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U.S. Citizenship
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Services

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APR 08 2004



FILE:



Office: NEBRASKA SERVICE CENTER

Date:

(LIN-03-240-54023 relates)

IN RE:

Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann

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 sustained and the application approved.

The applicant is a native and citizen of Yugoslavia, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The Director denied the application for a refugee travel document after determining that the photographs the applicant provided did not match the electronically stored images of the applicant. *See Director Decision* dated September 15, 2003.

On appeal, the applicant states that when she submitted photographs for her first refugee travel document she had just given birth and her husband had died and therefore she looked different from the present pictures. The applicant submits new pictures with the appeal.

The regulation at 8 C.F.R. § 223.2(b)(2)(i) states:

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 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 regulation at 8 C.F.R. § 103.2 states in pertinent part:

(b) Evidence and processing. (1) General. An applicant or petitioner must establish eligibility for a requested immigration benefit. An application or petition form must be completed as applicable and filed with any initial evidence required by regulation or by the instructions on the form. Any evidence submitted is considered part of the relating application or petition.

The instructions for the application for refugee travel document require that two color photos of the applicant, taken within thirty days of the date of the application, be submitted.

A review of the photographs submitted with the appeal, the photographs previously submitted, as well as the electronically stored images included in the record of proceedings, reveals minor differences. These differences should be expected since the pictures were taken approximately three and a half years apart.

After reviewing the evidence in the record the AAO finds that the applicant has established that she is the person named in the alien registration file and she is entitled to the requested refugee travel document. Accordingly, the appeal will be sustained and the application approved.

ORDER: The appeal is sustained and the application approved.