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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



I,

Date: **JUL 24 2012** Office: NEBRASKA SERVICE CENTER FILE:

IN RE: Applicant:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for a refugee travel document (Form I-131) was denied by the Director (director), Nebraska Service Center, and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is again before the AAO on a motion to reopen or reconsider. The motion to reopen will be granted and the previous decision to dismiss the appeal will be affirmed. The application will remain denied.

The applicant is a native and citizen of Sierra Leone who seeks a refugee travel document pursuant to 8 C.F.R. § 223. The director denied the application after determining that the applicant was not entitled to receive a refugee travel document because he does not hold valid refugee or asylee status, and is not a permanent resident as a result of having been granted asylum or refugee status. On appeal, the applicant submits documents relating to his asylum application and an approval notice from U.S. Citizenship and Immigration Services (USCIS), dated February 23, 2010, indicating that he was granted employment authorization based on the pending asylum application.

In our prior decision, we found that records of USCIS indicate that on November 4, 2009, an immigration judge denied the applicant's application for asylum and ordered the applicant removed from the United States. USCIS records also indicate that the applicant filed an appeal with the Board of Immigration Appeals (BIA), which was pending at the time. We noted that although the applicant has been granted employment authorization based on his pending asylum application, he is not entitled to receive a refugee travel document. The regulation provided that only an individual who 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 asylum or refugee status, is eligible to receive a refugee travel document. 8 C.F.R. § 223.2(b)(1)(i). We determined that based on the evidence of record, the applicant does not hold a status that entitles him a refugee travel document, and dismissed the appeal accordingly.

On motion, the applicant submits copies of documents relating to his asylum application, which have been previously submitted in the record. We note that the asylum appeal before the BIA was dismissed on December 12, 2011. As of this decision, the applicant does not hold valid refugee or asylee status, and is not a permanent resident as a result of having been granted asylum or refugee status. The record does not contain any document demonstrating that the applicant has a status that entitles him to a refugee travel document.

Therefore, as the applicant does not hold 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 asylum or refugee status, he is not eligible to receive a refugee travel document. 8 C.F.R. § 223.2(b)(1)(i). Accordingly, the denial of the Form I-131 was the proper result.

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 AAO's prior decision to dismiss the appeal, dated October 7, 2011, will be affirmed.

ORDER: The AAO's prior decision, dated October 7, 2011, is affirmed. The application remains denied.