



U.S. Citizenship
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER
LIN 05 256 52449

Date: **APR 07 2009**

IN RE Applicant:



APPLICATION: Application for Refugee Travel Document Pursuant to 8 C.F.R. § 223.1(b).

ON BEHALF OF APPLICANT:



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).

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 application will be denied.

The applicant is a native and citizen of Somalia, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The director denied the application because the applicant submitted fraudulent documentation in an attempt to convince U.S. Citizenship and Immigration Services (USCIS) to approve the application for a refugee travel document. On appeal, counsel states that the applicant had no idea that the document he submitted was not legitimate. The petitioner submits additional evidence.

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.

A review of the record reveals the following facts and procedural history: The applicant was admitted as a refugee pursuant to section 207 of the Immigration and Nationality Act (the Act) on May 24, 2000. The applicant submitted an I-131 application on September 6, 2005. The applicant's stated purpose of his trip was "to visit Mecca for Hajj pilgrimage & visit relatives." The applicant submitted a second I-131 application on October 16, 2006, in which he stated that he was seeking a travel document because "my son will undergo an urgent operation in Kenya." In support of his son's medical condition, the applicant submitted a letter from [REDACTED] and [REDACTED] in Nairobi, Kenya. [REDACTED] stated in the letter that the applicant's son was in critical condition and that he needed surgery but was refusing such surgery. [REDACTED] urged the applicant to be with his son to convince him to undergo the required surgery.

In his denial letter regarding the applicant's first I-131 application, the director noted that USCIS had discovered that the letter regarding the applicant's son from [REDACTED] was fraudulent. The director called the applicant's attention to the instructions to the I-131 application, which state that USCIS will deny an application if an applicant knowingly falsifies or conceals a material fact, or submits a false document in conjunction with an I-131 application.

On appeal, counsel claims that the applicant was unaware that the letter he received from [REDACTED] [REDACTED] was fraudulent and states that the applicant's son was the one who lied about his medical condition. The applicant submits a self-affidavit and affidavits from each of his two sons. Each affiant discusses the submission of the letter from [REDACTED] and that the applicant was unaware that it was not legitimate.

The director's denial of the application will not be disturbed. The regulation at 8 C.F.R. § 223.2(e) gives sole discretion to USCIS to issue a travel document. There is no evidence in the record which indicates that the director abused his discretion in finding the applicant ineligible for the travel document. The instructions to the Form I-131 indicate that the submission of false documents will result in the denial of the benefit being sought. As the applicant submitted false documentation, the director's decision to deny the application was correct. The evidence submitted on appeal does not establish that the applicant was unaware that the document regarding his son's medical condition was fraudulent.

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 director's decision will not be disturbed. The application is denied.

ORDER: The appeal is dismissed. The application is denied.