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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

[REDACTED]

Date: **MAY 20 2015** Office: NEBRASKA SERVICE CENTER [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.

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 Document. On appeal, the Administrative Appeals Office (AAO) remanded the matter back to the Director for further consideration. The matter is now before the AAO on certification. The appeal will be dismissed as unnecessary.

The applicant is a native of Iran and a naturalized citizen of the United States who sought 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 initially determined that a correction to her certificate of naturalization was not justified.

On appeal, we found that the totality of the relevant evidence in the applicant's administrative record shows that U.S. Citizenship and Immigrations Services (USCIS) made a clerical error when placing the [REDACTED] date of birth on the applicant's certificate of naturalization. We noted that the applicant's Application to File Petition for Naturalization (Form N-400) contains a redlined change in the date of birth from [REDACTED] to [REDACTED] made by the adjudicator in 1990. When signing the Form N-400 at the conclusion of the interview, the applicant attested to knowing the contents of her application and acknowledged the correction to her date of birth. In addition, the Petition for Naturalization (Form N-405) at page 2 and the applicant's Application for Permanent Residence and Refugee Travel Document also contain the [REDACTED] date of birth.

The Director concurred that a service error was made during the production of the original certificate of naturalization, and produced a replacement naturalization certificate with the date of birth of [REDACTED]. On December 1, 2014, the Director informed the applicant that the N-565 application was approved on November 25, 2014, and that the applicant's replacement certificate would bear her changed date of birth.

The applicant had requested that her date of birth be changed to [REDACTED], and submitted copies of her U.S. passport and California driver's license, each of which lists [REDACTED] as her date of birth. However, she presented no evidence establishing this as her date of birth and failed to explain what evidence she submitted to the U.S. Department of State along with her passport application that would support a [REDACTED] birthdate. The Director's decision of December 1, 2014 informed the applicant that the date of birth on her naturalization certificate would be changed to [REDACTED]. The Director further informed the applicant that U.S. Citizenship and Immigration Services is prohibited from changing the applicant's date of birth to the requested date of [REDACTED] as that date is not reflected in her service record until after her naturalization. The director advised the applicant that if she disagreed with the decision, she had the right to submit a brief or other written statement for consideration to the AAO within 30 days of his decision. As we have not received any brief or other written statement for consideration, we consider the matter to be resolved.

ORDER: The appeal is dismissed as unnecessary.