



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

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

In Re: 27520547

Date: SEPT. 19, 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, 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. A reentry permit application must be filed before the lawful permanent resident's departure from the United States. 8 C.F.R. § 223.2(b)(1).

The Director of the Nebraska Service Center denied the application, concluding that the Applicant was ineligible for a reentry permit because he filed the instant Form I-131 after departing from the United States. Specifically, the Director determined that the Applicant left the United States on August 23, 2021, and the Form I-131 was filed a day later, on August 24, 2021. On appeal, the Applicant submits a U.S. Postal Service mail receipt¹ with documents related to his foreign travel, and reasserts eligibility.

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 withdraw the Director's decision and remand the matter for entry of a new decision consistent with the following analysis.

U.S. Citizenship and Immigration Services (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. 8 C.F.R. § 103.2(a)(7)(i). This date is also known as the submission or "filing" date, and is listed on the receipt notice, or the date stamp (where applicable), issued by USCIS. See generally 1 *USCIS Policy Manual* B.6(C), <https://www.uscis.gov/policy-manual>. A benefit request may be accepted for processing when it is properly completed, signed, and submitted with the proper filing fee; if not, USCIS rejects the benefit request and it does not retain a filing date. 8 C.F.R. § 103.2(a)(7)(i)-(ii).

¹ The receipt matches the receipt on the envelope in which the Applicant submitted his Form I-131, and which was included in his immigration record.

Here the U.S. Postal Service receipt tracking information reflects that USCIS received the Applicant's Form I-131 at a designated filing location on the morning of August 23, 2021, and subsequently accepted it for processing as properly filed. The Applicant's travel-related documents and USCIS records, in turn, show that the Applicant did not depart from the United States until the evening of August 23, 2021.

This evidence is sufficient to establish that the Applicant was present in the United States when he filed the instant Form I-131. Consequently, the sole reason for the denial has been overcome, and we will return the matter to the Director to adjudicate the Applicant's reentry permit request on its merits.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.