



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

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

In Re: 26887127

Date: JUNE 8, 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 Applicant's reentry permit request, concluding that the Applicant was ineligible for the benefit sought 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 submits additional evidence and asserts that the Director's decision was in error because he personally mailed the Form I-131 to U.S. Citizenship and Immigration Services (USCIS) before departing from the United States.

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 12, 2021. The record further shows that on September 14, 2021, two days after the Applicant's departure USCIS received his Form I-131 and accepted it for processing.

We acknowledge the Applicant's statement that he mailed his Form I-131 with a filing fee and supporting documentation to USCIS prior to departure, as well as the submission of a U.S. Postal Service receipt confirming the September 10, 2021, date of mailing. 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). *See also generally* 1 *USCIS Policy Manual* B.6(D), <https://www.uscis.gov/policy->

manual (explaining that USCIS considers a benefit request “received” on the date it is physically or electronically received).

As stated, the record reflects that USCIS received the Applicant’s Form I-131 on September 14, 2021, and accepted it for processing. We therefore cannot consider the Form I-131 to have been filed on September 10, 2021, when the Applicant mailed it to USCIS. As the Applicant confirms that he departed the United States on September 12, 2021, before the date of filing, 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 based on the instant Form I-131, our decision does not preclude him from filing a new reentry permit request when he is physically present in the United States.<sup>1</sup>

**ORDER:** The appeal is dismissed.

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<sup>1</sup> USCIS records show that the Applicant last departed from the United States in December 2022 and has not returned to date.