



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

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

In Re: 22818708

Date: SEPT. 29, 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 in November 2020, and was not physically present in the United States when she filed her Form I-131 in February 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 did not receive any mail from USCIS requesting that she appear for a biometrics appointment and asks that the Director reconsider the denial; however, she does not deny the Director's conclusion that she filed the Form I-131 in February 2021 while outside the United States.<sup>1</sup> She emphasizes that her husband and youngest son are U.S. citizens, that the only reason they have been abroad is due to her husband's contract with a music company, and that she has no desire to abandon her lawful permanent resident status. The Applicant includes documents on appeal, but they appear to relate to her husband's identity and her activities as a student in Colombia; therefore, the documents do not show that she was physically present in the United States when she filed the Form I-131 in February 2021.

Although we acknowledge the Applicant's personal circumstances, including her claimed ties to the United States through her spouse and child, she was outside the United States when the Form I-131 was filed in February 2021, and neither the Act nor the regulations provide for an exception to the pre-

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<sup>1</sup> The record shows that the Applicant initially submitted a Form I-131 in November 2020, but the submission was rejected. A rejected benefit request will not retain a filing date. 8 CFR 103.2(a)(7)(ii).

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.<sup>2</sup>

**ORDER:** The appeal is dismissed.

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<sup>2</sup> 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.