



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: LIN 02 054 50117 OFFICE: NEBRASKA SERVICE CENTER

Date:

**FEB 27 2003**

IN RE: Applicant: 

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 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 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 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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) 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 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 states that he left Vietnam in May of 1993, and that he misses his hometown and family. The applicant further states that he would like to return to Vietnam with his wife and U.S. born daughter to see Vietnam and to attend a wedding.

The record contains a copy of the applicant's I-94 Departure Record, which indicates that the applicant was paroled into the United States as a Public Interest Parolee on May 28, 1993.

Regulations at 8 C.F.R. § 223.2(b) state, 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 or valid asylee status under section 208 of the Act, and has not shown that he is a permanent resident and received such status as a direct result of his 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.