



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

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

In Re: 21947797

Date: JULY 8, 2022

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant is a lawful permanent resident of the United States who seeks a reentry permit under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1203. An applicant for a reentry permit must file the application while in the United States. 8 C.F.R. § 223.2(b)(1).

The Director of the Nebraska Service Center denied the Form I-131, Application for Travel Document (Form I-131), concluding that the Applicant had not shown that she was physically present in the United States when she applied for the reentry permit. Specifically, the Director determined that the Applicant traveled abroad on December 16, 2021, and had not returned; therefore, she was not physically present in the United States when she filed her Form I-131 on February 8, 2021. The Director cited to the regulation at 8 C.F.R. § 103.2(a)(7)(i). The Applicant filed a timely appeal.

On appeal, the Applicant asserts that she had initially dropped off her completed Form I-131 at a mailbox in her local community on December 11, 2020, while she was still in the United States. According to the Applicant, she did not take the completed Form I-131 to a U.S. Postal Service (USPS) site because the COVID-19 virus was spreading. She contends that although she had included sufficient postage, the USPS nevertheless returned the filing package to her permanent address in late January or early February 2021, after finding that it lacked sufficient postage. The Applicant claims that she arranged for a friend to resubmit the Form I-131 with the required postage fee. The Applicant suggests that the COVID-19 pandemic processing delays may have impacted her attempt to file her Form I-131 while she was still in the United States. She also notes that she had been intent on returning to China to reunite with her young son during this same period.

Although we acknowledge the Applicant's personal circumstances and her attempt to file the Form I-131 while still here, she was outside the United States when the Form I-131 was actually filed on February 8, 2021, and 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.¹

ORDER: The appeal is dismissed.

¹ 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.