



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

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

In Re: 21882930

Date: MAY 31, 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 he was physically present in the United States when he applied for the reentry permit. Specifically, the Director determined that the Applicant traveled abroad on July 3, 2021, and was not physically present in the United States when he filed his Form I-131 on July 6, 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 his Form I-131 was initially submitted while he was in the United States, and provides a U.S. postal service (USPS) priority mail receipt showing that he mailed the Form I-131 on July 1, 2021, requesting two-day service. He contends that he had to leave the United States without confirming USCIS receipt of the Form I-131 because his father had died in Taiwan on June 29, 2021, and he was the only sibling willing to help his mother make funeral arrangements. The Applicant includes a copy of his father's death certificate with the appeal.

The Applicant's evidence shows that he initially mailed the Form I-131 on July 1, 2021, and requested two-day service. However, even the USPS priority mail receipt shows that the expected delivery date was projected to be July 6, 2021.

Although we acknowledge the Applicant's personal circumstances and his attempt to file the Form I-131 while still here, he was outside the United States when the application was actually filed on July 6, 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 he has not shown that he filed his application while in the United States.¹

ORDER: The appeal is dismissed.

¹ Although he cannot obtain a reentry permit through this application, the Applicant is not precluded from filing a new application when he is physically present in the United States in lawful permanent resident status.