



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

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

In Re: 20844204

Date: MAY 10, 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 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 application for naturalization.

On appeal, the Applicant asserts that her date of birth on her Certificate of Naturalization was incorrect. 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 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).

On appeal, the Applicant asserts that she filled out her Form N-400, Application to File Petition for Naturalization (Form N-400), by hand and that the citizenship officer reviewing that application may have confused her handwritten birth month, [] 1960, for [] 1960, by mistaking the corresponding numeral [] for [] respectively. She also acknowledges that she remembers the officer asking her to sign her naturalization certificate to confirm that all the information was correct,

but that she had been emotional and elated at the time. She contends that she seldom uses or needs her naturalization certificate and did not pay attention to it, so did not notice the error, which also appears on her passport. Finally, the Applicant states that her birth certificate, driver's license, and other identity documents use a [] 1960 date of birth and wishes for her naturalization certificate to state the same. With the appeal, the Applicant submits a copy of her Certificate of Naturalization reflecting the [] 1960 date, as well as a translated copy of her birth certificate, copies of her current and previous driver's license, copies of birth certificates for her children, and financial and medical documents, all of which list her date of birth as [] 1960.

We acknowledge that the Applicant's birth certificate and other documents submitted on appeal indicate a [] 1960 date of birth. We further acknowledge the Applicant's explanation she did not notice the error on her Certificate of Naturalization at the time it was issued to her and therefore did not correct it. However, in the adjudication of the Applicant's request for a replacement certificate, we are bound by the regulation at 8 C.F.R. § 338.5(a), which permits a date of birth correction only when: (1) the date of birth 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. 8 C.F.R. § 338.5(e). Here, as our review of the record does not demonstrate that either of these conditions occurred in her case, the Director properly denied the application for a corrected Certificate of Naturalization.

The record reflects that the Applicant naturalized as a U.S. citizen in 1986 and was issued a Certificate of Naturalization reflecting that she was born in [] 1960. The Applicant signed the Certificate of Naturalization certifying that the [] 1960 date of birth, along with other biographical information listed on the certificate, was true. A review of the record also shows that the Applicant represented on her typewritten Form N-405, Petition for Naturalization (Form N-405), that she was born on "[] 60". She signed the Form N-405 affirming that its contents, including her date of birth, was true and correct. Furthermore, although the Applicant explains that the immigration officer may have confused the numeric digits for the month of her birth on her Form N-400, our review indicates that the Applicant's date of birth was handwritten as "[] 1960" on that application. The Applicant also confirmed during her naturalization interview that she was born on this date, as indicated by the interviewing officer's check marks next to questions regarding the Applicant's identity including her date of birth on the form. She further signed the Form N-400 at the conclusion of the interview, affirming that all information therein, including her date of birth, was true and correct.

Furthermore, as stated, regulations also do not provide the authority for USCIS to make any changes to an applicant's date of birth on their Certificate of Naturalization if the applicant later alleges that the date of birth they provided as their correct date of birth at the time of naturalization was not in fact their date of birth 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 [] date of birth 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 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.