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**U.S. Citizenship  
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Services**

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*[Handwritten initials]*

FILE: [Redacted] Office: NEBRASKA SERVICE CENTER  
(LIN-04-043-52223 relates)

Date: FEB 25 2011

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.

*[Handwritten signature of 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 dismissed.

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 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's Decision* dated September 7, 2004.

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.

On appeal, the applicant states that the service made a mistake on her alien registration number and used number [REDACTED] instead of [REDACTED]. The applicant submits copies of her assurance form, her social security card, her Form I-94, and her identification card. In addition she states that she will be sending a brief and or evidence to the AAO within 30 days. The appeal was filed on September 17, 2004, and as of this date, approximately five months later, no documentation has been received by the AAO.

The Acting Director acknowledged that an incorrect A# was inadvertently used in the decision but that did have not bearing on the outcome of the decision. Although the Acting Director used [REDACTED] in his decision the record of proceedings reveals that the Acting Director based his decision on a comparison of the photographs submitted with the Form I-131 and the electronically stored images found in Service file [REDACTED]

A review of the photographs submitted with the Form I-131 and the photographs found in Service file [REDACTED] reveals major differences and supports the Acting Director's finding that the applicant does not appear to be the person to whom alien registration number [REDACTED] was issued.

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.