



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: NEBRASKA SERVICE CENTER

Date:

AUG 23 2007

(LIN 05 099 51265)

IN RE: Applicant:

[Redacted]

APPLICATION:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of Senegal, who seeks to obtain a travel document (reentry permit) under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1203. The Director denied the application because the record failed to establish that the applicant is a lawful permanent resident or conditional resident of the United States as stated on his application. *See Director's Decision*, dated February 22, 2007.

On appeal, the applicant states that he is sending an appeal of LIN 05 099 51265 and that he sent a renewal of his work permit and has not received anything. The applicant also indicates that he is sending a brief and/or evidence to the AAO within 30 days. *Form I-290B*, filed March 12, 2007.

The AAO notes that it has been over four months since the applicant submitted his appeal and no additional documentation has been received. Thus, the current record is considered complete.

The regulation at 8 C.F.R. § 223.1 states in pertinent part:

(a) Reentry permit.

A reentry permit allows a permanent resident to apply for admission to the United States upon return from abroad during the period of the permit's validity without the necessity of obtaining a returning resident visa.

The regulation at 8 C.F.R. § 223.2 states in pertinent part:

(b) Eligibility.

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 the application and is a lawful permanent resident or conditional resident.

The record indicates that the applicant is in the United States. However, a review of the electronic records of Citizenship and Immigration Services (CIS) and the documents submitted by the applicant do not establish that he is a lawful permanent resident or conditional resident of the United States.

With his application, the applicant submitted photocopies of his Indiana driver's license, Senegalese passport and identity card, and Employment Authorization Card that expired on May 9, 2006. These documents do not establish lawful permanent residence.

As noted above, an application may be approved if filed by a lawful permanent resident or conditional resident. The information in the record does not establish the applicant as a lawful permanent resident or conditional resident. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.