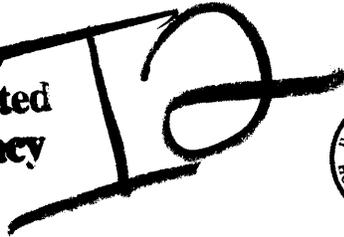


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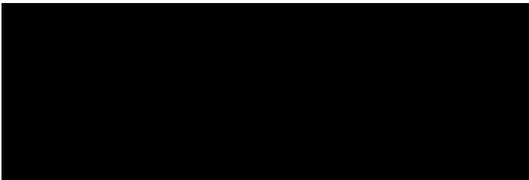
FILE:  Office: NEBRASKA SERVICE CENTER
(LIN-00-125-50068 relates)

MAR 18 2004
Date:

IN RE: Applicant: 

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

ON BEHALF OF APPLICANT:



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, 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 dismissed.

The applicant is a native and citizen of Egypt, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. 223.1(b). The Director concluded that the applicant did not hold a valid refugee status under section 207 of the Immigration and Nationality Act (the Act), or valid asylum status under section 208 of the Act, at the time the application was filed and denied the application accordingly. *See Director Decision* of September 25, 2000.

The regulation at 8 C.F.R. § 223.1 states in pertinent part:

(b) Refugee travel document. A refugee travel document is issued pursuant to this part and article 28 of the United Nations Convention of July 29, 1951, for the purpose of travel. Except as provided in § 223.3(d)(2)(i), a person who holds refugee status pursuant to section 207 of the Act, or asylum status pursuant to section 208 of the Act, must have a refugee travel document to return to the United States after temporary travel abroad unless he or she is in possession of a valid advance parole document.

On appeal, dated December 11, 2000, counsel states:

“ On July 18, 1987, Adel Fitian applied for asylum. His wife, Jina Ibrahim was initially included in his I-589 application as a dependent. On August 6, 1999, Adel Fitian received an approval of his political asylum. His wife, as a dependent, did not receive any notice regarding the outcome of this case. This office respectfully requests that the mistake regarding Jina Ibrahim’s asylum case be corrected.”

The record indicates that the applicant received asylum status on October 29, 2001, more than a year and a half after filing her application for a refugee travel document.

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 record of proceeding reveals that the Application for Travel Document (Form I-131) was filed on March 13, 2000. Furthermore, the record of proceeding indicates that the applicant received asylum status on October 29, 2001. Since the applicant did not possess valid asylum status under section 208 of the Act at the time of filing of the application she is not eligible to receive a refugee travel document.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is upon the applicant to establish that the applicant is eligible for the benefit sought. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.