



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

Public Copy

FILE: [REDACTED] OFFICE: ROME, ITALY

Date: DEC 17 2001

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Refugee Travel Document Pursuant to 8 C.F.R. 223.2(a)(2)

IN BEHALF OF PETITIONER: SELF-REPRESENTED

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Acting District Director, Rome, Italy, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The applicant, a citizen of Bosnia, seeks to obtain a refugee travel document under 8 C.F.R. 223.2(b)(2)(ii). The acting district director denied the application for a refugee travel document after determining that the Refugee Travel Document issued to the applicant on April 15, 1999, expired on April 14, 2000.

On appeal, the applicant's daughter states that her mother was advised by the U.S. Embassy in Sarajevo that she could apply for a new refugee travel document after the one issued to her had expired. The applicant's daughter further states that her mother applied for a new refugee travel document on April 27, 2000, and that her mother had made a mistake by staying in Bosnia longer than what was allowed.

8 C.F.R. 223.2(b) states, in pertinent part that:

Eligibility. (2) Refugee travel document. (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 Act, valid asylee status under section 208 of the Act, or is a permanent resident and received such status as a direct result of his or her asylee or refugee status.

The applicant was not in the United States at the time of application. 8 C.F.R. 223.2(b)(ii) provides, in pertinent part, that an application for a refugee travel document can be accepted and adjudicated from an alien who previously had been admitted to the United States as a refugee, and who departed from the United States without having applied for such refugee travel document. The applicant did apply for a refugee travel document when in the United States.

8 C.F.R. 223.3 (c) states that a refugee travel document may not be extended.

The purpose of a refugee travel document is to allow an alien, within the allotted time given, to return to the United States after temporary travel abroad.

The applicant was in possession of a refugee travel document prior to her departure from the United States. The applicant's refugee

travel document was valid for one year, until April 14, 2000. The applicant remained abroad until April 27, 2000, which was beyond the expiration date of her refugee travel document.

As the applicant has remained outside of the United States beyond the expiration date of her refugee travel document, this application may not be approved.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.