



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

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

In Re: 21761420

Date: AUG. 16, 2022

Appeal of Nebraska Service Center Decision

Form N-565, Application to Replace a Certificate of Citizenship or Naturalization

The Applicant seeks a replacement Certificate of Naturalization to reflect 14, 1968 instead of 13, 1968 as her date of birth. 8 C.F.R. § 338.5.

The Director of the Nebraska Service Center denied the Form N-565, Application to Replace a Certificate of Citizenship or Naturalization (Form N-565), concluding that the date of birth as printed on the Applicant's original certificate was the same date of birth she provided at the time of naturalization, and she did not establish that U.S. Citizenship and Immigration Services (USCIS) made a clerical error in preparing the certificate or that her date of birth as listed on the certificate did not conform to the information in her Form N-400, Application for Naturalization (Form N-400).

On appeal, the Applicant asserts that her Certificate of Naturalization and passport are her only documents with a birth date of 13, 1968. She contends that her retirement accounts, medical records, bank accounts, driver's license, and Social Security card all state that her birth date is 14, 1968. She states that she wishes for all of her documents to reflect 14, 1968 as her true date of birth.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit by a preponderance of the evidence. 8 C.F.R. § 103.2(b)(1). We review the questions in this matter *de novo*. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal because the Applicant has not met this burden.

Department of Homeland Security regulations provide that 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 applicant may apply for issuance of a corrected certificate. 8 C.F.R. § 338.5(a). The correction will not be deemed justified, however, where the naturalized person later alleges that the date of birth which they stated to be their correct date of birth at the time of naturalization was not in fact their true date of birth at the time of naturalization. 8 C.F.R. § 338.5(e).

Our review of the record does not demonstrate that either of the conditions under 8 C.F.R. § 338.5(a) for issuance of a corrected Certificate of Naturalization were met in her case. First, the Applicant does

not assert USCIS made a clerical error in preparing the date of birth on the Certificate, and we agree with the Director there was none. In addition, the record reflects that the Applicant naturalized as a U.S. citizen in March 2001 and was issued a Certificate of Naturalization with an [] 13, 1968 date of birth. The record also reflects that the Applicant indicated her date of birth on her Form N-400 as [] 13, 1968, which is consistent with the Certificate of Naturalization she was issued. As the Applicant indicated [] 13 is her true date of birth throughout the naturalization process, the Certificate of Naturalization conforms to the facts on her naturalization application. Thus, the Applicant has not met the alternate requirement in 8 C.F.R. § 338.5(a).

Lastly, a correction is not justified under 8 C.F.R. § 338.5(e) when the Applicant, twenty years after she obtained her Certificate of Naturalization, alleges that the [] 13 date of birth, which she stated to be her correct date of birth during 2001 naturalization proceedings, was not in fact her true date of birth. The Applicant does not allege that this was the result of a clerical error, nor is the Certificate of Naturalization inconsistent with her N-400. Furthermore, [] 13 is also the date she provided in other applications before the Department of State, or the former Immigration and Naturalization Service, including her Form OF-155A, Immigrant Visa and Alien Registration, and the Form I-130, Petition for Alien Relative, filed on her behalf.

Consequently, the record does not show that the Applicant has established eligibility for a new Certificate of Naturalization with a different date of birth. For these reasons, the appeal will be dismissed and the Applicant's Form N-565 will remain denied.

ORDER: The appeal is dismissed.