



U.S. Citizenship
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Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: JUN 19 2006

(LIN-05-193-53397 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.

Robert P. Wiemann, 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 appeal will be dismissed and the application declared unnecessary.

The applicant is a native and citizen of the Ukraine, 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 Acting Director concluded that the applicant did not hold valid lawful permanent resident or conditional resident status at the time the application was filed and denied the application accordingly. *See Acting Director's Decision* dated September 22, 2005.

The applicant completed Part 2, box a, on his Application for Travel Document (Form I-131) that states:

I am a permanent resident or conditional resident of the United States and I am applying for a Reentry Permit.

In pertinent part, section 223 of the Act provides that an alien lawfully admitted for permanent residence who intends to travel 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 states in pertinent part:

(b) Eligibility.

(1) Reentry permit. Except as otherwise provided in this section, an application may be approved if filed by a person who is in the United States at the time of application and is a lawful permanent resident or conditional permanent resident.

On appeal, the applicant's mother states that the applicant has an "A" number and an Employment Authorization Document (EAD). In addition, the applicant's mother states that both she and her spouse have Alien Registration Cards (ARC) and, therefore, the applicant should automatically become a permanent resident.

A search of the electronic database of Citizenship and Immigration Services (CIS) reveals that on February 17, 2006, the applicant filed another Form I-131 with the Missouri Service Center, under receipt number MSC-06-138-20722. This application was granted on March 11, 2006, and an advance parole document was issued and forwarded to the applicant's address.

Since the applicant was issued an advance parole document on March 11, 2006, based on a Form I-131 filed on February 17, 2006, the appeal will be dismissed and the Form I-131 under receipt number LIN-05-193-53397 will be declared unnecessary.

ORDER: The appeal is dismissed.