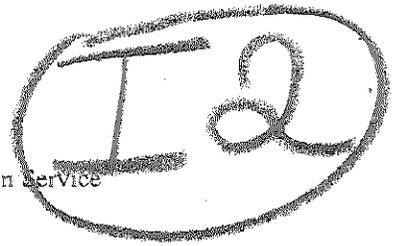




U.S. Department of Justice
Immigration and Naturalization Service



PUBLIC COPY

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



Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

File: [Redacted] Office: NEBRASKA SERVICE CENTER
(LIN 02 253 50798 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 summarily dismissed.

The applicant, a native and citizen of the Democratic Republic of the Congo, 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.

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.

In support of his application, the applicant failed to submit any evidence to establish that he holds valid refugee or asylee status, or that he is a permanent resident as a result of such status. Service records indicate that the applicant applied for asylum on December 18, 1997, that his application for asylum was referred to an Immigration Judge on January 30, 1998, and that a final order of removal was issued on June 28, 2002.

On Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU), the applicant states no reasons for his appeal and notes that he is not submitting a separate brief and/or evidence in support of the appeal.

8 C.F.R. 103.3(a)(a)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the applicant has failed to identify any erroneous conclusion or law or a statement of fact as the basis for the appeal, the regulation mandates the summary dismissal of the appeal.

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 summarily dismissed.