

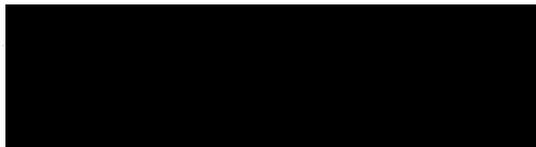
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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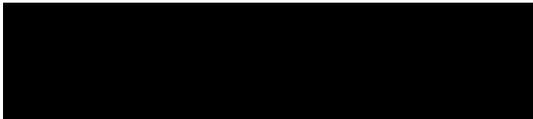


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MAR 29 2004

FILE:  Office: NEBRASKA SERVICE CENTER  
(LIN-00-245-50539 relates)

Date:

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 The director's decision will be withdrawn and the matter remanded to him for further consideration.

The applicant is a native and citizen of Cuba, 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 establish that he received refugee or asylee status. See *Director Decision* dated November 14, 2000.

On appeal, the applicant submits copies of the documentation he submitted previously in September 2000 to establish that he is entitled to 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 applicant initially submitted a copy of his New York State identification card and a copy of a letter from Catholic Charities, which states that "Mr. [REDACTED] Cuban refugee is registered with the "Cuban Haitian Task Force" computer from Immigration and Naturalization Service in Miami, Florida."

On September 21, 2000, the director requested the applicant to provide additional evidence to establish his refugee or asylum status and to provide a clear copy of a recent photo identity document. The applicant was given until December 14, 2000, to submit the requested documentation.

On November 14, 2000, the director denied the application stating, "The applicant failed to submit any documentation establishing applicant's status as an asylee or refugee."

The record of proceeding indicates that on October 10, 2000, the applicant submitted copies of photo identity documents, a copy of his social security card and a copy of his I-94. The director did not mention these documents in his denial nor did he explain his reason for denying the application before the December 14, 2000, deadline initially given to the applicant.

In view of the foregoing, the previous decision of the director will be withdrawn. The application is remanded to the director for reconsideration of the issues stated above and entry of a new decision, which, if adverse to the applicant, will be certified to the AAO for review accompanied by a properly prepared record of proceedings.

**ORDER:** The district director's decision is withdrawn. The matter is remanded to him for further action consisted with the foregoing discussion.