



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

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

In Re: 27546482

Date: SEPT. 22, 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 not eligible for a reentry permit because he filed the instant Form I-131 on September 17, 2021, after departing from the United States on September 12, 2021. On appeal, the Applicant submits a copy of his travel itinerary and a FedEx receipt, and asserts that the Director's decision was 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.

An application is not considered filed until it is received and accepted for processing by U.S. Citizenship and Immigration Services (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). The date USCIS receives the benefit request is 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>.

Here, the record shows that the Applicant departed from the United States on September 12, 2021, and USCIS received his Form I-131 at the designated filing location five days later, on September 17, 2021. The Applicant avers that he complied with the Form I-131 filing instructions, which required him to be in the United States at the time of filing the reentry permit request, as the FedEx receipt reflects that he mailed the instant Form I-131 to USCIS on September 11, 2021, a day before he left

the United States. He further claims that there is nothing in the filing instructions to suggest that he must have been present in the United States when USCIS received and dated his application.

We acknowledge the Applicant's statements, but conclude that they are not sufficient to overcome the Director's adverse determination. Specifically, the FedEx receipt reflects that the company accepted the package for shipping on September 11, 2021, and scheduled it to be delivered at the designated filing location on September 16, 2021. Furthermore, according to the information on the Form I-131 mailing envelope in the record, FedEx shipped the package on September 13, 2021, and it was delivered to USCIS on September 17, 2021. We also recognize that the Applicant's was present in the United States when he put his Form I-131 in the mail; however, as stated, USCIS considers a benefit request to be "filed" when USCIS receives the benefit request and accepts it for processing. Consequently, the Applicant's Form I-131 cannot be considered filed on September 11, 2021, when he submitted it to FedEx for shipment; rather, the date of filing is September 17, 2021, when USCIS received his Form I-131 and accepted it for processing.

As the record in this case reflects that USCIS received the Applicant's Form I-131 at the designated filing location *after* he had departed from the United States, the Applicant 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 at this time, our decision does not preclude him from filing a new reentry permit request when he 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>.