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U.S. Citizenship
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Services



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FILE:  Office: NEBRASKA SERVICE CENTER
(LIN-00-064-53927 relates)

Date: **MAR 18 2004**

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, 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 Sudan, 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 applicant did not provide the required photos or photo identification document. *See Director Decision* dated February 5, 2001.

On appeal, the applicant states that she has complied with the requirements of the law and has submitted all the documents as instructed. In addition, the applicant provides her original identification card from the Commonwealth of Virginia.

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.

The record of proceeding, as it is presently constituted, now contains the requested photo identification document. The record of proceeding, however, does not contain the required color photos, taken within thirty days of the date of the application. Absent such evidence, the application may not be approved.

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.