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

(b)(6)

U.S. Citizenship and Immigration Services

Date: JUL 03 2014 Office: NEBRASKA SERVICE CENTER FILE

IN RE: Applicant:

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

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.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center (the director) denied the Application for Replacement Citizenship/Naturalization Document (N-565), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the matter returned to the director for issuance of a replacement certificate to the applicant.

Pertinent Facts and Procedural History

The applicant is a native of Egypt who automatically acquired U.S. citizenship through his father. He seeks to have his certificate of citizenship corrected under section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449, to reflect a change in his date of birth from June 16, 1998 to June 16, 1996.

The director reviewed the applicant's record and determined that a correction to his certificate was not warranted. On appeal, the applicant's father explains that he mistakenly listed "1998" as the applicant's year of birth in his Form N-600, Application for Certificate of Citizenship. The applicant's father notes that the correct year of birth "1996" appears in the applicant's immigration and identity documents.

Applicable Law

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. Section 341 of the Act, 8 U.S.C. §1452, which governs the issuance of certificates of citizenship, does not specifically address the circumstances when a correction of a certificate may be warranted. According to the U.S. Citizenship and Immigration Services (USCIS) Policy Manual at Volume 12, Part K, Chapter 4, an applicant may request a replacement certificate when USCIS issued a certificate that does not conform to the supportable facts shown on the applicant's Form N-600, or USCIS committed a clerical error in preparing the certificate.

Analysis

The applicant has established that his certificate of citizenship does not conform to the facts shown in his immigration file. The applicant's father explains that he made a typographical error listing 1998 as the applicant's year of birth in his Form N-600, but otherwise every document in the applicant's file including his U.S. passport and lawful permanent resident card, list 1996 as his year of birth.

Thus, it appears that there was a clerical error in the preparation of the applicant's certificate and a correction is justified. Accordingly, this matter will be returned to the director for the issuance of a corrected certificate of citizenship listing June 16, 1996 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 appeal is sustained. The matter is returned to the Nebraska Service Center for issuance of a replacement certificate of citizenship.