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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER
(LIN-04-206-52434 relates)

Date: **MAR 07 2005**

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Acting 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 Japan, 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 Acting Director concluded that the applicant is in possession of a valid reentry permit and she is not entitled to be issued a new reentry permit at this time. *See Acting Director's Decision* dated August 12, 2004.

On appeal, the applicant does not dispute the fact that she is in possession of a valid reentry permit. The applicant states that she needs an extension of her reentry permit because it expires in July 2005 and she wants to return to the United States in October 2005. In addition she states that it would be a great expense if she must return to the United States in July 2005 and again in October 2005.

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 may 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.

(c) Ineligibility.

(1) Prior document still valid. An application for a reentry permit or refugee travel document shall be denied if the applicant was previously issued a reentry permit or refugee travel document which is still valid, unless it was returned to the Service or it is demonstrated that it was lost.

A review of the documentation provided and a search of the electronic database of Citizenship and Immigration Services (CIS) reveal that the applicant was issued a reentry permit on July 30, 2004, valid until July 30, 2005. The instructions on Form I-131 clearly indicate that a reentry permit may not be issued if the applicant was previously issued one that is still valid, has not been returned to the Service Center and has not been demonstrated as lost. Since the applicant did not return the previously issued reentry permit and it was not lost the application may not be approved.

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

ORDER: The appeal is dismissed.