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U.S. Department of Justice  
Immigration and Naturalization Service

*IA*

OFFICE OF ADMINISTRATIVE APPEALS  
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Washington, D.C. 20536



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prevent clearly unwarranted  
invasion of personal privacy

File: [REDACTED] Office: NEBRASKA SERVICE CENTER  
(LIN 02 289 53802 relates)

Date: JAN 14 2003

IN RE: Applicant: [REDACTED]

Application: Application for Refugee Travel Document Pursuant to 8  
C.F.R. 223.1(b)

IN BEHALF OF APPLICANT: SELF-REPRESENTED

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.

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 native and citizen of Vietnam, seeks to obtain a refugee travel document pursuant to 8 C.F.R. 223.1(b). The director denied the application after determining that the applicant had failed to establish eligibility for the document requested.

On appeal, the applicant submits a copy of a marriage license issued to the applicant and [REDACTED] on September 4, 2001. There is no indication on the license that the couple were, in fact, married as the certificate portion of the license is not signed and sealed by the issuing authority. There is also no indication of the groom's immigration status in the United States.

The regulation at 8 C.F.R. 223.2(b)(2) allows for the approval of a refugee travel document if the application (Form I-131) is 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 asylum status under section 208 of the Act, or is a permanent resident and received such status as a direct result of his or her asylum or refugee status.

The record reflects that the applicant entered the United States as a nonimmigrant fiancée. There is no evidence contained in the record to establish that she holds valid refugee or asylee status, or that she is a permanent resident as a result of having received such status. Absent such evidence, the application may not be approved. The appeal will be dismissed.

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.