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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
LIN 01 198 56029

Date: 01 MAR 2002

IN RE: Applicant: [Redacted]

APPLICATION: Application for Travel Document under 8 CFR 223.1(b)

IN BEHALF OF APPLICANT: Self-represented

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that 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 with 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 that 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 that 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 rejected.

The applicant is a native and citizen of Sudan who was admitted to the United States on September 1, 1999, as a refugee under section 207 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1157. The applicant seeks a refugee travel document under 8 CFR 223.1(b) to travel temporarily to Egypt.

On June 27, 2001, the director requested additional evidence from the applicant. After failing to receive the requested evidence by the stipulated time, the director denied the application.

On appeal, the applicant states that he wants to travel to Egypt to conclude a marriage ceremony. This assertion has no bearing on the director's reason for the denial of the application.

8 C.F.R. 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under 8 C.F.R. 103.5.

Although the director did not specifically state in the decision that he denied the application based on abandonment, the regulation is quite clear. The regulation states that such an application shall be considered abandoned and, accordingly, denied.

There is no appeal of the director's decision in the present matter. Therefore, the appeal will be rejected.

ORDER: The appeal is rejected.