U.S. Department of Justice

Immigration and Naturalization Service

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

ID

[redacted]

File: [redacted] Office: Nebraska Service Center Date: FEB 12 2001

IN RE: Applicant: [redacted]

Application: Application for Travel Document Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. 1203

IN BEHALF OF PETITIONER: Self-represented

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identifiers 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. Weimann, Acting Director
Administrative Appeals Office

DISCUSSION: The application for a travel document was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The applicant is a native and citizen of the Korea, who seeks to obtain a travel document under section 223 of the Immigration and Nationality Act, 8 U.S.C. 1203. The director denied the application for a travel document after determining that the applicant was in possession of a valid travel document on December 6, 1999, the date this application was filed with the Service.

On appeal, the applicant states: "I wish to appeal for the renewal of my extension visa. My application extension for another 2 years has been denied for the first time because I have not surrendered my original document and instead I sent in the copy of it."

The regulation at 8 C.F.R. 223.2(c)(1) states that an application for a reentry permit or refugee travel document shall be denied if the applicant was previously issued a reentry permit or refugee travel document which is still valid, unless it was returned to the Service or it is demonstrated that it was lost.

The applicant was issued a reentry permit on September 18, 1998 with a validity date to September 18, 2000. On March 22, 2000, the applicant was instructed to surrender the previously issued travel document and failed to do so. This application was filed on December 6, 1999 and on that date the applicant was in possession of a reentry permit valid to September 18, 2000. The applicant is not eligible to receive a travel document.

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.