

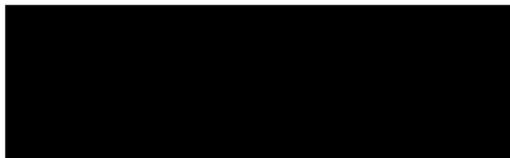
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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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MAR 12 2007

FILE: LIN-06-083-50856 Office: NEBRASKA SERVICE CENTER 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, 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 Hungary, 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 Act, or valid asylum status under section 208 of the Act, or permanent resident status as a direct result of his refugee or asylee status at the time the application was filed and denied the application accordingly. See *Acting Director's Decision* dated June 8, 2006.

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 states that he has been a permanent resident of the United States since 1956, but he lost his green card and his attorney is in the process of locating his alien registration number through the Freedom of Information Act. In addition, the applicant states that he does not understand what documents he needs to provide to prove that he is a "USA citizen".

The AAO notes that the applicant wrote "USA citizen" on the Notice of Appeal to the AAO (Form I-290B). The record of proceeding does not reflect that the applicant has previously made a claim to U.S. citizenship. On all his documentation he states that he is a lawful permanent resident of the United States. The applicant previously submitted copies of his social security card, driver's license, insurance card, union membership card and fire department volunteer card. None of the above mentions his alien registration number or immigration status.

A review of the documentation provided and a search of the electronic database of Citizenship and Immigration Services (CIS) fail to establish that the applicant holds valid refugee or asylum status under

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section 207 or 208 of the Act, or permanent resident status as a direct result of his refugee or asylee status or any other evidence of his immigration status. 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 eligibility for the benefit sought. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.