



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

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

In Re: 26589673

Date: MAY 24, 2023

Appeal of Nebraska Service Center Decision

Form I-131, Application for Travel Document

The Applicant, a citizen of China, is seeking a reentry permit under section 223 of the Immigration and Nationality Act (the 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 a 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 Form I-131, concluding that the Applicant previously abandoned her LPR status, and she did not provide sufficient evidence to show she was still a lawful permanent resident or conditional resident. The matter is now before us on appeal.

On appeal, the Applicant submits additional evidence 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 dismiss the appeal.

## I. LAW

Section 223 of the Act provides that a lawful permanent resident of the United States may be issued a permit to reenter the United States if the Secretary of Homeland Security finds, in part, that they have been lawfully admitted to the United States for permanent residence.

The term “lawfully admitted for permanent residence” means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed. Section 101(a)(20) of the Act, 8 U.S.C. § 1101(a)(20). One way lawful permanent resident status may change is through abandonment of such status. *See* section 101(a)(13)(C)(i) of the Act (providing that a noncitizen lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission to the United States unless he or she has abandoned or relinquished that status).

Although neither the Act, nor the regulations provide guidance regarding status abandonment procedures, Form I-407 serves as a means by which an individual may formally record with the Department of Homeland Security (DHS) that they voluntarily abandoned their lawful permanent resident status. In addition to creating a record of abandonment, Form I-407 also serves to ensure that a noncitizen abandoning status is informed of the right to a hearing before an Immigration Judge and that they have waived that right by signing the form.<sup>1</sup>

## II. ANALYSIS

The issue on appeal is whether the Applicant has demonstrated that she continues to be a lawful permanent resident (LPR) of the United States and that she is therefore eligible for a reentry permit. Upon review of the record, as supplemented on appeal, we conclude that has not.

The record reflects that in January 2019 the Applicant adjusted her status to that of an LPR parent of a U.S. citizen. She subsequently departed from the United States and traveled to China, where on March 11, 2020,<sup>2</sup> she executed a Form I-407, Record of Abandonment of Lawful Permanent Resident Status, and submitted it to U.S. Citizenship and Immigration Services (USCIS) by mail stating that she was no longer living in the United States, and declaring that she had no intention of residing permanently in the United States and wished to record the fact that she had knowingly and willingly abandoned her LPR status. The Applicant further stated that she understood her right to a hearing before an Immigration Judge, but that she knowingly, willingly, and affirmatively waived her right to such a hearing by signing and submitting the Form I-407. She also certified under the penalty of perjury that she did not return her lawful permanent card (Form I-551) to USCIS, as required because the card was lost. In June 2020 the Applicant presented herself at a U.S. port of entry with the LPR card she previously claimed had been lost, and was admitted to the United States as an LPR. USCIS records show that the Applicant last departed from the United States in November 2021, after she filed the instant Form I-131 requesting a permit to reenter the United States upon return.

As stated, the Director denied the request, finding the evidence insufficient to establish that the Applicant was still an LPR. On appeal, the Applicant submits a personal statement, a copy of her foreign passport, and documents related to her foreign travels. She claims that she never intended to abandon her LPR status, and indicates that the record of abandonment may have resulted from a clerical error or other reasons beyond her control, as she was subsequently admitted to the United States without an incident as a returning LPR. The Applicant also suggests that her signature on the Form I-407 may have been forged and a forensic examination of the record therefore may be warranted.

We acknowledge the Applicant's statements, but conclude that they are not sufficient to overcome the basis for the denial of her request for a reentry permit, as our review of the record confirms that it contains the Applicant's Form I-407, dated and signed on March 11, 2020. Moreover, the Applicant's

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<sup>1</sup> See Instructions for Form I-407, available at <https://www.uscis.gov/i-407>.

<sup>2</sup> The Director's decision incorrectly indicates that the Applicant executed the Form I-407 on May 11, 2020, which is the date USCIS formally acknowledged the abandonment and recorded it in its electronic systems.

signature on the Form I-407, in Chinese characters, appears to match her signature on the instant Form I-131 and other immigration forms, as well as the signature in her Chinese passport.<sup>3</sup>

Absent evidence to the contrary, the Form I-407 the Applicant signed in March 2020 and submitted to USCIS is evidence that she voluntarily, willingly, and affirmatively abandoned the LPR status she was granted in 2019. We recognize that following the abandonment the Applicant was admitted to the United States with her original LPR card, which she attested to on the Form I-407 as lost and did not return to USCIS; however, there is no evidence that she subsequently sought review of the abandonment of her LPR status before an Immigration Judge, or otherwise reacquired permanent resident status she lost through abandonment. Under these circumstances, we cannot consider the Applicant's LPR card, or her subsequent admission to the United States as an LPR based on that card as evidence that the LPR status she obtained in 2019 has not changed and that she remains an LPR at this time.

### III. CONCLUSION

Because the record reflects that the Applicant abandoned her LPR status, and she has not demonstrated that she lawfully reacquired such status prior to filing of the instant application, we conclude that she has not established eligibility for a reentry permit. Her Form I-131 will therefore remain denied.

Our decision does not preclude the Applicant from seeking determination of her eligibility for admission to the United States as an LPR before an Immigration Judge when she returns from abroad.

**ORDER:** The appeal is dismissed.

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<sup>3</sup> We note that the Applicant may request a copy of her Form I-407 through the Freedom of Information Act (FOIA). See U.S. Citizenship and Immigration Services, *Records*, <https://www.uscis.gov/records/records>, for additional information on how to request an immigration record through FOIA.