



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

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

In Re: 22475217

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 on March 26, 2021, and was not physically present in the United States when she filed her Form I-131 on March 29, 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 her Form I-131 was initially submitted while she was physically present in the United States, and provides a U.S. postal service (USPS) certified mail receipt showing that she mailed the Form I-131 on March 24, 2021. She contends that she had to leave the United States because she is her father's primary caregiver in Germany, but full intends to come back to the United States.

The Applicant's evidence shows that she initially mailed the Form I-131 on March 24, 2021; however, even the USPS certified mail receipt shows that the expected delivery date was projected to be March 29, 2021, after the Applicant's departure.

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 application was actually filed on March 29, 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.