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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**



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Date: **OCT 07 2011**

Office: NEBRASKA SERVICE CENTER FILE: 

IN RE:

Applicant: 

APPLICATION: Application for a Refugee Travel Document Pursuant to 8 C.F.R. § 223

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, Nebraska Service Center, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The application will remain denied.

The applicant is a native and citizen of El Salvador 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 she 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 states that she responded to the director's request for evidence and submits copies of the documents that she states were provided.

The regulation at 8 C.F.R. § 223.2(b)(2) governs eligibility for a refugee travel document and states, in pertinent part:

- (i) *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 [Immigration and Nationality Act (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 January 21, 2011, the applicant filed an Application for Travel Document (Form I-131) with U.S. Citizenship and Immigration Services (USCIS), seeking a refugee travel document. In an attached statement, the applicant asserted that she had been granted Temporary Protected Status (TPS) and wanted to return to El Salvador to visit her ill mother. On April 6, 2011, the director requested that the applicant submit evidence of her refugee or asylee status, or evidence that she is a lawful permanent resident on the basis of her refugee or asylee status. In response, the applicant submitted evidence that she had been granted TPS, a copy of her social security card, and copies of her employment authorization documents. As noted previously, the director denied the Form I-131 because the applicant failed to establish that she was entitled to receive a refugee travel document. On appeal, the applicant does not address the director's determination, and notes only that she is once again submitting the documents that the director requested in April 2011.

We note that the applicant was initially granted TPS in 2001; however, TPS does not entitle the applicant to a refugee travel document. 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 her asylum or refugee status, is eligible to receive a refugee travel document. 8 C.F.R. § 223.2(b)(1)(i). Accordingly, the director properly denied the Form I-131, and her decision will not be disturbed. 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 appeal will be dismissed.

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