



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

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

In Re: 23656196

Date: JAN. 27, 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 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 April 5, 2021, and returned to the United States on June 14, 2021; therefore, the Applicant was not physically present in the United States when he filed his Form I-131 on April 9, 2021. 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 acknowledges that the travel dates listed in the Director's decision are correct but claims that he filed the Form I-131 while he was in the United States. The Applicant asks that we review the Form I-131 filing and the date he sent it. In addition, the Applicant notes that he has been ill, lost several family members in the COVID-19 pandemic, and states that he has been under duress.

Although we acknowledge the Applicant's personal circumstances and his attempt to file the Form I-131 while still here (a review of his Form I-131 shows that he mailed it on April 6, 2021), he was outside the United States when the Form I-131 was actually filed on April 9, 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

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.

ORDER: The appeal is dismissed.