U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

[redacted]

FILE: [redacted] (LIN 02 088 54340) Office: Nebraska Service Center Date: FEB 27 2003

IN RE: Applicant: [redacted]

APPLICATION: Application for Reentry Permit Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203

IN BEHALF OF PETITIONER: SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a citizen of Haiti who resides in the United States in Norwich, Connecticut. The applicant is seeking to obtain a reentry permit pursuant to section 223.

The director determined that the record fails to establish that the applicant is a lawful permanent resident or conditional permanent resident of the United States and, therefore, does not qualify for the issuance of a reentry permit.

On appeal, the applicant states that this is the fourth time he has applied for a "card or visa," and that he keeps getting rejected.

Regulations at 8 C.F.R. § 223.2(b)(1) allow for the approval of an application for a reentry permit if the application (Form I-131) is filed by a lawful permanent resident or conditional permanent resident who is in the United States at the time of application.

In his decision, the director noted that the record indicates that the applicant is a parolee and not a lawful permanent resident or a conditional resident of the United States.

As the record contains no evidence to demonstrate that the applicant in this matter is a lawful permanent resident or conditional permanent resident of the United States, this application may not be approved.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.