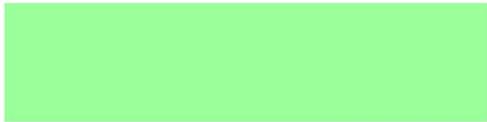
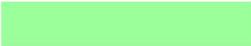




**U.S. Citizenship
and Immigration
Services**

(b)(6)



Date: **MAR 20 2014** Office: NEBRASKA SERVICE CENTER 

IN RE: 

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.

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 is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

Pertinent Facts and Procedural History

The applicant is a naturalized citizen of the United States. She seeks to have the country of nationality in her certificate of naturalization corrected pursuant to section 338 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1449.

The director reviewed the applicant's record and determined that a correction to her certificate of naturalization was not justified. Specifically, the director noted that the applicant had failed to submit her original naturalization certificate and that the country of nationality listed on her certificate conformed to the information provided by the applicant in her naturalization application. The application was denied accordingly.

On appeal, the applicant states that she mistakenly stated that her nationality was Armenian, when she was in fact Iranian. The applicant submits her original naturalization certificate, and copies of her Iranian passport and Iranian birth certificate.

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.

* * *

Analysis

The applicant has established that a correction of the country of nationality listed in her certificate of naturalization is justified. Iran is consistently listed as the applicant's country of birth in every document in her immigration file, including her Application for Naturalization (Form N-400), her lawful permanent resident card, and her Application to Register Permanent Residence or Adjust Status (Form I-485). The record also contains the applicant's Iranian birth certificate and passport. Although the applicant indicated that Armenia was her country of nationality in her naturalization application, she states that she mistook the meaning of nationality with ethnicity. Armenia was listed as the country of nationality in her certificate due to a clerical error attributable to U.S. Citizenship and Immigration Services and a correction of the certificate is therefore warranted. See 8 C.F.R. § 338.5.

(b)(6)

NON-PRECEDENT DECISION

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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 naturalization.