



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

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

MATTER OF I-L-G-C-

DATE: MAY 18, 2016

APPEAL OF NEBRASKA SERVICE CENTER DECISION

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

The Applicant, a native of Mexico and a naturalized U.S. citizen, seeks a replacement Certificate of Naturalization. *See* 8 C.F.R. § 338.5. A U.S. citizen may request a new Certificate if the citizen can show that his or her Certificate of Naturalization was issued with incorrect information because of a clerical error by U.S. Citizenship and Immigration Services (USCIS).

The Director, Nebraska Service Center denied the application. The Director concluded that the name on the Applicant's naturalization certificate conformed to the name as shown on her application for naturalization, and that a correction to certificate was therefore not justified.

The matter is now before us on appeal. In the appeal, the Applicant submits additional evidence and indicates that the Director erred in not changing the last name on her Certificate of Naturalization from [REDACTED]

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

**I. LAW**

The regulation regarding the correction of Certificates of Naturalization contained at 8 C.F.R. § 338.5, provides, in part:

- (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

(b)(6)

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

The Act and the regulations also allow for issuance of a replacement Certificate of Naturalization to reflect a change in a name by a court order or by marriage after naturalization.

Section 343(c) of the Act, 8 U.S.C. § 1454(c), 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 [now Secretary of Homeland Security (Secretary)] 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 set forth in 8 C.F.R. § 334a.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 seeks a replacement Certificate of Naturalization reflecting a correction in her last name from [REDACTED]. The Director determined that the name on the Applicant's Certificate conformed to the name as shown on her application for naturalization, and that a correction was therefore not justified. On appeal, the Applicant indicates that the Director erred in not issuing a replacement certificate, and she submits a Form I-551, Permanent Resident Card, issued in 1990, a social security card, and a social security benefits statement with her last name written as [REDACTED]. After a review of the entire record, we find the Applicant has not established she is eligible for a replacement Certificate reflecting the desired corrected name.

The regulation at 8 C.F.R. § 338.5(a) permits a correction to a name on a Certificate of Naturalization when it is established that there was a clerical error attributable to USCIS in the preparation of the certificate. Here, the record reflects that the Applicant represented her last name as [REDACTED] on her Form N-400, Application for Naturalization. The record also reflects that the Applicant verbally confirmed her last name as [REDACTED] during her naturalization interview, as indicated by the interviewing officer's red check mark on the Form N-400.

The record includes the Applicant's Form I-551, Permanent Resident Card and employment authorization documentation showing the Applicant's last name as [REDACTED]. The birth certificate contained in the record, however, states simply that the Applicant's last name is [REDACTED].

Furthermore, the regulation at 8 C.F.R. § 338.5(e) does not allow for a correction to be made to a Certificate of Naturalization where the naturalized person later alleges that the name which he or she confirmed to be the correct name at the time of naturalization was not in fact the person's name. Neither the statute nor the regulations at 8 C.F.R. § 338.5 allow USCIS to correct a name on a Certificate of Naturalization for a reason other than clerical error attributable to USCIS.

Based on the above, we conclude that the Applicant's Certificate of Naturalization does not contain incorrect information which resulted from USCIS clerical errors.

A. Replacement certificate pursuant to section 343(c) of the Act

Section 343(c) of the Act and the regulation at 8 C.F.R. § 334a.1(b) also allow for issuance of a replacement Certificate of Naturalization to reflect a change in a name by a court order or by marriage after naturalization. The Applicant does not claim, or submit evidence demonstrating, that her request for a name change on her naturalization certificate is based on a court order or marriage.

Neither section 343(c) of the Act nor the regulations at 8 C.F.R. § 334a.1(b) allow USCIS to issue a replacement Certificate of Naturalization with the changed name for any reason other than to reflect a name change by order of court or by marriage. Based on the above, we conclude that the Applicant is not entitled to a replacement certificate reflecting her new name.

### III. CONCLUSION

The burden of proof in these proceedings rests with the Applicant and a replacement Certificate of Naturalization may be issued in this case only if it "does not conform to the facts shown on the application for naturalization, or a clerical error was made in preparing the certificate ...." *see* 8 C.F.R. 338.5(a), *supra*, or "if the [Secretary] finds the name of the applicant to have been changed as claimed." *See* section 343(c) of the Act, *supra*. The Applicant has not provided documentation to show that her last name on the Certificate of Naturalization was printed incorrectly as a result of an error by the USCIS. In addition, the Applicant has not provided documentation to show that her name has been changed by order of a court or marriage. The Applicant has therefore not established eligibility for issuance of a new Certificate of Naturalization. Accordingly, we dismiss the appeal.

**ORDER:** The appeal is dismissed.

Cite as *Matter of I-L-G-C-*, ID# 16188 (AAO May 18, 2016)