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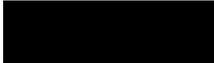


U.S. Citizenship
and Immigration
Services



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FILE:



Office: NEBRASKA SERVICE CENTER

Date: **OCT 20 2005**

(LIN-04-258-50375 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 appeal will be dismissed.

The applicant is a native and citizen of Israel, 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 March 3, 2005.

In pertinent part, section 223 of the Act provides that an alien lawfully admitted for permanent residence who intends to travel 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 he did not apply for a reentry permit but rather he applied for advance parole. The applicant further states that he has previously been issued an advance parole document and he does not understand why his application was denied. The applicant submits copies of Authorization for Parole of an Alien into the United States (Form I-512) issued to him on October 2, 2002, and November 10, 2003.

The record of proceedings clearly reflects that on his Application for Travel Document (Form I-131), filed September 20, 2004, the applicant completed Part 2, box a, that states:

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

A search of the electronic database of Citizenship and Immigration Services (CIS) reveals that the applicant has a pending Application to Register Permanent Residence or Adjust Status (Form I-485). In addition on appeal the applicant states that he has an interview for his application for permanent resident status scheduled for April 6, 2005. Therefore the applicant is not a lawful permanent or conditional resident of the United States. Absent such evidence, 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

Page 3

The applicant was paroled into the United States on June 8, 2004, based on a Form I-512 issued by the National Benefits Center. The applicant may be eligible for another advance parole. Therefore the decision is without prejudice to the filing of a new Form I-131 for advance parole if the applicant completes the appropriate box on the application.

ORDER: The appeal is dismissed.