

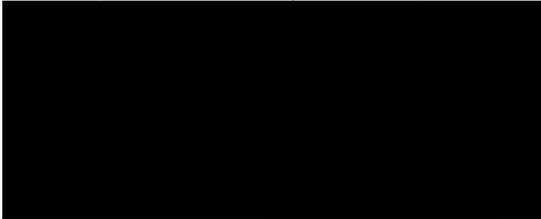


U.S. Citizenship
and Immigration
Services

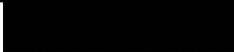
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

I 2



FILE:



Office: NEBRASKA SERVICE CENTER

Date: **DEC 16 2005**

(LIN-05-057-52754 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 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 Yugoslavia, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The Acting Director concluded that the applicant did not hold 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 Acting Director's Decision* dated May 13, 2005.

The applicant completed Part 2, box b, on his Application for Travel Document (Form I-131) that states:

I now hold U.S. refugee or asylee status and I am applying for a Refugee Travel Document.

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.

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.

On appeal, the applicant's father submits a copy of the applicant's transportation letter, a copy of the cable authorizing humanitarian parole, a copy of an Arrival-Departure Record (Form I-94), a copy of a refugee travel document, and copies of the applicant's birth certificate and social security card.

The record of proceedings reveals that on May 9, 2001 the District Director, Rome, Italy, granted the applicant humanitarian parole. The applicant was issued a transportation letter, from the American Embassy in Skopje, Republic of Macedonia, and on June 4, 2001 entered the United States. Upon his entry the applicant was issued a Form I-94, which indicates that the applicant was admitted as a refugee. On December 7, 2001 the applicant was issued a refugee travel document valid until December 7, 2002. A search of the electronic database of Citizenship and Immigration Services (CIS) indicates that the applicant filed an Application to Register Permanent Residence or Adjust Status (Form I-485) which was approved on September 24, 2005, and an Alien Registration Card (Form I-551) was issued.

After reviewing the evidence in the record of proceedings and CIS database the AAO finds that the applicant has been granted permanent resident status as a direct result of refugee status, and therefore, 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.