

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

I-2

[REDACTED]

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER  
(LIN-05-149-52391 relates)

**FEB 26 2009**  
Date:

IN RE: Applicant: [REDACTED]

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).

  
John F. Grisson, Acting 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 Yugoslavia, who seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The acting director denied the application for a refugee travel document after determining that the photographs the applicant provided did not match the electronically stored images of the individual who is assigned the alien-number, [REDACTED]

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.

The regulation at 8 C.F.R. 103.2 states in pertinent part:

*(b) Evidence and processing. (1) General.* An applicant or petitioner must establish eligibility for a requested immigration benefit. An application or petition form must be completed as applicable and filed with any initial evidence required by regulation or by the instructions on the form. Any evidence submitted is considered part of the relating application or petition.

The AAO notes that the applicant previously applied for a refugee travel document in 2004. That application was denied by the acting director for the same reason as this instant application, and the AAO dismissed the appeal on February 25, 2005. The applicant filed a second application in April 2005, which is the subject of this appeal. On appeal, the applicant states that she is and always has been [REDACTED]. The applicant again submits copies of her assurance form, her social security card, her Form I-94, and her identification cards. In addition she states that she will be sending a brief and or evidence to the AAO within 30 days. The appeal was filed on September 26, 2005, and as of this date, more than three years later, no documentation has been received by the AAO.

As we stated in the February 25, 2005 dismissal of the applicant's first appeal, a review of the photographs submitted with the Form I-131 and the photographs found in Service file [REDACTED] reveals major differences and supports the acting director's finding that the applicant does not appear to be the person to whom alien registration number [REDACTED] was issued. Nothing has changed since we issued that decision; as with the denial of the applicant's 2004 application, the photographs in Service records do not match the photographs submitted with the instant application for a refugee travel document and, therefore, 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 that the applicant is eligible for the benefit sought. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.