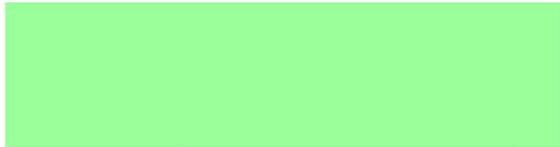


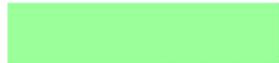


U.S. Citizenship  
and Immigration  
Services

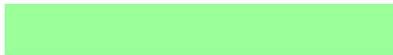
(b)(6)



Date: JUN 21 2013 Office: NEBRASKA SERVICE CENTER

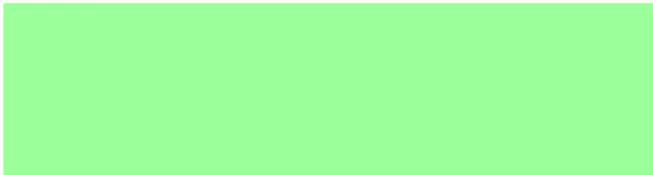


IN RE: Applicant:



APPLICATION: Application for Replacement Naturalization/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 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 pursuant to sections 338 and 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1449 and 1454, claiming that the date of birth listed on the certificate is incorrect.

The director determined that the certificate of citizenship reflects the applicant's true and correct date of birth. The application was denied accordingly. On appeal, the applicant, through counsel, maintains that the date of birth listed on her certificate should be amended to reflect her corrected date of birth, as indicated on her Judgment of Adoption. *See* Appeal Brief.

The applicant's certificate of citizenship indicates that her date of birth is February 8, 1996. The applicant's immigration documents all indicate that February 8, 1996 is her date of birth. The notarial certificate issued by the Republic of China when the applicant was released for adoption lists February 8, 1996 as her date of birth. The applicant now claims that, as stated in her adoption papers, her date of birth is unknown, and February 8, 1999 is her date of birth. The applicant maintains that the date of birth on her certificate of citizenship should be changed to February 8, 1999 to correspond to the date listed in the Judgment of Adoption entered on December 15, 2009.

Section 343 of the Act, 8 U.S.C. § 1454, and the corresponding regulations at 8 C.F.R. § 343a 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. The statute and regulations governing certificates of citizenship do not address the possibility of errors made in the preparation of a certificate and the need for correction of such mistakes. *See* Section 341 of the Act, 8 U.S.C. §1452; 8 C.F.R. § 341. 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. Where warranted, these regulations may be extended to certificates of citizenship.

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

- (a) *Application.* 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, may be filed, without fee, in accordance with the form instructions.

....

- (c) *USCIS-issued certificates.* If the certificate was originally issued by USCIS (or its predecessor agency), and USCIS finds that a correction was justified, the correction shall be made to the certificate and a dated endorsement made on the reverse of the certificate.
- (d) *Administrative actions.* When a correction made pursuant to paragraphs (b) or (c) of this section would or does result in mutilation of a certificate, USCIS will issue a replacement Certificate of Naturalization and destroy the surrendered certificate.
- (e) *Data change.* 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 own name or date of birth at the time of the naturalization.

In this case, the record reveals no nonconformity or clerical error in the preparation of the applicant's certificate. In this case, the applicant's date of birth is listed as February 8, 1996 on her immigration documents including the notarial certificate issued by the Republic of China. The applicant's appeal must therefore be dismissed.

**ORDER:** The appeal is dismissed.