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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

ADMINISTRATIVE APPEALS OFFICE

425 Eye Street, N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[redacted]

File: LIN 02 294 51139 Office: Nebraska Service Center Date: JUL 03 2003

[redacted]

IN RE: Applicant: [redacted]

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

ON BEHALF OF APPLICANT: SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office that 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 that 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 Bureau of Citizenship and Immigration Services (Bureau) 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 that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant, a native of Mauritania, seeks to obtain a refugee travel document pursuant to 8 C.F.R. § 223.1(b). The director denied the application after determining that the applicant did not establish his eligibility for issuance of the requested document.

The regulation at 8 C.F.R. § 223.2(b)(2) allows for the approval of a refugee travel document if the application (Form I-131) is 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 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.

In his decision, the director notes that an immigration judge denied the applicant's asylum request on March 6, 1998. On April 1, 1998, he filed an appeal of the immigration judge's decision, and on April 30, 2002, the appeal was denied and an order of removal was issued to the applicant.

The reasons for the applicant's appeal are unclear. In support of the appeal, he submits a translation of a letter from his uncle in Senegal indicating that his presence is required overseas to take care of eight cows and five sheep that the his wishes to give to him. However, the applicant also indicates on the Form I-290B, Notice of Appeal, that he must remain in the United States for medical treatment because he receives kidney dialysis three time per week.

The record of proceeding, as it is presently constituted, contains no evidence that the applicant holds valid refugee status, asylum status, or that he is a permanent resident as a direct result of such status. Absent such evidence, the application may not be approved. The appeal will, therefore, be dismissed.

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.