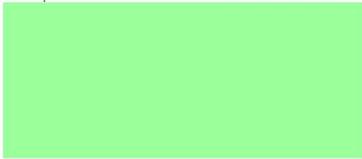




U.S. Citizenship
and Immigration
Services

(b)(6)



MAR 14 2013

DATE:

Office: TEXAS SERVICE CENTER

FILE:

IN RE: Applicant:

APPLICATION:

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

ON BEHALF OF APPLICANT:

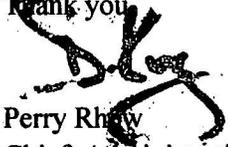
SELF-REPRESENTED

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 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


Perry Rhoads

Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 Vietnam who acquired U.S. citizenship on July 11, 2006, as evidenced by a certificate of citizenship issued on July 25, 2007. The applicant claims that the name listed on her certificate of citizenship is incorrect and thus seeks to amend the certificate to change the name from [REDACTED] to [REDACTED].

The service center director determined that the name on the applicant's certificate of citizenship conforms to the name on her Form N-600, Application for Certificate of Citizenship, and in her immigration records. The application for a replacement certificate was accordingly denied.

On appeal, the applicant maintains that her name should be listed as [REDACTED]. See Appeal Statement. The applicant claims that her middle name was listed incorrectly due to a typographical error.

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 of naturalization or citizenship 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.
- ...
- (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 is seeking to correct a certificate of citizenship not a certificate of naturalization. Moreover, the record reveals no clerical error in the preparation of the applicant's certificate. The record shows that the name listed on the applicant's certificate is the name indicated on her application for a certificate of citizenship, lawful permanent residence and other immigration records.

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 citizenship as requested by the applicant. The applicant's appeal must therefore be dismissed.

ORDER: The appeal is dismissed.