

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

IA

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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

[REDACTED]

MAR 12 2003

FILE: [REDACTED] (LIN 02 128 54574)

OFFICE: NEBRASKA SERVICE CENTER

Date:

IN RE: Applicant: [REDACTED]

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

ON 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 Bureau of Citizenship and Immigration Services (Bureau) 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 on appeal. The appeal will be dismissed.

The applicant, a citizen of Kenya, seeks to obtain a refugee travel document under 8 C.F.R. § 223.2(b)(2)(i). The director denied the applicants application for a refugee travel document for the following:

The record reflects that the Immigration Judge terminated proceedings on your request for asylum on December 19, 1996. Accordingly, the applicant does not have valid asylum status and would not qualify for the issuance of a refugee travel document.

On appeal, the applicant states, in pertinent part, that:

I was issued with an authorization for parole of an alien into the United States on December 1, 2000, which expired on December 1, 2001.

I applied for an adjustment to permanent status on March 10, 200 [sic], which is still pending to date.

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.

The record indicates that the applicant was issued Form I-512, Authorization for Parole of an Alien into the United States, on December 01, 2000. The Form I-512 was issued to the applicant for her to present to a transportation line to accept her on board for travel to the United States without liability under section 273 of the Immigration and Nationality Act for bringing an alien who does not have a visa. The applicant's Form I-512 indicates that she is an applicant for adjustment of status under the Immigration and Nationality Act, and that she departed the United States temporarily for urgent humanitarian reasons and intended to return to the United States to resume processing of the adjustment of status application. The Form I-512 further indicates that, contingent upon the applicant's prima facie eligibility, the



applicant shall be paroled into the United States, for a period necessary to complete the processing of the adjustment, pursuant to the authority of the Nebraska Service Center. It is noted that the applicant was last paroled into the United States on September 21, 2001, and paroled until September 20, 2002.

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.

