



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

(b)(6)

[Redacted]

Date: **FEB 12 2013** Office: NEBRASKA SERVICE CENTER FILE: [Redacted]

IN RE: Applicant: [Redacted]

APPLICATION: Application for Replacement Naturalization/Citizenship Document, Form N-565

ON BEHALF OF APPLICANT:
[Redacted]

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 seeks to correct a certificate of citizenship claiming that the date of birth listed on the certificate is incorrect. The director determined that the certificate of citizenship reflects the applicant's date of birth, as indicated in her Form N-600, Application for Certificate of Citizenship.¹ The application was denied accordingly.

The applicant, through counsel, indicates in the Form I-290B, Notice of Appeal, that an appeal brief and/or additional evidence would be submitted to this office within 30 days. More than six months have elapsed since the filing of the appeal, but no brief or additional evidence has been received by this office. The statement of the applicant in the Form I-290B consists of the argument already made to the director and does not contain any statement explaining any error or conclusion of law or fact in his decision.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

(v) *Summary dismissal.* An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant's appeal does not identify any legal or factual errors in the director's decision or otherwise overcome any of the deficiencies noted therein. The appeal is therefore summarily dismissed.

ORDER: The appeal is dismissed.

¹ Section 343 of the Immigration and Nationality Act (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, he acquired citizenship through his 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 for the reasons stated in the director's decision.