



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF M-C-B-

DATE: JULY 12, 2017

APPEAL OF NEBRASKA SERVICE CENTER DECISION

APPLICATION: FORM I-131, APPLICATION FOR TRAVEL DOCUMENT

The Applicant, a native of Trinidad and Tobago and citizen of Canada seeks a reentry permit. *See* Immigration and Nationality Act (the Act) section 223, 8 U.S.C. § 1203. A reentry permit allows a lawful permanent or conditional resident to apply for admission to the United States upon return from a trip abroad, and if that absence lasts more than one year, without the necessity of obtaining a returning resident visa. A reentry permit must be applied for before departing from the United States. 8 C.F.R. § 223.2(b)(1).

The Director of the Nebraska Service Center denied the application, concluding that the Applicant was not eligible for reentry permit because she filed the application after departing from the United States.

On appeal, the Applicant confirms she erroneously filed the application from Canada. She states she now understands she should have filed the application prior to her departure from the United States, but that she inadvertently overlooked this requirement. The Applicant indicates that although she is currently employed in Canada, she frequently travels to her home in the United States. She requests reconsideration of the adverse decision or, in the alternative, guidance on how to correct the error.

There is no dispute that the Applicant is a lawful permanent resident eligible to apply for a reentry permit; however, she may not be issued the requested permit through this application because she was not in the United States when she filed it, and neither the Act nor the regulations provides an exception to this requirement. Although, we may not grant the Applicant the relief she is seeking through this appeal, our decision does not preclude her from filing a new application when she is physically present in the United States.¹

ORDER: The appeal is dismissed.

Cite as *Matter of M-C-B-*, ID# 427729 (AAO July 12, 2017)

¹ For more information about reentry permits and how to apply for one, please see the booklet, "How do I get a reentry permit" at <https://www.uscis.gov/sites/default/files/USCIS/Resources/B5en.pdf>.