



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

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

In Re: 33407353

Date: SEPT. 10, 2024

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant, a native and citizen of El Salvador, seeks a reentry permit. *See* Immigration and Nationality Act (the Act) section 223, 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.

The Director of the Nebraska Service Center denied the application, concluding that the record did not establish that the Applicant was physically present in the United States when he applied for the reentry permit. Specifically, the Director determined that the Applicant's Form I-131 was filed on December 5, 2022, and that the Applicant had traveled abroad on December 2, 2022, returning to the United States on January 8, 2023. As a consequence, the Director stated that the Applicant was not physically present in the United States when he filed his Form I-131, Application for Travel Document (Form I-131), on December 5, 2022. The Director cited to the regulation at 8 C.F.R. § 103.2(a)(7)(i). The matter is now before us on appeal. 8 C.F.R. § 103.3.

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.

On appeal, the Applicant contends that he was physically present in the United States when his Form I-131 was received at the location designated for filing and includes a copy of his U.S. Postal Service (USPS) tracking information reflecting that his Form I-131 filing was received at the U.S. post office box address in Dallas, Texas on November 29, 2022.

The regulation at 8 C.F.R. § 103.2(a)(7) provides, in pertinent part:

(i) 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 Applicant's evidence on appeal shows that his Form I-131 was received at the location designated for filing on November 29, 2022. Moreover, this post office box address was the designated filing location for residents of Washington, DC when the Applicant mailed his Form I-131. <https://web.archive.org/web/20221201070145/https://www.uscis.gov/i-131-addresses> (showing Form I-131 mailing addresses in November 2022).¹ Consequently, the Applicant has shown on appeal that his Form I-131 was filed prior to his December 2, 2022 departure from the United States because it was received at the location designated for filing on November 29, 2022. *Id.*

Upon review, we find that the record now contains sufficient evidence to demonstrate that the Applicant was in the United States at the time of filing his application. Accordingly, as the sole reason for the denial has been overcome, we will remand the matter for the Director to adjudicate the application 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.

¹ The Applicant was a resident of Washington, DC when he mailed his Form I-131 application.