



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

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

In Re: 15206678

Date: APR. 12, 2021

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant seeks a reentry permit under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1203.

The Applicant has the burden of proving her eligibility for a reentry permit. Section 291 of the Act, 8 U.S.C. § 1361. For the reasons discussed below, we find that the Applicant has not met this burden.

The Director of the Nebraska Service Center denied the application, concluding that the Applicant was not eligible for a reentry permit because she filed the application after departing from the United States. Specifically, the Director determined that because the Applicant traveled abroad in February 2020, the Applicant was not physically present in the United States when she filed the Form I-131 on February 21, 2020. She therefore did not apply for the reentry permit while physically present in the United States, as required under 8 C.F.R. § 223.2(b).¹

On appeal, the Applicant contends that she was in the United States when she mailed the application, and provides a mailing receipt showing that the package was mailed on February 19, 2020. The Applicant also states that she left the United States on February 20, 2020. In this case, our records confirm that the Applicant's Form I-131 was received on February 21, 2020. The filing date is the actual date of receipt at the location designated for filing. 8C.F.R. § 103.2(a)(7).

However, neither the Act nor the regulations provide for an exception to the pre-departure filing requirement in 8 C.F.R. § 223.2(b)(1). Accordingly, the Applicant is ineligible for a reentry permit because she has not shown that she filed her application while in the United States.²

ORDER: The appeal is dismissed.

¹ Department of Homeland Security regulations provide in pertinent part at 8 C.F.R. § 223.2(b)(1), that a reentry permit applicant must file the Form I-131 while in the United States and in lawful permanent resident status.

² Although she cannot obtain a reentry permit through this application, the Applicant is not precluded from filing a new application when she is physically present in the United States in lawful permanent resident status.