

Travel Abroad for Undocumented Students

DACA students may apply for advance parole to seek permission to travel abroad temporarily and apply for admission to the U.S. upon their return. Individuals with pending adjustment of status applications who have also applied for advance parole, can also travel abroad while their application is pending.

This handout will clarify: I) requirements of advance parole; II) factors to consider; III) the process of applying for advance parole; and IV) the process of re-entering the U.S.

Please consult with an attorney about your individual case.

1. Basic Requirements of Advance Parole

To apply for permission to travel, you must be approved for DACA before you can apply. Students with pending initial DACA applications are not eligible- you cannot simultaneously apply for initial DACA and advance parole. The reason for travel must be based on one of the following categories:

- Humanitarian purposes: travel to obtain medical treatment, attend funeral services for a family member, or visit an ailing relative
- Employment purpose: overseas assignments, interviews, conferences, trainings, or meetings
- Educational purposes: study abroad programs or academic research

2. Considerations When Deciding to Travel

Before making a final decision, we encourage you to consult with an attorney about your individual case. It is important to consider the potential legal, practical, and personal effects of travel. Please be sure to disclose to an attorney any of the following that apply to you, as they may affect your ability to travel:

- Prior order of deportation/removal or case in immigration court
- Criminal convictions (even if the crime did not affect DACA eligibility)
- Immigration fraud or misrepresentation to a government official
- Prior departure(s) from the U.S. followed by entry/ies without permission

Resource: Undocumented Student Program, UC Berkeley

<https://undocu.berkeley.edu/legal-support-overview/travel-for-daca-mented-students/>

- DACA renewal timeline: Plan to be in the U.S. to apply for renewal and for your
- biometrics appointment and do not travel abroad during the time your DACA
- expires until you receive approval of your renewal.

Two other important factors to consider:

- An advance parole document is not a guarantee of re-entry into the U.S. A DACA recipient with advance parole is an applicant for admission to the U.S. You should be able to re-enter if you comply with the terms of your advance parole, but can be denied entry if you are found “inadmissible” or your case raises a flag.
- Travel abroad may impact future immigration options. If future immigration reform requires presence on a specific date, like DACA, and you are out of the country at that time, you may not qualify for a legalization program for which you would have otherwise been eligible. For some individuals, re-entering the U.S. on advance parole after travel abroad may help the process of gaining permanent residency through a close family member.

3. Applying for Advance Parole

Timing:

- If this is with regards to emergency travel or you have a sick relative abroad that you need to visit imminently for humanitarian reasons, [you can apply for advance parole at the local USCIS field office in person](#).
- For all other cases: We recommend that you apply for advance parole as far in advance as possible and at least three months before the expected date of your trip.
 - Apply for advance parole with [USCIS Form I-131](#).
 - A copy of your DACA approval notice or work permit
 - Two passport-sized photos
 - A copy of an official ID such as a valid, unexpired passport (which you will require to travel abroad)
 - A filing fee of \$575 made to “U.S. Department of Homeland Security”

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- Supporting evidence of the purpose of travel such as a doctor's letter, employer's letter or letter from study abroad office

4. Additional elements of your application:

- Length of trip: Your application will specify the dates you wish to travel. Give yourself a few days buffer on both ends of the trip.
- Plan for & purpose of trip: You will submit a statement paying out the plan for the trip, describing how it fits into one or the three required categories, and explaining its purpose.
- Multiple trips: You can apply for advance parole for multiple trips using one application.
- Mail your application:
- USCIS has an expedited process in cases of emergency. Write EXPEDITE on the top right corner of Form I-131 in black ink and attach a written explanation of the reason for the urgent need to travel and include supporting evidence. After you receive your receipt notice, call USCIS at the customer service number listed on the receipt notice to expedite your application.

Other Important steps:

- Obtain a valid passport.
 - Remember: You are travelling as a national of your country of origin.
 - Be sure that your passport is valid for at least 6 months after you plan to return to the U.S.
- Obtain a visa if travelling to a third country:
 - To travel to your country of origin, you do not need a visa.
 - To visit a third country, you must comply with any visa requirements that apply to nationals of your country of origin.

5. Re-Entering the U.S. on Advance Parole

When you return to the U.S. you will have to go through Customs and Border Protection (CBP) Inspection where you will be questioned by a CBP official. Make copies of the documents above, keep a set with you, and leave one with someone you trust, such as your attorney, in the United States in case you lose the originals.

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In order to be fully prepared for any questions from Customs and Border Patrol, carry the following original documents with you:

- A passport from your country of origin that is valid for at least six months after the date of travel;
- Both advance parole documents;
- Evidence of reason for trip abroad;
- Employment authorization card;
- A copy of your DACA approval notice;
- State I.D. or driver's license; and
- Your attorney's business card with contact information.
- Documents/evidence of your trip (e.g., photos, event flyers, conference documents, etc.)

Where will my re-entry be processed?

At the first U.S. airport you arrive at you will pass through immigration and customs. You can be processed in either the "Visitor" or "Resident/Citizen" line, just be sure that in the line you choose you can speak to an officer. You may also be escorted to a separate room to process your re-entry- this is normal and you are not being detained- advance parole requires extra administrative steps that cannot be completed in the regular line. Keep in mind that this process can take up to several hours, so plan any connecting flight(s) accordingly.

What questions will they ask me upon re-entry?

A CBP officer will likely ask questions about your trip abroad when you are re-entering the U.S., such as:

- What was the reason for your trip abroad?
- For how long were you gone?
- What countries did you visit and where did you stay?

What documentation will they give me?

- Be sure to get and keep proof of re-entry (a stamped copy of your advance parole document and/or a stamp in your passport) this is evidence that you complied with the terms of your advance parole and may be useful to you in future immigration processes.

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- You can also [print out your I-94 online](#), which is an official proof of lawful entry into the United States

6. Additional Information

- We encourage you to make an appointment with a legal services professional to discuss possible travel or other immigration issues. The Legal Services Program of the East Bay Community Law Center may be able to support. Please contact them at: plal@ebclc.org.