(b)(6)

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

[redacted]

Date: MAR 2 8 2013 Office: NEBRASKA SERVICE CENTER FILE: [redacted]

IN RE: Applicant: [redacted]

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

ON BEHALF OF APPLICANT:

[redacted]

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 Nebraska Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of $630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron M. Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application for a refugee travel document (Form I-131) was denied by United States Immigration and Customs Enforcement (USICE), Fairfax, Virginia, and the matter is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Uzbekistan who seeks a refugee travel document pursuant to 8 C.F.R. § 223. The application was denied by USICE 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.

Counsel for the applicant files an appeal asserting that, while the applicant has not been recognized as a refugee or granted asylum in the United States, the applicant "does satisfy the statutory definition of a refugee, found at section 101(a)(42) of the Immigration and Nationality Act and codified at 8 U.S.C. § 1101(a)(42)(A).

After a *de novo* review of the record, the AAO will reject the appeal as the record does not contain a properly filed Form I-131 application and there is no decision from a United States Citizenship and Immigration Services (USCIS) office to adjudicate on appeal.

The regulation at 8 C.F.R. § 223.2(a), provides that an application for a refugee travel document or advance parole document must be filed on a Form I-131, with the fee required in § 103.7 and with the initial evidence required on the application form. An application or petition is not considered properly filed unless accepted by United States Citizenship and Immigration Services (USCIS).

The regulation at 8 C.F.R. § 103.2(a)(7), stipulates that an application or petition received in a USCIS office "shall be stamped to show the time and date of actual receipt and, unless otherwise specified in part 204, part 245 or part 245a of this chapter, shall be regarded as **properly filed** when so stamped, if it is signed and executed and the required filling fee is attached or waiver of the filing fee is granted." An application or petition which is not properly signed or is submitted with the wrong fee shall be rejected as improperly filed.

In this case, the record reflects that the applicant initially filed a Form I-131 application, with receipt number and a receipt date of May 30, 2012. On June 4, 2012, the application was rejected and sent back to the applicant as incomplete because of an incorrect application fee. The director notified the applicant to resubmit the application package with the appropriate fee to a USCIS office in Dallas, Texas, specified on the rejection form, I-797C. The record does not reflect that the applicant resubmitted the application as instructed. There is no evidence that USCIS received a properly completed Form I-131 application from the applicant. The record of proceedings does not contain the director's decision or the initial application. Therefore, the Form I-290B, Notice of Appeal or Motion, filed by the applicant on September 20, 2012, cannot be fully adjudicated.

The appeal will therefore be rejected as improperly filed and remanded to the director, Nebraska Service Center, for further processing in accordance with this decision.

As always in these proceedings, the burden of proof rests solely with the applicant. The applicant has failed to meet his burden of proof. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The appeal is rejected and the case is remanded to the director, Nebraska Service Center, for further consideration and action.