



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF A-J-P-

DATE: JAN. 11, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

APPLICATION: FORM N-565, APPLICATION FOR REPLACEMENT NATURALIZATION/
CITIZENSHIP DOCUMENT

The Applicant, a native of Haiti and naturalized citizen of the United States, seeks a replacement naturalization document. *See* Immigration and Nationality Act (the Act) § 338, 8 U.S.C. § 1449. The Director, Texas Service Center, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

The Director reviewed the Applicant's record and determined that a correction to his certificate of naturalization was not justified, as it reflects the date of birth on the Applicant's Form N-405, Petition for Naturalization, and in U.S. Citizenship and Immigration Services (USCIS) records. The application was denied accordingly.

On appeal, the Applicant requests that his certificate of Naturalization be changed to conform to his correct date of birth, [REDACTED]. The Applicant asserts that when his birth certificate was obtained in Haiti, it contained an erroneous date of birth, as it was not from the city of his birth. The Applicant further asserts that his nephew was able to obtain the Applicant's baptism certificate and, with that, received a birth certificate for the Applicant with the proper date of birth.

Section 338 of the Act provides the statutory authority relating to the contents of a certificate of naturalization. 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

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naturalization was not in fact his or her name or date of birth at the time of the naturalization.

Based on the evidence in the record, the Applicant has not established that his certificate of naturalization, which states that his 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 he provided in his Form N-405. Additionally, the record contains other documents with the [REDACTED], date of birth, including the Applicant's U.S. passport; statement of facts for preparation of petition; Form FS-11, Immigrant Visa and Alien Registration, and the underlying application; Form G-325, Biographic Information; and a birth certificate for the Applicant.

We acknowledge that the record includes translations of a birth certificate and baptism certificate showing the Applicant's date of birth to be [REDACTED]. However, there was no reason to doubt the date of birth the Applicant included and affirmed on his various applications, including his petition for naturalization, so no clerical errors were made in the preparation of his certificate. Accordingly, USCIS has no authority to change the Applicant's certificate of naturalization. *See* 8 C.F.R. § 338.5.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of A-J-P-*, ID# 14490 (AAO Jan. 11, 2016)