



IA

U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
11LLB, 3rd Floor
Washington, D.C. 20536



File: [Redacted] Office: NEBRASKA SERVICE CENTER
(LIN 01 211 50984 relates)

Date: JAN 29 2003

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: SELF-REPRESENTED

PHOTOCOPY

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 sustained. The decision of the director will be withdrawn and the application will be approved.

The applicant, a native of Hong Kong, seeks to obtain a 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 applicant had failed to submit required documentation, including evidence of her true and correct name, or proof of a name change.

On appeal, the applicant states that she has used the signature "Heidi" for twenty years and did not understand that she should have signed the application in her true name.

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 applicant has submitted evidence that Po Yung Wong is a lawful permanent resident of the United States. Her application, however, was signed as "Heidi." In response to the director's request that she re-sign the application in her true and correct name as it appeared on the application, Po Yung Chan Wong, she again signed the application "Heidi" and returned the application to the director.

On appeal, the applicant submits a copy of her marriage certificate showing that she used the signature "Heidi" to sign that document. In addition, the record contains a copy of the identification page from the applicant's passport showing that she also signed that document with the signature "Heidi." Although the applicant has failed to submit any evidence or proof that her name has been legally changed to Heidi, it is evident that she has used that name as her signature in the past. In addition, the applicant has provided a signature in her true and correct name on appeal. Her reentry permit can be issued only in her true and correct name.

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 met that burden.

ORDER: The appeal is sustained. The decision of the director is withdrawn and the application is approved.