



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

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

In Re: 22044647

Date: APR. 26, 2022

Appeal of Nebraska Service Center Decision

Form I-131, Application for a Travel Document

The Applicant, a citizen of Mexico and a lawful permanent resident (LPR) of the United States, seeks a reentry permit pursuant to section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203. The Director of the Nebraska Service Center denied the Applicant's Form I-131, Application for Travel Document (Form I-131), concluding that the Applicant was not eligible for the benefit sought because she was not present in the United States at the time of filing. Our office previously dismissed an appeal filed by the Applicant on the same basis, and this matter is now before us on a motion to reopen. On motion, the Applicant asserts that the Director's decision was in error because she was present in the United States when she filed her Form I-131 with U.S. Citizenship and Immigration Services (USCIS). The Applicant submits a motion statement along with copies of digital photos as new evidence for consideration on motion. Upon review, the motion to reopen will be granted and the matter will be remanded to the Director for the issuance of a new decision.

I. LAW

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. 8 C.F.R. § 223.2(1)(a). 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).

A motion to reopen must state new facts and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

II. ANALYSIS

The record reflects that the Applicant filed her Form I-131 on [redacted] 2019. However, electronic travel records for the Applicant indicated that she may not have been present on the date of filing due to her two separate arrivals into the United States on July 22, 2019, and September 6, 2019, and her travel abroad during that period. As we previously noted when dismissing her appeal, the Applicant provided a list of her claimed travel, indicating that she entered the United States on July 23, 2019, filed her Form I-131 on [redacted] 2019, and then travelled to Mexico by car on August 28, 2019. In a statement, the Applicant explained that she traveled to Mexico on August 28, 2019 because her

mother had died but “due to the haste and sad situation [she] did not notify] . . . Immigration.” The Applicant further stated that she remained in Mexico for her mother’s burial on September 6, 2019, after which she returned to the United States.

On motion, the Applicant states that [] 2019, was her birthday and she was present in the United States on that date and went out to dinner with her family and then had cake at her son’s house afterward. As noted above, the Applicant has submitted photocopies of digital photos in support of her assertion that she was physically present in [] Oklahoma on the date her Form I-131 was filed. The digital photos show her and her family in various locations, are date stamped with the date of [] 2019, and are geolocated to []. The Applicant’s Form I-131 and USCIS records confirm her date of birth on [] 1971. Because this evidence is material to the Director’s decision to deny the Applicant’s Form I-131, we will remand the matter for the Director to consider the evidence in the first instance and redetermine whether she has established eligibility for a reentry permit.

ORDER: The motion to reopen is granted, and the matter is remanded for the issuance of a new decision consistent with the foregoing analysis.