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**U.S. Citizenship  
and Immigration  
Services**

I,

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[REDACTED]

FILE:

[REDACTED]

Office: NEBRASKA SERVICE CENTER  
(LIN-03-221-52628 relates)

Date: APR 10 2006

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:

[REDACTED]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 Canada, 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 determined that the applicant executed an Abandonment of Lawful Permanent Resident Status (Form I-407) and did not hold valid lawful permanent or conditional residence status at the time the application was filed. The Acting Director then denied the application accordingly. *See Acting Director's Decision* dated February 24, 2005.

On appeal, counsel states that the applicant never signed a Form I-407 and, therefore, remains a lawful permanent resident and the Form I-131 should be approved.

The record of proceedings reveals that on August 6, 2001, the applicant adjusted her status to that of a lawful permanent resident based on her marriage to a U.S. citizen. On September 14, 2002, the applicant entered Canada and according to a memorandum from Citizenship and Immigration Canada (CIC) the applicant “. . . ENTERED CANADA AS A . . . RETURNING CANADIAN CITIZEN/RESIDENT THIS DATE AND HAS BEEN COUNSELED TO SURRENDER HIS/HER RESIDENT ALIEN CARD TO YOUR SERVICE.” Based on the memorandum from CIC an immigration inspector completed a Form I-407. The applicant never signed the Form I-407. In the space for the signature of aliens it is noted: “Informational for A-file.” The AAO does not find that a memorandum from the CIC constitutes abandonment of permanent resident status.

Based on the above, the AAO agrees with counsel and finds that the record of proceedings does not support the Acting Director's statement that; “the applicant filed an I-407, voluntarily, willingly and affirmatively abandoned her U.S. permanent residency status.”

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.

After reviewing the evidence in the record the AAO finds that the applicant has established that she did not abandon her LPR status 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.