



U.S. Citizenship
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Services

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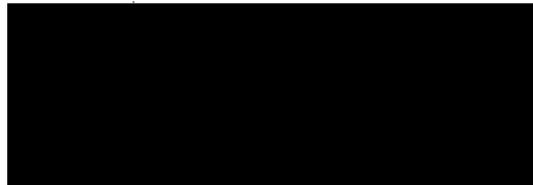
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: MAR 12 2007
(LIN-06-188-52958 relates)

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:



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 is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Iran, 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 denied the application as a matter of discretion after determining that the applicant has adverse information recorded against him. *See Acting Director's Decision* dated July 20, 2006.

On appeal, counsel states that the decision lacks any factual and/or legal foundation. Counsel further states that without having any knowledge of the nature of the alleged negative information in the record, the applicant will be deprived an opportunity to clear the record, thereby denying his due process rights. In addition, counsel states that when a decision is arbitrary, then discretion is abused. Finally counsel states that the Service abused its discretion by not announcing the factual basis of the decision

The regulation at 8 C.F.R. § 223.1 states in pertinent part:

(a) Reentry permit.

A reentry permit allows a permanent resident to apply for admission to the United States upon return from abroad during the period of the permit's validity without the necessity of obtaining a returning resident visa.

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

(e) Processing.

Approval of an application is solely at the discretion of the Service. . . .

A search of the electronic records of Citizenship and Immigration Services (CIS), as well as information obtained from the Federal Bureau of Investigation, reflects that the applicant has an extensive criminal record including numerous arrests and convictions for crimes involving moral turpitude.

As noted above, the approval of an application is solely at the discretion of the Service. Based on information contained in the record of proceeding, a favorable exercise of the Secretary's discretion is not warranted. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.