



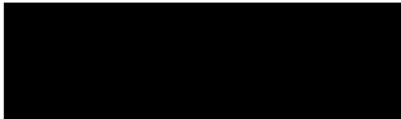
U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



File: [Redacted] Office: Nebraska Service Center Date:
IN RE: Applicant: [Redacted]
Application: Application for Travel Document Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. 1203

IN BEHALF OF APPLICANT: Self-represented

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which 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 which 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 which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann
for Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Bangladesh, who seeks to obtain a travel document under section 223 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1203. The director denied the application for a reentry permit after determining that the applicant had not established that her residence is in the United States.

On appeal, the applicant states that she originally filed her application on June 25, 1999. The applicant states that the Service requested additional documentation four months later and that she replied on November 10, 1999.

The regulation at 8 C.F.R. 223.2(b)(1) allows for the approval of a reentry permit if the application (Form I-131) is filed by a person who is in the United States at the time of the filing of the application, and is a lawful permanent resident or conditional permanent resident.

The record of proceeding reveals that the applicant became a lawful permanent resident of the United States on March 8, 1997. The applicant claims that she left the United States on July 30, 1999. However, the applicant's passport indicates that she last arrived in Bangladesh on September 2, 1999. The applicant's passport does not show a reentry into the United States subsequent to September 2, 1999.

The Application for Travel Document (Form I-131) was prepared by First Multipurpose Services. It was received by the Vermont Service Center on October 22, 1999. On October 28, 1999, the application was rejected by the Center and the applicant was instructed to file the application with the Nebraska Service Center. The application was properly filed on November 10, 1999. The applicant was not in the United States at the time the application was filed. The director's decision to deny the application is affirmed.

This application may not be approved for an additional reason. The applicant has been outside the United States for more than one year.

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.