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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: **MAR 16 2006**

(LIN-05-131-50877 relates)

IN RE: Applicant:



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 The Acting Director's decision will be withdrawn and the matter remanded to her for further consideration.

The applicant is a native and citizen of Colombia, 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 residence status at the time the application was filed and denied the application accordingly. *See Acting Director's Decision* dated August 31, 2005.

The applicant completed Part 2, box a, on her Application for Travel Document (Form I-131) that states:

I am a permanent resident or conditional resident of the United States and I am applying for a Reentry Permit.

Section 223 of the Act provides, in pertinent part, 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.

On appeal, the applicant states that after he filed the Form I-131 he realized that he made a mistake and he should have marked the box for advance parole. In addition, the applicant states that he contacted Citizenship and Immigration Services (CIS) in order to correct the Form I-131 to show that he is applying for advance parole. The applicant submits a letter he received from the Nebraska Service Center, which states that the information provided by him regarding the typographical error was to be interfiled with his pending application.

The record of proceeding reflects that the Form I-131 was filed on March 28, 2005, the applicant contacted CIS on July 7, 2005, and the application was adjudicated and denied on August 19, 2005. In addition, the record of proceedings reflects that the Form I-131 was corrected to reflect that the applicant is applying for an advance parole document, Part 2, box d of the application.

In view of the foregoing, the previous decision of the Acting Director will be withdrawn. The application will be remanded to the Acting Director in order to determine if the applicant is eligible for advance parole and enter a new decision, which, if adverse to the applicant, will be certified to the AAO for review.

**ORDER:** The Acting Director's decision is withdrawn. The matter is remanded to her for further action consistent with the foregoing discussion.