I2

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

[redacted]

ADMINISTRATIVE APPEALS OFFICE

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

File: [redacted] Office: NEBRASKA SERVICE CENTER Date: MAR 28 2003
(LIN 02 159 51922 relates)

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

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 on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant, a native of Cuba, 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 his eligibility for the document requested.

On appeal, the applicant states that his previous applications for issuance of a refugee travel document were approved and asks that the Bureau check to establish where there was an error.

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 was last paroled into the United States as a Public Interest Parolee on July 7, 2001 in order to resume his application for adjustment of status to permanent residence. Individuals who are paroled into the United States as Public Interest Parolees have not been paroled into the United States under a refugee program and, accordingly, do not qualify as refugees for the issuance of a refugee travel document.

The applicant has failed to submit any evidence of his having been admitted to the United States as a refugee or asylee, or of his having received permanent residence as a result of his refugee or asylee status. Absent such evidence, the application may not be approved. Therefore, 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.