

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

I,

FILE:

Office: NEBRASKA SERVICE CENTER

Date: **FEB 19 2009**

(LIN-08-800-01951 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

A handwritten signature in black ink, appearing to read "John E. Grissom".

John E. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the *Administrative Appeals Office (AAO)* on appeal. The director's decision will be withdrawn and the matter remanded for adjudication of the Application for Travel Document (Form I-131).

The applicant is a native and citizen of India 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 director denied the application after determining that the applicant failed to submit two photographs along with his application. On appeal, the applicant submits two photographs and states that he filed his application via the internet and had previously submitted the two photographs as supporting evidence.

In the denial letter, the director stated: "The instructions for the application for [a] reentry permit require that two color photos of the applicant, taken within 30 days of the date of the application, be submitted." The AAO notes that the current version of the Application for Travel Document (Form I-131), dated October 30, 2008, requires the submission of photographs only for (1) persons outside of the United States filing for refugee travel documents, or (2) persons inside the United States filing for advance parole documents. As the applicant has submitted two photographs on appeal and as the instructions to the Form I-131 no longer require the submission of photographs for a reentry permit, the AAO will withdraw the director's decision so that he may resume the adjudication of the applicant's Form I-131.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is upon the applicant to establish eligibility for the benefit sought. Here, the applicant has met that burden. Accordingly, the director's decision is withdrawn.

ORDER: The director's decision is withdrawn. The Form I-31 is remanded to the director for continued adjudication and entry of a new decision, which if adverse to the applicant, shall be certified to the AAO for review.