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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: JUN 12 20

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.

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 Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the matter remanded for further consideration.

The applicant is a native and citizen of the Sudan who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The Director concluded that the applicant did not hold valid refugee status under section 207 of the Act, 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. He denied the application accordingly. *See Director's Decision* dated September 20, 2007.

The applicant completed Part 2, Box b, on the Form I-131, Application for Travel Document, which 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 was granted asylum by an immigration judge on December 28, 1995 and has already had three refugee travel documents and four employment authorization cards approved. *Form I-290B, Notice of Appeal or Motion*, dated October 16, 2007.

The director's denial of the applicant's Form I-131 was based on his determination that the applicant did not hold any status that would qualify him for the issuance of a refugee travel document. Documentation contained in the record reflects that on November 25, 1996, the District Director of the legacy Immigration and Naturalization Service's New York office informed the applicant that he had been granted asylum as of December 28, 1995 by the immigration judge. The district director also issued the applicant a Form I-94 Departure Record, which identified him as having been granted asylum under section 208 of the Act. The record also includes documentation that appears to indicate that the referenced letter and Form I-94 were issued to the applicant in error. Records from the applicant's immigration court hearing reflect that the

immigration judge denied his asylum application and ordered him removed on December 28, 1995. This decision was affirmed by the Board of Immigration Appeals on October 8, 1997.

As the record fails to reliably identify the status held by the applicant, the AAO will withdraw the director's decision. It will remand the matter to him for further consideration, including referral of the matter to the District Director, Citizenship and Immigration Services (CIS), New York, New York for resolution of the applicant's status within the Department of Homeland Security and appropriate action.

ORDER: The director's decision will be withdrawn. The appeal will be remanded to the director for further consideration, including referral to CIS District Director, New York, New York for resolution of the applicant's status.