



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **AUG 12 2015**

FILE #: [REDACTED]

APPLICATION NUMBER: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: Application for a Reentry Permit Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203

ON BEHALF OF APPLICANT:

NO REPRESENTATIVE OF RECORD

INSTRUCTIONS:

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director of the Nebraska Service Center (the Director) denied the Form I-131, Application for Travel Document (Form I-131), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed. The application will remain denied.

The applicant is a native and citizen of the United Kingdom who seeks to obtain a 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 filed it after she had departed from the United States.

Section 223 of the Act, 8 U.S.C. § 1203, 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(b) states, in pertinent part, that applicants requesting a reentry permit “must file such application while in the United States and in status as a lawful permanent resident or conditional permanent resident.”

The applicant was admitted into the United States as a lawful permanent resident on July 22, 1977. On August 21, 2014, the applicant filed the instant Form I-131. The applicant indicated her date of departure from the United States at Part 3.1 as September 15, 2014; however, she stated on September 30, 2014, in response to a request for evidence, that she last departed the United States on April 26, 2014. She included a copy of her travel itinerary as evidence of her date of departure.

The Director denied the Form I-131 because the applicant was not present in the United States when she filed her application. On appeal, the applicant does not dispute that she filed the Form I-131 while outside of the United States. She states that she follows the process to apply for a travel document each year. The applicant erroneously states that she is “required to do so while physically located outside the United States.”

To be eligible for a reentry document, an applicant must be physically present in the United States at the time the Form I-131 is filed with USCIS. 8 C.F.R. § 223.2(b). Here, it is undisputed that the applicant filed her Form I-131 while she was physically outside of the United States. Accordingly, the application may not be approved as a matter of law.¹

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed. The application remains denied.

¹ If a lawful permanent resident seeks to reenter the United States after an absence of one year or more and does not possess a reentry permit, he or she should contact a United States consulate abroad for further information regarding possible options for reentering the United States.