



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

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

In Re: 26843251

Date: JUNE 15, 2023

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant, a lawful permanent resident of the United States seeks a reentry permit pursuant to section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203. A reentry permit allows a lawful permanent or conditional resident to apply for admission to the United States upon return from a trip abroad, and if that absence lasts more than one year, without the necessity of obtaining a returning resident visa. An applicant for a reentry permit must file a Form I-131 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 was not eligible for a reentry permit because he was not present in the United States when he filed the instant Form I-131. The matter is now before us on appeal.

On appeal, the Applicant asserts that he mailed the Form I-131 to U.S. Citizenship and Immigration Services (USCIS) before departing from the United States on September 5, 2021. He explains that he was not aware the date of mailing was not the same as the date of filing and renews his request for a reentry permit.

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.

The record reflects that the Applicant departed from the United States on September 5, 2021 and there is no evidence that he has since returned. The record further shows that on September 8, 2021, three days after the Applicant's departure USCIS received his Form I-131 and accepted it for processing.

We acknowledge that the Applicant mailed the instant Form I-131 before he left the United States; however, an application is not considered filed until it is accepted for processing by USCIS. *See* 8 C.F.R. § 103.2(a)(7)(i) (providing that USCIS will consider a benefit request received and will record the receipt date as of the actual date of receipt at the location designated for filing such benefit request whether electronically or in paper format). Here, although the stamp on the envelope in the record indicates that the application was mailed to the filing location on September 3, 2021, both the

U.S. Postal Service online tracking information corresponding to the certified mail receipt and the evidence in the record reflect that USCIS received the Applicant's Form I-131 on September 7, 2021, and accepted it for processing on September 8, 2021. As the Applicant confirms that he departed the United States before that date, he is not eligible for issuance of a reentry permit based on this application, and we must dismiss his appeal.

Although the Applicant is not eligible for the benefit he is seeking at this time, our decision does not preclude him from filing a new reentry permit request when he is physically present in the United States.¹

ORDER: The appeal is dismissed.

¹ A lawful permanent resident who does not have a valid reentry permit and is seeking to return to the United States after an absence of one year or more should contact a U.S. consulate abroad regarding other possible options for reentering the United States. See U.S. Department of State, *Returning Resident Visas*, <https://travel.state.gov/content/travel/en/us-visas/immigrate/returning-resident.html>