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U.S. Citizenship
and Immigration
Services

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IL

MAR 20 2007

FILE:



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 Azerbaijan, who seeks to obtain a Refugee Travel Document (RTD) pursuant to 8 C.F.R. 223.1(b). The Acting Director denied the Application for Travel Document (Form I-131) after determining that the photographs the applicant provided did not match the electronically stored images of the alien granted asylum under [REDACTED]. See *Acting Director's Decision* dated December 13, 2006.

On appeal, the applicant states that the denial of her Form I-131 is erroneous, arbitrary, and constitutes an abuse of discretion. In addition, the applicant states that the photographs submitted with her Form I-131 are hers and that she is the person with the corresponding alien registration number. As proof of her identity the applicant submits copies of her employment authorization card, her California drivers' license and student identification cards. Finally, the applicant requests that she be granted a travel document.

The record of proceeding reflects that a RTD was issued to the applicant on February 14, 2002, valid to February 14, 2003. On April 14, 2002, a Form I-131 was filed and on June 5, 2002, the applicant informed the Service, in writing, that she had lost the previously issued RTD. Based on the Form I-131 a RTD was issued valid from July 23, 2002, until July 23, 2003. On August 20, 2002, the applicant informed the Service that she never received the RTD issued on July 23, 2002. On October 4, 2002, a Form I-131 was filed and was denied on May 30, 2003 because the Director determined that the photographs provided did not match the electronically stored images relating to the alien registration number [REDACTED]. No appeal was filed regarding this application. Another Form I-131 was filed on March 29, 2004, which is the application under consideration in this proceeding.

It is not clear from the record of proceeding whether the applicant and the individual to whom a RTD was issued on July 23, 2002, are the same person. The photographs of both individuals and the photograph submitted with an application for asylum reveal major facial differences. The record of proceedings fails to confirm whether the applicant, the individual who submitted a Form I-131 on April 14, 2002, and was issued a RTD, and the individual granted asylum under alien registration number [REDACTED] are the same person.

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. . . .

As note above, the approval of an application is solely at the discretion of the Service. There are questions regarding the identity of individual granted RTD's under this name and alien registration number. Based on the record of proceeding, a favorable exercise of the Secretary's discretion is not warranted. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.