



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

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

In Re: 25033980

Date: MAR. 24, 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 January 6, 2020, 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 April 19, 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 asserts that he was laid off in the United States in April 2020, but was able to obtain employment in Japan with a new employer. Although the Applicant acknowledges that he was aware that his reentry permit was going to expire, he asserts that the COVID-19 pandemic and his new employment situation prevented him from traveling to the United States to file the Form I-131 while on U.S. soil, so he mailed the application from Japan. The Applicant contends that he continues to pay taxes in the United States and intends to return to the United States.

Although we acknowledge the Applicant's personal circumstances, he was outside the United States when the application was filed on April 19, 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.