



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

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

In Re: 26765659

Date: JUNE 8, 2023

Appeal of Nebraska Service Center Decision

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

The Applicant is a naturalized citizen of the United States who seeks to have his Certificate of Naturalization corrected to reflect a change in his date of birth from [redacted] 1940, to [redacted] 1940. U.S. Citizenship and Immigration Services (USCIS) will issue a new Certificate of Naturalization to a U.S. citizen who has shown the Certificate does not conform to the facts shown on the application for naturalization, or a clerical error was made in preparing the Certificate. 8 C.F.R. § 338.5. The Director of the Nebraska Service Center denied the application, concluding that the Applicant listed [redacted] 1940, on his Form N-400, Application for Naturalization (Form N-400), and therefore did not establish that a clerical error was made in preparing the certificate. The matter is now before us on appeal.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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.

On appeal, the Applicant provides copies of identification documents and asserts that he wrote [redacted] 1940, on his Form N-400, but that the certificate was produced with [redacted] 1940, as his date of birth.

We adopt and affirm the Director's decision. See *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); see also *Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below has been "universally accepted by every other circuit that has squarely confronted the issue"); *Chen v. INS*, 87 F.3d 5, 8 (1st Cir. 1996) (joining eight circuit courts in holding that appellate adjudicators may adopt and affirm the decision below as long as they give "individualized consideration" to the case).

We acknowledge the Applicant's assertions and supporting evidence. However, upon review of the Applicant's administrative record in full, [redacted] 1940 is the date of birth that was listed on his Form N-400 and that was sworn and attested to, under oath, at the time of his naturalization.

In adjudicating a request for a replacement Certificate of Naturalization we may only correct a date of birth when: (1) the date of birth printed on the original certificate does not conform to the information on the naturalization application, or (2) USCIS made a clerical error in preparing the certificate. Because the Applicant has not demonstrated that either of these two situations occurred in this case, we cannot change the date of birth on his Certificate of Naturalization.

**ORDER:** The appeal is dismissed.