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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

Date: FEB 28 2014

Office: NEBRASKA SERVICE CENTER

FILE: [REDACTED]

IN RE:

Applicant: [REDACTED]

APPLICATION:

Application for Replacement Citizenship Certificate Pursuant to Section 343 of the Immigration and Nationality Act, 8 U.S.C. § 1454

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the Application for Replacement Naturalization/Citizenship Document (Form N-565). The matter came before the Administrative Appeals Office (AAO) on appeal. The AAO dismissed the appeal. The AAO reopens these proceedings to reconsider the evidence. The AAO's prior decision will be withdrawn, and the appeal will be sustained.

Pertinent Facts and Procedural History

The applicant seeks to correct a certificate of citizenship pursuant to section 343 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 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 and denied the application. On appeal, the applicant, through counsel, maintained 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.

Applicable Law

On January 3, 2014, Congress amended section 320 of the Act, 8 U.S.C. § 1431, to include the following:

(c) A Certificate of Citizenship or other Federal document issued or requested to be amended under this section shall reflect the child's name and date of birth as indicated on a State court order, birth certificate, certificate of foreign birth, certificate of birth abroad, or similar State vital records document issued by the child's State of residence in the United States after the child has been adopted or readopted in that State.

See Accuracy for Adoptees Act, P.L. 113-74, 127 Stat. 1212 (January 16, 2014).

Analysis

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. Nevertheless, during her adoption, the applicant stated that her date of birth was February 8, 1999. *See* Judgment of Adoption dated December 15, 2009. Pursuant to section 320(c) of the Act, the applicant's date of birth must be changed to February 8, 1999 to correspond to the date listed in the Judgment of Adoption. Accordingly, the appeal will be sustained and the matter will be returned to the director for the issuance of a certificate of citizenship listing February 8, 1999 as the applicant's date of birth.

Conclusion

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. *See* Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has been met.

ORDER: The June 21, 2013 AAO decision is withdrawn. The appeal is sustained and the matter returned to the director for issuance of a replacement certificate of citizenship.