indicated on her Form N-600, Application for Certificate of Citizenship. The application was denied accordingly.

On appeal, the applicant maintains that the date of birth listed on her certificate of citizenship is incorrect. *See* Statement of the Applicant on Form I-290B, Notice of Appeal to the AAO. The applicant maintains that her date of birth is March 28, 1987, and not January 1, 1985 as indicated on her certificate. *Id.* The applicant, through counsel, explains that she originally listed March 28, 1987 as her date of birth on her Form N-600, Application for Certificate of Citizenship. *Id.* She maintains that she has consistently indicated that her date of birth is March 28, 1987. *Id.*

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 date of birth on a certificate of citizenship. 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 through her parent 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 applicant was admitted to the United States as a refugee in 1996. Her Registration for Classification as Refugee form, related medical examination, refugee resettlement notice, her initial Form I-94 entry form and her record of lawful permanent residence all list her birth date as January 1, 1985. In an affidavit dated July 8, 2008, the applicant's mother states, "the only reason that the date of birth was incorrect is that the person who originally completed the immigration papers before we came to the U.S. made an error." The applicant's mother explains that she was unable to obtain the certificate stating the applicant's true date of birth from Somalia until 2007.

As discussed above, neither the Act nor the regulations, provide any authority for U.S. Citizenship and Immigration Services (USCIS) to change the date of birth on a certificate of citizenship as requested by the applicant. Even if the regulations permitting the correction of naturalization certificates were extended to certificates of citizenship, the applicant has not established that she meets the requirements for a correction. The record indicates no nonconformity or clerical error in the preparation of the applicant's certificate. The applicant's appeal must therefore be dismissed.

**ORDER:** The appeal is dismissed.