



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

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

In Re: 20251852

Date: FEB. 9, 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. *See* Title 8, Code of Federal Regulations, section 338.5 (8 C.F.R. § 338.5).

The Director of the Nebraska Service Center denied the application, concluding that the [] 1949 date of birth 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.

On appeal, the Applicant does not contest that the [] 1949 date of birth on her Certificate of Naturalization is the date of birth she represented and attested to in naturalization proceedings, and that USCIS did not make a clerical error. Rather, she asserts that the office of Social Security Administration incorrectly translated her birth certificate and other documents that may have been later provided to USCIS. She states that Social Security Administration subsequently corrected the error and that her Social Security and Medicare documents now reflect that she was born in [] 1949. The Applicant requests a new Certificate of Naturalization to eliminate the date of birth discrepancy between her social security and naturalization documents.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. 8 CFR 103.2(b)(1). 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 he or she stated to be his or her correct date of birth at the time of naturalization was not in fact his or her true date of birth. 8 C.F.R. § 338.5(e).

The record reflects that the Applicant naturalized as a U.S. citizen in 1997 and was issued a Certificate of Naturalization reflecting that she was born in [redacted] 1949. A review of the record shows that the Applicant represented on her Form N-400, Application for Naturalization that she was born in [redacted] 1949, consistently with the date of birth listed in the certified English translation of her Iranian identity card. The Applicant confirmed during her naturalization interview that she was born in [redacted] 1949, as indicated by the interviewing officer's red check mark next to the Applicant's date of birth on the form. Furthermore, the Applicant 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. Lastly the record contains other immigration forms the Applicant filed prior to naturalizing, which include her adjustment of status application and accompanying biographic information form on which she similarly represented that she was born in [redacted] 1949.

We acknowledge the Applicant's explanation that her date of birth was incorrectly translated from the original Iranian document and that she has been able to correct it in her social security records. However, in 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. Because the Applicant has not demonstrated that either of these two situations occurred in her case, we cannot change the date of birth on her Certificate of Naturalization. The Applicant's claim that the [redacted] 1949 date of birth she attested to as true and correct in naturalization proceedings was in fact incorrect is not considered a justifiable basis for a date of birth change and issuance of a new certificate. 8 C.F.R. § 338.5(e).

Consequently, the Applicant has not established eligibility for of a new Certificate of Naturalization with a different date of birth, and her Form N-565 will remain denied.

ORDER: The appeal is dismissed.