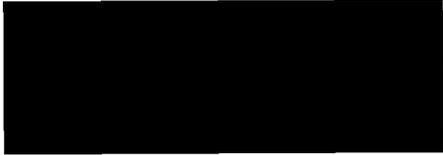


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**JUN 28 2007**

FILE:



Office: NEBRASKA SERVICE CENTER

Date:

(LIN 05 108 53463 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:



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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Acting Director, Nebraska Service Center, and the Administrative Appeals Office (AAO) subsequently remanded the matter to the acting director for further consideration. The acting director has again denied the application and has certified his decision to the AAO. The acting director's decision will be affirmed. The application will be denied.

The applicant is a native and citizen of Canada, who was initially determined to be seeking a reentry permit under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1203. The acting director denied the Form I-131, Application for Travel Document, because the applicant did not hold valid lawful permanent or conditional resident status at the time the application was filed. On remand, the acting director adjudicated the applicant's request for advance parole and denied the application as the applicant's Form I-485, Application to Register Permanent Residence or Adjust Status had been denied by Citizenship and Immigration Services (CIS). *See Acting Director's Decision*, dated March 7, 2007.

Advance parole is an outgrowth of administrative practice stemming from the general parole authority set forth at section 212(d)(5) of the Act, 8 U.S.C. § 1182(d)(5). This discretionary authority is exercised on a case-by-case basis and must, by statute, be justified on the basis of urgent humanitarian need or significant public benefit. Advance parole may be granted to allow an applicant for an immigration benefit to return to the United States to pursue that benefit after traveling abroad. *See Chapter 54.1, Revised June 29, 2005, Adjudicator's Field Manual.*

In the present case, the record establishes that at the time she filed the Form I-131 on February 28, 2005, the applicant had a Form I-485 adjustment application pending before CIS. *See Form I-485 Receipt Notice*, dated March 18, 2005. However, that is no longer the case. A review of relevant CIS data bases indicates that the Form I-485 filed by the applicant on February 6, 2005 was denied by the New York District Office on March 11, 2006. As a result, the basis on which the applicant requested and would be considered for advance parole no longer exists. The acting director's decision is, therefore, affirmed.

The AAO notes that there is no appeal of a denial of a request for advance parole. *See 8 C.F.R. § 223.2(g).*

**ORDER:** The acting director's decision is affirmed. The application is denied.