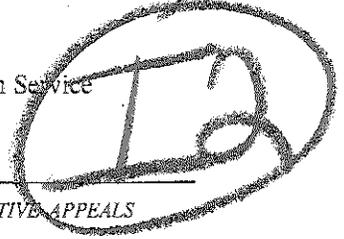


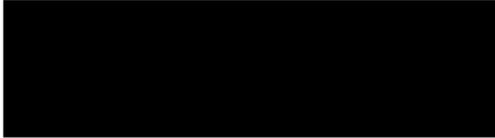


U.S. Department of Justice
Immigration and Naturalization Service



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



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prevent clearly unwarranted
invasion of personal privacy

File: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: JAN 14 2003
(LIN O2 115 54507 relates)

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 APPLICANT:
[REDACTED]

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 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 that 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. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application 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 Iran 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 after determining that the application was filed after the applicant had departed from the United States.

On appeal, counsel states that the applicant had previously applied for and received a reentry permit. However, due to extenuating circumstances beyond his control, and for medical reasons, he was forced to remain abroad longer than originally anticipated. Counsel asserts that the instant application for a reentry permit is basically a request for an extension of time in which to return to the United States. Counsel notes that the applicant is elderly, in his 80's, and that there is no American Embassy or consular office in Iran where he would be able to solicit an extension.

In pertinent part, section 223 of the Act provides that an alien lawfully admitted for permanent residence who intends to visit abroad and return to the United States to resume that status may make an application for a permit to reenter the United States.

The regulation at 8 C.F.R. 223.2(b)(1) allows for the approval of a reentry permit if the application (Form I-131) is filed by a person who is in the United States at the time of application, and is a lawful permanent resident or conditional permanent resident. The regulation at 8 C.F.R. 223.3 provides that reentry permits are generally valid for two years from the date of issuance and may not be extended.

The record reflects that the applicant departed the United States in September 1998, in order to receive free medical treatment for the removal of kidney stones in Iran. On appeal, counsel submits evidence that the applicant had previously applied for a reentry permit on June 19, 1998, and asserts that the application was approved. The instant Application for Travel Document (Form I-131), however, was filed on February 16, 2002. Since the application was filed after the applicant had departed from the United States, and there is no provision in the regulations for the extension of a reentry permit, the application may not be approved. The appeal will, therefore, be dismissed.

It is noted that a lawful permanent resident who seeks to reenter after an absence of one year or more, and who does not possess a valid reentry permit, should contact a United States consulate abroad for further information regarding possible options for return to the United States. Information concerning which United

States consulate abroad has jurisdiction over inquiries from persons in Iran may be obtained from the United States Department of State.

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.