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

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

MATTER OF V-N-K-F-

DATE: JULY 28, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

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

The Applicant, a native of Egypt and a U.S. citizen, seeks a replacement Certificate of Citizenship to reflect a change in her name. *See* 8 C.F.R. § 338.5. As a matter of policy, U.S. Citizenship and Immigration Services (USCIS) will issue a new Certificate if the citizen can show that his or her Certificate of Citizenship was issued with incorrect information because of a clerical error by USCIS. A U.S. citizen may also request a new Certificate if the citizen can show that his or her name has been changed by order of a court of a competent jurisdiction, or by marriage after issuance of Certificate of Citizenship. *See* Immigration and Nationality Act (the Act) section 343(c), 8 U.S.C. § 1454(c).

The Director, Texas Service Center, denied the application. The Director concluded that the Applicant's requested name change did not occur by court order or marriage after she obtained her Certificate of Citizenship, as required for a replacement Certificate under section 343(c) of the Act.

The matter is now before us on appeal. In the appeal, the Applicant submits additional evidence and claims that the Director erred in not issuing a replacement certificate to reflect a change in her last name from [REDACTED] to [REDACTED]. The Applicant asserts that her birth certificate includes [REDACTED] as part of her legal last name, that she wrote her complete last name on her application for a Certificate of Citizenship, and that her U.S. immigrant visa documentation erroneously did not include [REDACTED] in her last name.

Upon *de novo* review, we will dismiss the appeal.

I. LAW

The Applicant is seeking a replacement Certificate of Citizenship to reflect her last name as [REDACTED] rather than as [REDACTED]. USCIS policy provides for issuance of a replacement Certificate of Citizenship in cases where the Certificate was issued with incorrect information as a result of USCIS error. *See* 12 USCIS Policy Manual K. 4(A), <https://www.uscis.gov/policymanual>.

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In addition, section 343(c) of the Act provides:

If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Attorney General [Secretary of Homeland Security] finds the name of the applicant to have been changed as claimed, the [Secretary] shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

The regulation pertaining to issuance of replacement certificates at 8 C.F.R. § 343a.1(b), provides:

New certificate in changed name. A naturalized citizen whose name has been changed after naturalization by order of court or by marriage must apply for a new certificate of naturalization, or of citizenship, in the changed name.

II. ANALYSIS

The Applicant was issued a Certificate of Citizenship on February 3, 2015. Her Certificate reflects that her last name is [REDACTED]. On appeal, the Applicant asserts that her birth certificate includes [REDACTED] as part of her legal last name, she wrote her complete last name on her Form N-600, Application for Certificate of Citizenship, and that her U.S. immigrant visa documentation erroneously did not include [REDACTED] in her last name. To support her claim, the Applicant submits a copy of her Egyptian birth certificate, and a March 2015 English language translation reflecting that her father's last name is [REDACTED].

The entire record has been reviewed and considered. Upon review, we find that the Applicant has not demonstrated that USCIS committed a clerical error in preparing her Certificate of Citizenship, and that she is also not eligible for a replacement certificate based on a court order or marriage after issuance of her Certificate.

A. Replacement due to USCIS clerical error

USCIS policy permits a correction to a name on a Certificate of Citizenship when it is established that it does not conform to the information on the citizenship application, or that USCIS committed a clerical error in preparing the certificate. Here, the record reflects that the Applicant represented her last name as [REDACTED] on her application for the Certificate of Citizenship. An immigration officer, however, changed the last name to [REDACTED] on the application, to conform to name information contained in the Applicant's birth certificate and English language translation.

A Certificate of Citizenship generally contains an applicant's full legal name as it appears on the individual's birth certificate. See 12 USCIS Policy Manual K. 2, <https://www.uscis.gov/policymanual>. "USCIS will issue a Certificate of Citizenship with a name other than that on the applicant's foreign record of birth in cases where the applicant, or if the

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applicant is under age 18, the parent or legal guardian, has obtained a U.S. state court order evidencing a legal name change.” *Id. See also*, 8 C.F.R. § 320.3(b)(1)(ix).

On appeal, the Applicant submits a new March 2015 English language translation of her birth certificate reflecting that her father’s last name is [REDACTED]. However, the July 2008 English language translation of her birth certificate submitted when the Applicant filed her citizenship application, states that the Applicant’s father’s last name is [REDACTED]. Because the birth certificate information contained in the record when the Applicant’s citizenship application was filed reflected that her last name was [REDACTED] we conclude that the Applicant’s Certificate of Citizenship does not contain incorrect information which resulted from USCIS clerical errors.

B. Replacement Certificate of Citizenship after name change by court order or marriage

The Act and the regulations also allow for issuance of a replacement Certificate of Citizenship to reflect a change in a name by a court order or by marriage after the Certificate of Citizenship has been issued. The record reflects that prior to issuing the Applicant’s Certificate of Citizenship, USCIS requested evidence of a legal name change that included the last name, [REDACTED]. No evidence of a court-ordered legal name change was submitted. USCIS therefore prepared the Applicant’s Certificate using her last name as stated on her birth certificate at the time she filed her citizenship application.

Neither section 343(c) of the Act nor the regulations at 8 C.F.R. § 343a.1(b) allow USCIS to issue a replacement Certificate of Citizenship with the changed name for any reason other than to reflect a name change by order of court or by marriage. Here, the record contains no evidence demonstrating that the Applicant’s name was changed to [REDACTED] pursuant to a court order or marriage after issuance of her Certificate of Citizenship. Based on the above, we conclude that the Applicant is not entitled to a replacement certificate under section 343(c) of the Act.

III. CONCLUSION

The burden of proof in these proceedings rests with the Applicant. The Applicant has not established eligibility for issuance of a new Certificate based on USCIS clerical error, or based on a court order or marriage after the Certificate was issued. Accordingly, we dismiss the appeal.

ORDER: The appeal is dismissed.

Cite as *Matter of V-N-K-F-*, ID# 16421 (AAO July 28, 2016)

¹ The birth certificate and English language translation submitted with the Applicant’s immigrant visa application in 2008 also stated that her father’s last name was [REDACTED]