



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

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

In Re: 21343544

Date: MAY 5, 2022

Appeal of Nebraska Service Center Decision

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

The Applicant, a naturalized U.S. citizen, seeks a replacement Certificate of Naturalization with a different spelling of her name. 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 Applicant's first name as printed on her original naturalization certificate was the same name 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 first name as listed on the certificate did not conform to the information in her application for naturalization.

On appeal, the Applicant asserts that her first name was misspelled on her Certificate of Naturalization because the birth certificate she submitted with her naturalization application had a clerical error, specifically her first name was hyphenated when it should not have been. She therefore requests that her replacement certificate application be granted to correct this error.

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, without fee, in accordance with the form instructions. 8 C.F.R. § 338.5(a). The correction will not be deemed justified, however, where the naturalized person later alleges that the name which they stated to be their correct name at the time of naturalization was not in fact their true name at the time of naturalization. 8 C.F.R. § 338.5(e).

On appeal, the Applicant renews her request for a replacement certificate with the corrected, non-hyphenated spelling of her name. She explains that the misspelling of her first name on her Certificate of Naturalization is the result of a clerical error on her replacement birth certificate which she obtained

in Jamaica, her country of birth, in 2002 when she was a minor. She states that this birth certificate was the one she used in her naturalization process and was the only birth certificate she had available at the time. She states that, since becoming a U.S. citizen, she traveled back to Jamaica and obtained a corrected birth certificate with the true spelling of her first name without the hyphen, which she contends was given to her at birth. Finally, the Applicant wishes for all of her U.S. government and identity documents to also reflect the non-hyphenated version of her name. With the appeal, the Applicant submits a copy of her Naturalization certificate.

We acknowledge that the Applicant has sought and received an updated birth certificate since she received her naturalization certificate. However, in adjudicating the Applicant's request for a replacement certificate, we are bound by the regulation at 8 C.F.R. § 338.5(a), which permits USCIS to make a name correction only when: (1) the name printed on the original certificate does not conform to the information on the naturalization application, or (2) USCIS committed a clerical error in preparing the certificate. Here, as the Applicant has not asserted and our review of the record does not demonstrate that either of the two conditions occurred in her case, the Director properly denied her application for a corrected Certificate of Naturalization.¹

The record reflects that the Applicant naturalized as a U.S. citizen in 2012 and was issued a Certificate of Naturalization in which her first name was spelled with a hyphen. The hyphenated first name on the Certificate of Naturalization conforms to the first name on the Applicant's: (1) Form N-400, Application for Naturalization; (2) Form I-751, Petition to Remove Conditions on Residence; (3) Form I-485, Application to Register Permanent Resident or Adjust Status; and (4) birth certificate submitted with her Form I-485. Moreover, on the day the Applicant naturalized in 2012, she signed her Certificate of Naturalization, certifying as true her pre-printed personal information on the certificate, including her first name containing a hyphen. Consequently, the Applicant has not shown that the requirements for seeking a corrected Certificate of Naturalization under 8 C.F.R. § 338.5(a) have been satisfied.

Furthermore, as stated, regulations also do not provide the authority for USCIS to make any changes to an applicant's name on their Certificate of Naturalization if the applicant alleges that the name they provided as their correct name at the time of naturalization was not in fact their name at the time they naturalized. 8 C.F.R. § 338.5(e). In this case, the Applicant completed the naturalization process and swore to the facts of the Form N-400, including the hyphenated spelling of her name as printed on her Certificate of Naturalization. Consequently, the record does not show that the Applicant has established eligibility for a new Certificate of Naturalization with a different name. For these reasons, her Form N-565 will remain denied.

ORDER: The appeal is dismissed.

¹ The Applicant is not precluded from filing a new Form N-565 to request a replacement Certificate of Naturalization based on a name change ordered by a state court with jurisdiction. *See* Section 343(c) of the Immigration and Nationality Act; *see also* 12 USCIS Policy Manual K.4(A), <https://www.uscis.gov/policymanual>.