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

(b)(6)

Date: FEB 05 2013 Office: NEBRASKA SERVICE CENTER FILE:

IN RE: Applicant:

APPLICATION: Application for Replacement Naturalization/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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630, or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting 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 became a U.S. citizen upon his naturalization on September 15, 2000. The record indicates that the applicant petitioned for a name change to in the context of his naturalization proceedings. The applicant seeks to amend his certificate of naturalization to change the name reflected on the certificate to

The service center director determined that the name on the applicant's certificate of naturalization conforms to the name listed on his Application for Change of Name filed in conjunction with his naturalization application with the U.S. District Court for the Central District of California. The application for an amended certificate was accordingly denied.

On appeal, the applicant maintains that his name should be listed as . *See* Statement of the Applicant on Form I-290B, Notice of Appeal.

Section 343 of the Act, 8 U.S.C. § 1454, and the corresponding regulations at 8 C.F.R. § 343a, at most, 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 limited circumstances not applicable here.

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.
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> . . .
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> (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 record shows that the applicant petitioned for a name change to in the context of his naturalization proceedings and was advised that his naturalization certificate would

be issued in that name. The applicant signed his Certificate Preparation Sheet and Oath Declaration (Form N-649) with the name

As noted above, neither the Act nor the regulations, provide for any authority for U.S. Citizenship and Immigration Services (USCIS) to change the name on a certificate of naturalization where the facts conform to the information provided by the applicant or where there was no clerical error on the part of USCIS. The applicant's appeal must therefore be dismissed.

ORDER: The appeal is dismissed.