



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

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

In Re: 27007957

Date: JULY 13, 2023

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant, a native and citizen of Japan, seeks a reentry permit. *See* Immigration and Nationality Act (the Act) section 223, 8 U.S.C. § 1203. A reentry permit, obtained prior to departing on temporary travel abroad, allows a lawful permanent resident or conditional resident to apply for admission to the United States upon return, and if that absence lasts more than one year, without the necessity of obtaining a returning resident visa.

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 August 17, 2021, and did not return to the United States until September 17, 2021; therefore, the Applicant was not physically present in the United States when he filed his Form I-131 on August 24, 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 does not dispute that he was outside the United States when he filed his Form I-131 on August 24, 2021. He asserts that he initially filed his Form I-131 while he was still within the United States but did not include his personal pictures and mistakenly believed that they were required. After attempting to discuss the matter with the U.S. Citizenship and Immigration Services (USCIS) call center, the Applicant voided the check that was the Form I-131 filing fee and refiled his Form I-131. The Applicant explains that he has been caring for a sick family member in Japan as well as two young children but wishes to return to the United States and therefore seeks reconsideration of the Director's denial.

Although we acknowledge the Applicant's personal circumstances, he was outside the United States when the application was properly filed on August 24, 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.