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U.S. Department of Justice
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



FILE: [REDACTED]

OFFICE: NEBRASKA SERVICE CENTER

Date: 4 - APR 2002

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Refugee Travel Document Pursuant to 8 C.F.R. 223.2(b)(2)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The applicant, a citizen of Vietnam, seeks to obtain a refugee travel document under 8 C.F.R. 223.2(b)(2)(i). The record indicates that the applicant was paroled into the United States on July 06, 1994, as a Public Interest Parolee (PIP). The director denied the application for a refugee travel document after determining that the applicant was not a refugee and, therefore, did not qualify for the issuance of a refugee travel document.

On appeal, the applicant submitted a letter dated July 6, 1994, from the Director, Orderly Departure Program (ODP), Bangkok Thailand, which states, in pertinent part, that:

ODP records show that you were interviewed and denied classification as a refugee as defined in section 101(a)(42) of the Immigration and Nationality act as amended. You were however, granted parole in the public interest for an indefinite period under section 212(d)(5) of the Immigration and Nationality Act. Public Interest Parole (PIP) was authorized according to the Attorney General's instructions of August 4, 1988. Therefore you are eligible to apply for benefits under the adjustment of status provisions of the Lautenberg Amendment enacted FY 1990 and subsequently extended to the end of FY 1999.

8 C.F.R. 223.2(b) states, in pertinent part that:

Eligibility. (2) Refugee travel document. (i) General. Except as otherwise provided in this section, an application may be approved if filed by a person who is in the United States at the time of application, and either holds valid refugee status under section 207 of the Act, valid asylee status under section 208 of the Act, or is a permanent resident and received such status as a direct result of his or her asylee or refugee status.

As the applicant does not hold either valid refugee status under section 207 of the act, valid asylee status under section 208 of the Act, or is a permanent resident and received such status as a direct result of his or her asylee or refugee status, this application may not be approved.



The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.