

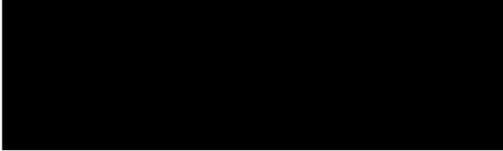
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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I,

FILE:



Office: NEBRASKA SERVICE CENTER

Date:

OCT 30 2007

(LIN-06-249-51337 relates)

IN RE:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 Nigeria, 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 applicant failed to submit the passport-style photographs required by regulation. See *Director's Decision*, dated December 14, 2006.

On appeal, the applicant states that he is appealing the Director's decision because he is attending school in Nigeria. He attaches the second page of the Director's decision to his appeal. He also states that he is submitting frontal view passport photographs with his appeal and the photograph instruction page to show why he submitted side-view photographs with his application. *Form I-290B*, dated January 13, 2007.

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.

8 C.F.R. § 103.2(a) states in pertinent part:

- (1) *General.* Every application, petition or other document submitted on a form prescribed by this chapter shall be executed and filed in accordance with the instructions contained on the form, each instruction being hereby incorporated into the particular section of the regulations requiring its submission...

The AAO notes that the record does not contain frontal view passport photographs of the applicant and the instructions for the Form I-131 state that frontal view photographs are required. See Form I-131 Instructions, Page 5. Furthermore, the regulation states that the petitioner shall submit additional evidence as the director, in his or her discretion, may deem necessary. The purpose of the request for evidence is to elicit further information that clarifies whether eligibility for the benefit sought has been established, as of the time the petition is filed. See 8 C.F.R. §§ 103.2(b)(8) and (12).

As the record does not establish that the applicant complied with the filing instructions or the district director's request for further evidence, the appeal will be dismissed.

ORDER: The appeal is dismissed.