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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



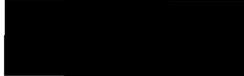
**U.S. Citizenship  
and Immigration  
Services**



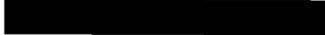
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Date: **OCT 07 2011**

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 [REDACTED] 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.

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.

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 remains pending. Although the applicant has been granted employment authorization based on his pending asylum application, he is not entitled to receive 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 his asylum or refugee status, is eligible to receive a refugee travel document. 8 C.F.R. § 223.2(b)(1)(i). At this time, the applicant does not hold a status that entitles him a refugee travel document. 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.