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**U.S. Citizenship
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FILE: Office: NEBRASKA SERVICE CENTER Date: **MAY 29 2008**
(LIN-07-086-52573)

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.

The applicant is a native and citizen of China, 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 Director denied the application because the record failed to establish that the applicant is a lawful permanent resident or conditional resident of the United States as stated on her application. *Director's Decision*, dated July 2, 2007.

On appeal, the applicant submits evidence establishing that she was granted lawful permanent residence on July 11, 2007. *Case Status Print-Out*, dated July 11, 2007.

The regulation at 8 C.F.R. § 223.1 states in pertinent part:

(a) Reentry permit.

A reentry permit allows a permanent resident to apply for admission to the United States upon return from abroad during the period of the permit's validity without the necessity of obtaining a returning resident visa.

The regulation at 8 C.F.R. § 223.2 states in pertinent part:

(b) Eligibility.

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 the application and is a lawful permanent resident or conditional resident.

The regulation at 8 C.F.R. § 103.2(b)(1) states in pertinent part:

(b) Evidence and processing .

(1) Demonstrating eligibility at time of filing. An applicant or petitioner must establish that he or she is eligible for the requested benefit at the time of filing the application or petition.

The record indicates that the applicant is in the United States and is now a lawful permanent resident. However, because she was not a lawful permanent resident at the time of filing she is not eligible for a travel permit. Accordingly, the appeal will be dismissed.

The AAO notes that as the applicant is now a lawful permanent resident, she may file a new I-131 application.

ORDER: The appeal is dismissed.