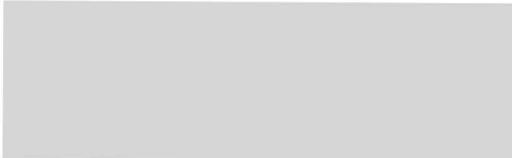




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: JUL 08 2015

FILE #: [REDACTED]

APPLICATION RECEIPT #: [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

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 applicant is a native and citizen of the Philippines who seeks to obtain a reentry permit travel document under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1203. The director denied the application after determining that it was filed after the applicant had departed from the United States. *Decision of the Director*, dated October 16, 2014.

On appeal, the applicant does not dispute that he filed the Form I-131 while outside of the United States. He asserts that he was previously issued a reentry permit that was valid until September 20, 2014; that he intended to return to the United States at the end of May 2014; and that an opportunity to travel in Asia caused him to postpone his return to the United States until June 29, 2014.

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(b) states, in pertinent part:

- (1) *Reentry permit.* An applicant for 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 record reflects that the applicant was admitted into the United States as a lawful permanent resident on March 26, 2008. On June 2, 2014, the applicant filed a Form I-131 application for a reentry permit with U.S Citizenship and Immigration Services (USCIS). The applicant indicated his date of departure from the United States at Part 3.1 as July 1, 2014; however, information obtained during routine USCIS systems checks reflects that the applicant departed the United States on September 30, 2012, and that he did not return to the United States until June 29, 2014.

To be eligible for a reentry permit, an applicant must be physically present in the United States at the time the Form I-131 is filed with USCIS. *See* 8 C.F.R § 223.2(b). The Act provides no exception to the physical presence requirement at the time of filing the Form I-131. In the present matter it is undisputed that the applicant filed the Form I-131 while he was physically outside of the United States. Accordingly, the application cannot be approved.

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

ORDER: The appeal is dismissed.