



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

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

In Re: 19918359

Date: MAR. 22, 2022

Appeal of Nebraska Service Center Decision

Form N-565, Application for Replacement Naturalization/Citizenship Document

The Applicant 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, concluding that the Applicant had not shown that the date of birth listed on her Certificate of Naturalization was incorrect based on a clerical error made when preparing the certificate, as required.

On appeal, the Applicant asserts that she naturalized under an incorrect year of birth because she did not want to raise the issue and cause confusion or inconvenience during her naturalization process. The Applicant submits additional evidence on appeal.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. 8 C.F.R. § 103.2(b)(1). Upon *de novo* review, we will dismiss the appeal because the Applicant has not met this burden.

**I. LAW**

Department of Homeland Security regulations on corrections of Certificates of Naturalization provide, in pertinent part at 8 C.F.R. § 338.5, that:

- (a) [W]henever 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) [T]he correction will not be deemed to be justified where the naturalized person later alleges that the . . . date of birth which the applicant stated to be his or her correct . . . date of birth at the time of naturalization was not in fact his or her . . . date of birth at the time of the naturalization.

## II. ANALYSIS

In the record before the Director, the Applicant claimed that she was born in China on [REDACTED] 1992, but her original birth certificate erroneously listed her date of birth as [REDACTED] 1988. The Applicant provided a new copy of a Chinese birth certificate reflecting that her year of birth is 1992, and a newly-issued driver's license with an amended date of birth.

The Director denied the Form N-565, concluding that the Applicant had not shown that the Certificate of Naturalization can be reissued because the Applicant had not demonstrated that the date of birth on it is incorrect based on a clerical error made when preparing the certificate.

The record reflects that the Applicant was naturalized as a U.S. citizen in 2020 and issued a Certificate of Naturalization reflecting that she was born in 1988. The 1988 year of birth on the Certificate of Naturalization conforms to the date of birth on: (1) the Applicant's Form N-400, Application for Naturalization; (2) her Form N-662, Petition for Name Change, which she signed July 31, 2020; (3) her 2018 Nevada driver's license submitted to support the Form N-400; and (4) her Form I-151, Alien Registration Receipt Card (expiration date in 2026), a copy of which she had included with her Form N-400. Moreover, on the day the Applicant naturalized in August 2020, she signed the face of her Certificate of Naturalization, certifying that her pre-printed personal data, including the year of birth of 1988, was true.<sup>1</sup>

On appeal, the Applicant contends that after she was born, her father died and her mother abandoned her to the care and custody of her auntie. According to the Applicant, her auntie thereafter claimed that the Applicant's date of birth was 1988, but her biological mother had recently provided the original birth certificate showing a year of birth of 1992 to the auntie, and the Applicant now wishes to get the year corrected to 1992. The Applicant contends that she did not raise this issue earlier because she did not want to cause confusion and inconvenience during her naturalization processing. She attaches a translation of a new Medical Certificate of Birth and a new Nevada driver's license, issued in January 2021, both of which reflect that 1992 is the year of the Applicant's birth.

We acknowledge the Applicant now claims that her year of birth as recorded on her Naturalization Certificate was not correct. 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 for a Certificate of Naturalization 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 claimed or demonstrated that either of the two conditions occurred in her case, we cannot change the date of birth on her Certificate of Naturalization.

Moreover, regulations prohibit USCIS from making any changes to a date of birth on a Certificate of Naturalization if the applicant has completed the naturalization process and sworn to the facts of the

---

<sup>1</sup> Although not relevant to her claims on the Form N-400, the record also shows that she has long-claimed 1988 as her year of birth, as she also listed it on her 2013 Form I-485, Application to Register Permanent Residence or Adjust Status, and Form G-325A, Biographic Information. The 1988 year of birth is also reflected on her 2008 Chinese Passport, and original Chinese birth certificate.

application, including the date of birth. 8 C.F.R. § 338.5(e); 12 *USCIS Policy Manual* K.4(A), <https://www.uscis.gov/policymanual>. In this case the Applicant completed the naturalization process and swore to the facts of the Form N-400, including the year of birth of 1988, 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 this reason, her Form N-565 will remain denied.

**ORDER:** The appeal is dismissed.