



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

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 28980930

Date: DEC. 5, 2023

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant seeks a refugee travel document under section 208(c)(1)(C) of the Immigration and Nationality Act (the Act); 8 U.S.C. § 1158(c)(1)(C). An applicant for a refugee travel document must file the application while in valid refugee status under section 207 of the Act or valid asylum status under section 208 of the Act or must be a permanent resident who received such status as a direct result of his or her asylum or refugee status. 8 C.F.R. § 223.2(b)(2).

The Director of the Nebraska Service Center denied the application, concluding that the Applicant was ineligible for a refugee travel document because he had been granted status as a lawful permanent resident of the United States under section 201(b)(2)(A)(i) of the Act, 8 U.S.C. § 1151(b)(2)(A)(i), as the parent of a U.S. citizen rather than as a refugee or asylee, as required under 8 C.F.R. § 223.2(b)(2). The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

The Applicant was granted asylum in the United States in September 2020, and filed the Form I-131, Application for a Travel Document (Form I-131) seeking a refugee travel document as an asylee in December 2021. In January 2022, the Applicant adjusted his status to that of a lawful permanent resident of the United States under section 201(b)(2)(A)(i) of the Act as the parent of a U.S. citizen. Consequently, the Director denied the Form I-131 because the Applicant no longer had valid asylee status and did not have lawful permanent resident status as a direct result of his asylum status under section 208 of the Act.

On appeal, the Applicant confirms that he is a lawful permanent resident of the United States as the parent of a U.S. citizen rather than as an asylee. In his brief, the Applicant contends that the regulation at 8 C.F.R. § 223.2(b)(2)(i) requires that he have had valid status as an asylee at the time of filing his Form I-131 but does not require he be in such status at the time the Form I-131 is adjudicated. However, an applicant must establish eligibility for the requested benefit at the time of filing the benefit request and must continue to be eligible through its adjudication. 8 C.F.R. § 103.2(b).

Moreover, the instructions to the Form I-131 state that “[a] refugee travel document is *issued* to an individual in valid refugee or asylee status, or to a lawful permanent resident who obtained such status as a refugee or asylee in the United States,” and the form instructions are incorporated into the relevant regulations requiring the Form I-131 submission. 8 C.F.R. §103.2(a)(1). Consequently, an applicant’s status is relevant from the time of filing the Form I-131 until the issuance of the travel document. In this case, the Applicant has not shown that he is eligible for issuance of a refugee travel document based on his status as a refugee or asylee, or that he is a permanent resident as a direct result of his or her asylum or refugee status. 8 C.F.R. § 223.2(b)(2).¹

The Applicant has the burden of proving eligibility for issuance of a refugee travel document. Section 291 of the Act, 8 U.S.C. § 1361. Here, the Applicant has not met that burden because he is not in valid refugee or asylee status nor is he a lawful permanent resident of the United States who obtained that status as a direct result of result of refugee or asylee status. 8 C.F.R. § 223.2(b)(2). Accordingly, the application will remain denied.

ORDER: The appeal is dismissed.

¹ The Applicant is not precluded from seeking a reentry permit based on his lawful permanent resident status. 8 C.F.R. § 223.1(a).