



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

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

In Re: 26748983

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 the reentry permit request, concluding that the Applicant was ineligible for the benefit sought because she was not present in the United States when she filed the instant Form I-131. The matter is now before us on appeal.

On appeal, the Applicant asserts that she signed and mailed her reentry permit request to U.S. Citizenship and Immigration Services (USCIS) before departing from the United States and the Director's denial was therefore in error.

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 August 30, 2021, and has not returned to date. The record further shows that on September 8, 2021, over a week after the Applicant's departure USCIS received her Form I-131 and accepted it for processing.

The Applicant avers that she mailed the instant Form I-131 on August 21, 2021, and that she therefore filed her reentry permit request prior to departing from the United States August 30, 2021, as required. We acknowledge the Applicant's statements, but they are insufficient to overcome the basis for the denial of her Form I-131. First, the date stamps on the envelope in the record reflect that the reentry permit application was mailed to the Form I-131 filing address on date of September 1, 2021, and received there on September 8, 2021. Secondly, 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).

Here, the Applicant confirms that she departed from the United States on August 30, 2021. Because the record reflects that USCIS received her Form I-131 on September 8, 2021, and accepted it for processing, we cannot consider the Form I-131 to have been *filed* prior to the Applicant’s departure. Consequently, the Applicant has not demonstrated eligibility for issuance of a reentry permit, and we must dismiss her appeal.

Although the Applicant is not eligible for the benefit she is seeking at this time, our decision does not preclude her from filing a new reentry permit request when she 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>