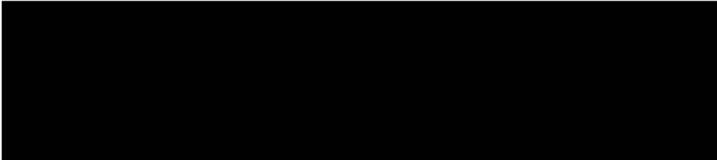


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FILE: Office: NEBRASKA SERVICE CENTER Date: DEC 01 2008  
(LIN-08-062-51768 relates)

IN RE:

APPLICATION: Application for Travel Document Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203.

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, Acting Chief  
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 appeal will be dismissed.

The applicant is a native and citizen of Azerbaijan, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The Director denied the application after determining that the applicant was not the individual to whom the alien registration number, listed on the Form I-131, Application for Travel Document, was issued. *See Director's Decision*, dated April 8, 2008.

On appeal, the applicant states that his appearance has changed because he lost 30 pounds, he has been sun bathing and now has a tan, and he no longer plucks his eyebrows. *Form I-290B*, dated April 28, 2008. The applicant submits more recent pictures on appeal.

The regulation at 8 C.F.R. § 223.2 states in pertinent part:

(b)(2) Refugee Travel Document.

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 of refugee status.

The regulation at 8 C.F.R. § 223.2 states in pertinent part:

(e) Processing.

Approval of an application is solely at the discretion of the Service. . . .

The AAO notes that the applicant does not submit proof of his identity on appeal. It further observes that the record contains no documentary evidence, including, but not limited to, a driver's license or other identification with a photograph that would establish the applicant as [REDACTED]. Absent such evidence, the applicant has not demonstrated that he holds an immigration status that would qualify him to receive a refugee travel document. Thus, the application cannot 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.