



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

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

In Re: 24464182

Date: FEB. 24, 2023

Appeal of Nebraska Service Center Decision

Form I-131, Application for a 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 application, concluding that the record did not establish that the Applicant was physically present in the United States when he applied for the reentry permit. Specifically, the Director determined that the Applicant traveled abroad on January 30, 2022, and had not returned to the United States; therefore, the Applicant was not physically present in the United States when he filed his Form I-131 on February 25, 2022. The Director cited to the regulation at 8 C.F.R. § 103.2(a)(7)(i). The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

On appeal, the Applicant asserts, through his father, that he sent the Form I-131 through the U.S. Postal Service (USPS) prior to his departure on January 30, 2022. He states that he received a February 14, 2022 notice that the filing was rejected because the fee was incorrect. The Applicant resubmitted the application with the correct fee on February 25, 2022. The Applicant's father requests that the application be accepted, claiming that they did not know that the Applicant, as a minor, had to be physically present in the United States when the application was filed.

The Applicant's evidence includes a copy of his USPS shipping label showing that he initially mailed a Form I-131 on January 29, 2022, but the submission was rejected because the fee was incorrect or had not been provided. The Applicant's Form I-131 was properly filed with the required fee on February 25, 2022.

Although we acknowledge the Applicant's attempt to file the Form I-131 while still here, he was outside the United States when the application was actually filed on February 25, 2022,¹ 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.²

ORDER: The appeal is dismissed.

¹ The filing date of this application is February 25, 2022, as a rejected submission does not retain a filing date. 8 C.F.R. § 103.2(a)(7)(iii).

² 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.