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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER
(LIN-05-045-52299 relates)

Date: MAY 16 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, 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 sustained and the application approved.

The applicant is a native and citizen of Russia, 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 did not hold valid lawful permanent or conditional resident status at the time the application was filed and denied the application accordingly. *See Acting Director's Decision* dated January 19, 2005.

On appeal the applicant states that she had an adjustment of status interview on November 16, 2004, and her status was adjusted on the same date. The applicant submits a copy of her passport with a stamp indicating that permanent residence status had been granted on November 16, 2004. In addition the applicant states that after she received the denial of her Form I-131 she went to Citizenship and Immigration Services (CIS) at 26 Federal Plaza, New York City and an Immigration Officer confirmed that her status was adjusted and not pending.

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 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.

A thorough search of CIS' electronic database reveals that the applicant adjusted her status on November 16, 2004, and on the same date a Form I-89, I-551 or I-586 Card Data Collection Form, was executed.

After reviewing the evidence in the record of proceedings and the electronic database of CIS, the AAO finds that the applicant has established that she was granted lawful permanent resident status on November 16, 2004, and that she is entitled to the requested reentry permit. Accordingly, the appeal will be sustained and the application approved.

ORDER: The appeal is sustained and the application approved.