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



U.S. Citizenship  
and Immigration  
Services

Date: JAN 31 2014 Office: NEBRASKA SERVICE CENTER

FILE: [REDACTED]

IN RE: [REDACTED]

APPLICATION: Application for Replacement Naturalization Document under Section 338 of the Immigration and Nationality Act, 8 U.S.C. § 1449

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

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

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director of the Nebraska Service Center (the director) denied the Application for Replacement Naturalization/Citizenship Document (Form N-565), and the matter now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the applicant's request for a replacement certificate of naturalization will remain denied.

*Pertinent Facts and Procedural History*

The applicant is a native of the Egypt, and a naturalized citizen of the United States. She seeks to have her certificate of naturalization corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to reflect a change in her date of birth from [REDACTED] to [REDACTED]

The director reviewed the applicant's record and determined that a correction to her certificate of naturalization was not warranted. Specifically, the director noted that the applicant had provided the 1946 date of birth at the time of naturalization. The application was denied accordingly. On appeal, the applicant requests that U.S. Citizenship and Immigration Services (USCIS) change the date of birth of her certificate of naturalization because the individual who originally translated the applicant's birth certificate confused the date that she received her infant inoculations with her date of birth.

*Applicable Law*

Section 338 of the Act provides the statutory authority relating to the contents of a Certificate of Naturalization. In addition, the regulations regarding the execution and issuance of Certificates of Naturalization are contained in 8 C.F.R. § 338.5, and provide, in part, that:

- (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.

\* \* \*

- (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 name or date of birth at the time of the naturalization.

*Analysis*

Based on the evidence in the record, the applicant has not established that her certificate of naturalization, which states that her date of birth is [REDACTED] contains clerical errors attributable to USCIS. Here, the birth date on the applicant's certificate of naturalization conforms

to the birth date stated in her Application to File Petition for Naturalization (Form N-400). Additionally, the record contains other documents with the [REDACTED] date of birth, including: the applicant's Immigrant Visa and Alien Registration Form; the Application for Immigrant Visa and Alien Registration; a Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa (Form I-130); a birth certificate issued in 1962; a fingerprint card; and a Form G-325A Biographic Information.

The AAO acknowledges the birth certificate with translation that the applicant submits on appeal, which shows the applicant's date of birth to be [REDACTED]. These documents, however, were obtained several years after the applicant naturalized. Because the applicant acknowledged her birth date as [REDACTED] on her naturalization application, and the applicant's immigration record reflects the [REDACTED] date of birth, the AAO concludes that there was no clerical error attributable to USCIS in the preparation of the applicant's certificate of naturalization. See 8 C.F.R. § 338.5. Consequently, USCIS will not issue to the applicant a replacement naturalization certificate.

*Conclusion*

It is the applicant's burden to establish eligibility for the benefit being sought. See Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed. The applicant's request for a replacement certificate of naturalization remains denied.