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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: DEC 01 2006

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
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 Ivory Coast, who seeks to obtain a Refugee Travel Document (RTD) pursuant to 8 C.F.R. § 223.1(b). The Acting Director denied the application for a RTD after determining that the photographs the applicant provided did not match the electronically stored images of the alien granted asylum under A97 974 935. *See Acting Director's Decision* dated March 13, 2006.

On appeal, the applicant states that he is the same person who applied for the travel document and submits copies of his employment authorization card and his New York State identification card as proof of his identity.

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.

A review of the documents submitted with the appeal, the photographs previously submitted, as well as the electronically stored images included in the record of proceeding reveals major facial differences and supports the Acting Director's finding that the applicant for the refugee travel document does not appear to be the person to whom alien registration number [REDACTED] was issued. The record of proceeding fails to confirm that the individual who submitted the Form I-131 and the individual who was granted asylum are the same person.

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

ORDER: The appeal is dismissed.