



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

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

In Re: 24443706

Date: MAR. 30, 2023

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant, a native and citizen of Finland, 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 she applied for the reentry permit. Specifically, the Director determined that the Applicant traveled abroad on January 2, 2022, and had not returned to the United States; therefore, the Applicant was not physically present in the United States when she filed her Form I-131 on February 7, 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.

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<sup>1</sup> that she first filed her Form I-131 on December 22, 2021, while still in the United States, prior to her departure on January 2, 2022. She submits a Form I-797C, Notice of Action (rejection notice) dated January 5, 2022, indicating that her December 2021 filing was rejected for a problem with the payment. The Applicant states that she received the rejection notice after she had returned to Finland, and that she confirmed by phone with the USCIS Contact Center that she could refile the corrected Form I-131 from Finland because the “original filing was done while in the United States.” She contends that the same thing happened with a Form I-131 she filed in 2018, and that she was successfully able to correct that filing by mail from Finland after its initial rejection.

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<sup>1</sup> The brief submitted with the Applicant’s appeal indicates that it also applies to the cases of her three family members. However, each appeal must be filed separately. Each Form I-290B applies to only one applicant or petitioner and must be accompanied by a statement identifying the basis for the appeal. *See* Instructions for Notice of Appeal or Motion at 3-4, Dec. 2, 2019 revision, <https://www.uscis.gov/sites/default/files/document/forms/i-290binstr.pdf>.

Although we acknowledge the Applicant's attempt to file the Form I-131 while still here, she was outside the United States when the application was actually filed on February 7, 2022. Her initial submission from December 2021 did not retain a filing date because it was rejected. 8 C.F.R. § 103.2(a)(7)(ii). We also recognize the Applicant's claim that she acted on information she received from the USCIS Contact Center and has previously filed a corrected Form I-131 from Finland, but 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 she has not shown that she filed her application while in the United States.<sup>2</sup>

**ORDER:** The appeal is dismissed.

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<sup>2</sup> Although she cannot obtain a reentry permit through this application, the Applicant is not precluded from filing a new application when she is physically present in the United States in lawful permanent resident status.