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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER  
(LIN-02-241-53394 relates)

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Travel Document Pursuant to Section 223 of the Imm  
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 reviewed by the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
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 India 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 determining that the application was filed after the applicant had departed the United States.

On appeal, the applicant states that his business has not been completed and he requests that the application be reconsidered and an extension of a reentry permit be authorized. On appeal the applicant provided evidence from India that implies that he is presently in India.

The applicant's request for an extension of his reentry permit cannot be entertained since the regulation at 8 C.F.R. § 223.3(c) is specific and it states that a reentry permit or refugee travel document cannot be extended.

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 reentry permit to reenter the United States.

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

(b) Eligibility.

(1) Reentry permit. Except as otherwise provided in this section, an application for a reentry permit shall be approved if 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. § 103.2 states in pertinent part:

Applications, petitions, and other documents.

(a) *Filing-(1) General.* Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions (including where an application or petition should be filed) being hereby incorporated into the pertinent section of the regulations in this chapter requiring its submission. The form must be filed with the appropriate filing fee required by § 103.7. . .

...

(7) *Receipt date-(i) General.* An application or petition received in a Service office shall be stamped to show the time and date of actual receipt and, unless otherwise specified in part 204 or part 245 or part 245a of this chapter, shall be regarded as properly filed when so stamped, if it is signed and executed and the required filing fee is attached or a waiver of the filing fee is granted. An application or petition which is not properly signed or is submitted with the wrong filing fee shall be rejected as improperly filed. Rejected applications and petitions, and ones in which the check or other financial instrument used to pay the filing fee is subsequently returned as non-payable will not retain a filing date . . .

The record of proceeding reveals that the applicant is a lawful permanent resident of the United States. On 10, 2002 the applicant signed an Application for Travel Document (Form I-131). The ap



subsequently mailed to the Nebraska Service Center and received on July 22, 2002. A statement the application shows that the applicant had departed the United States prior to the filing of the Form the application was not filed until after the applicant had departed the United States, the application approved.

It is noted that a lawful permanent resident of the United States who is in possession of evidence admission (Form I-551) and intends to reenter the United States within one year of his/her last departure require a reentry permit to reenter. However, if a lawful permanent resident seeks to reenter after one year or more, and does not possess a reentry permit, he/she should contact a United States consulate for further information regarding his/her possible options for return to the United States.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is upon the applicant that the applicant is eligible for the benefit sought. Here, the applicant has not met that burden. the appeal will be dismissed.

**ORDER:** The appeal is dismissed.