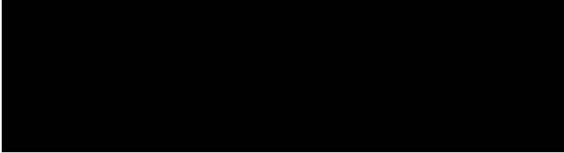




U.S. Citizenship  
and Immigration  
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52

FILE:



Office: NEBRASKA SERVICE CENTER

Date: DEC 15 2008

LIN-07-075-51772

IN RE:



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.

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, as required by 8 C.F.R. 103.5(a)(1)(i).

*Michael J. Grissom*  
for

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 Cuba, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The acting director found that the applicant was paroled into the United States as a Public Interest Parolee and 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 Director's Decision* dated July 21, 2007.

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

I am a permanent resident as a direct result of 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 was not admitted as a humanitarian parolee, but entered the United States as a political refugee. He submits a copy of his I-94 card, which shows an admission stamp for an asylee on January 8, 2007, copies of two previously obtained refugee travel documents showing issuance dates of September 2, 1986 and April 18, 2006, and a copy of the order of the immigration judge in his removal proceedings showing that on December 15, 2004 the judge granted the applicant relief in the form of deferral of removal under the Convention Against Torture. Deferral of removal under the Convention Against Torture does not amount to being granted asylee or refugee status under section 207 or 208 of the Act.

The AAO finds that the record and a search of the electronic databases of United States Citizenship and Immigration Services (USCIS) fail to establish that the applicant holds valid refugee or asylum status under sections 207 or 208 of the Act, or permanent resident status as a direct result of his refugee or asylee status.

The previous refugee travel documents issued to the applicant were in error. Because the applicant is not a permanent resident as a direct result of his refugee or asylee status, 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.