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U.S. Citizenship
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JUN 10 2004

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date:
(LIN-02-289-51902 relates)

IN RE: Applicant: [REDACTED]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Acting 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 India, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The Acting 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 Acting Director Decision* dated July 1, 2004.

On appeal the applicant submits new pictures and states that he is a Sikh and used to have long hair and wore turban. He further states that since the pictures he submitted previously were without a turban and with short hair he may not appear to be the same person with the pictures in the file.

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 years apart and the applicant was wearing a turban and had a long beard.

After reviewing the evidence in the record the AAO finds that the applicant has established that he is the person named in the alien registration file and he 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.