

Travel Outside of the United States: A Guide for Non-Citizens

Traveling outside of the United States can affect a person's immigration status. It is important to be informed and prepared before leaving. The consequences of travel will vary depending on the traveler's immigration status and legal history.

ANY past criminal conviction can bar return regardless of status! Drug crimes, which did not result in conviction, can create problems.

SUCCESSFUL TRAVEL IN THE PAST DOES NOT GUARANTEE SUCCESSFUL TRAVEL NOW!

Lawful Permanent Resident (LPR)

An individual with LPR status can travel and re-enter the United States on a green card, without the need for a visa.

BUT

Trips of **more than six (6) months and crimes** committed since obtaining LPR status and/or leaving the country can negatively affect applications for naturalization.

LPRs who plan to be absent from the United States for **more than one (1) year** should consult with an attorney first.

Applicants for LPR Status

Applicants for lawful permanent residence in the United States, who depart the United States without first seeking permission, abandon their applications. Upon return from travel abroad, they will have to re-file the application. In addition, travel without advance permission, may trigger bars to re-entry.

Refugees and Asylees

Refugees and asylees can travel and re-enter the United States on a "refugee travel document"

BUT

Refugees and asylees, who travel back to the country from which they sought protection may endanger their status, even if they are already LPRs.

REMEMBER!

Travel information is disclosed on the naturalization application.

Refugees and asylees who travel on the passport of their home country or the country from which they claimed asylum, even if not traveling back to that country, may also jeopardize their immigration status.

Deferred Action for Childhood Arrivals (DACA)

DACA recipients can travel and re-enter on "advance parole" **BUT** only for education, employment and humanitarian purposes, not simply to go on vacation.

DACA recipients with prior orders of removal or criminal histories should consult a legal representative before travel.

Travel without advance parole automatically terminates DACA status.

REMEMBER!

It is important to consult an immigration attorney or accredited representative before travel if the traveler is not an LPR and

- Overstayed a visa;
- Entered without inspection and never had status in the United States;
- Was arrested, charged or convicted for a crime.

TRAVELING WITH CHILDREN

All documentation requirements applicable to immigrant adults apply to immigrant children too.

Traveling with a child who is a United States citizen:

The child must have a United States passport. For information on how to apply for a passport, visit the Department of State website at travel.state.gov.

If the child has not had a passport in the past, the parent may be required to show proof of the child's citizenship, such as the original certified birth certificate.

If traveling with only one parent, the parent may need a custody decree granting sole custody or written permission from the absent parent. Parents can check specific requirements with their airline and the consulate of the country of intended travel.

Forms

To find out more information about applications for "advance parole" and "travel documents" visit the United States Citizenship and Immigration Service website at uscis.gov/i-131.

Legal Representatives

To find **nonprofit providers** in a geographic area, check the Immigrant Advocates Network (IAN) website at immigrationadvocates.org/nonprofit/legaldirectory.

To find a private immigration attorney, visit the American Immigration Lawyers Association (AILA) website at ailalawyer.com.

Travel Document Checklist

Lawful Permanent Residents

- Unexpired and valid green card
- Re-entry permit, if plan to be abroad for more than one (1) year
- Proof of intention to return to live in the United States
- Valid passport from country of citizenship, unless a refugee/asylee. In that case, a refugee travel document will act as a passport.
- Check the travel requirements for every country on the itinerary.

Non-immigrants

- Valid visa that will not expire while abroad and allows for multiple entries into the United States.
- Passport valid for more than six (6) months upon return
- If traveling on advance parole, travelers must return BEFORE the expiration date on the document.



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