

## **Travel Abroad for DACA Beneficiaries**

DACA-mented individuals may seek permission to travel abroad for specific purposes. If your DACA was approved, and you are considering international travel, this handout will clarify: (1) the type of permission; (2) the requirements; (3) the factors to consider; and (4) the process.

### **(1) What permission do I need to travel?**

DACA recipients *must* apply for advance parole with USCIS in order to travel abroad and return safely to the United States without losing their DACA status.<sup>1</sup> This permission will specify during which dates travel abroad is authorized. Advance parole is a form of permission to enter the U.S. after a temporary trip abroad. An advance parole authorization document allows an immigration agent to ‘parole’ an individual into the U.S.

### **(2) What are the basic requirements to apply?**

To apply for permission to travel, **you have been approved for DACA**. Individuals with pending DACA applications are not eligible as in *you cannot simultaneously apply for DACA and advance parole*.

(Note: You can also get advance parole through the adjustment of status process, and the requirements differ. Please consult with an attorney or accredited BIA representative about your individual circumstances).

In addition to DACA approval, individuals must specify the reason for travel that fits into one of the following three categories: (1) humanitarian; (2) employment; or (3) educational purposes. USCIS provides a non-exhaustive list of examples of each purpose:<sup>2</sup>

1. Humanitarian purposes: “travel to obtain medical treatment, attend funeral services for a family member, or visit an ailing relative.”
2. Employment purposes: “overseas assignments, interviews, conferences, trainings, or meetings with clients.”
3. Educational purposes: “semester abroad programs or academic research.”

### **(3) What considerations should factor into my decision?**

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<sup>1</sup> For a detailed memo on advance parole, consult the following practice advisory:

[https://cliniclegal.org/sites/default/files/attachments/advance\\_parole\\_for\\_daca\\_recipients.pdf](https://cliniclegal.org/sites/default/files/attachments/advance_parole_for_daca_recipients.pdf).

<sup>2</sup> Note that other reasons may provide a basis for travel but are not explicitly included in the list developed by USCIS. Vacation, however, is not a valid purpose for travel.



Given your individual circumstances, it's important to consider the potential legal, practical, and personal effects of travel. Before making a final decision, we encourage you to consult with an attorney. If you have the possibility of gaining permanent residency through a close family member who is a permanent resident or U.S. citizen, this could be a positive factor in your decision. Please be sure to disclose to an attorney any of the following that apply to you:

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

**Three other important factors to consider:**

1. First, the *advance parole document is not a guarantee of admission into the U.S.* When a DACA recipient with advance parole tries to re-enter the U.S., technically the person is an applicant for admission and can be barred from entry if they are found "inadmissible." It is unlikely, though not impossible, that you would be denied re-entry in to the U.S. unless your case raises a red flag (for example, you traveled outside the dates for which you were permitted, have a prior deportation order, and so on). However, there is always a risk of not being allowed to re-enter when traveling abroad other than as a U.S. citizen or lawful permanent resident.
2. During the global COVID-19 pandemic, many borders are closed, people are struck in countries without recourse, and flights might not be operational. It is wise to get a sense of what additional requirements, including length of quarantine, you would need to travel to another country. Advance parole only grants you permission to enter the US; not to enter or depart another sovereign country. It would also be wise to allow yourself additional time to travel—both with respect to departing and returning to the United States—so you should ask for extended dates whenever possible. If you are going anywhere other than your home country, you might need a visa to travel to the country depending on your own country of origin.
3. This is very unlikely at this time but traveling may have consequences for a student's ability to gain long-term immigration relief. If Congress passes immigration reform, and like DACA, requires presence on a specific date to qualify for relief, those out of the country at the time may be left out of a legalization program for which they would have otherwise been eligible. It is unclear at this time if there will be such legislation or what the requirements will be, but it is important to stay up to date on any developments.

**(4) What's the process I'll need to go through?**



Required Documents: If you decide to apply for advance parole, the application must include:

- A completed [USCIS Form I-131](#);
- A copy of your DACA approval notice or work authorization document;
- Two passport-sized photos;
- A copy of an official ID showing name and date of birth (Ex: copy of your CA ID or employment authorization document);
- Your unexpired passport from your country of citizenship (you do not need this to get advance parole but you do need this to leave and return to the United States);
- A filing fee of \$575 (checks or money orders should be made payable to the “U.S. Department of Homeland Security” – no abbreviations); and
- Supporting evidence of the purpose of travel: a statement describing the plan for the trip (who, what, when, where) and its benefit/importance and evidence as to its connection to an educational, humanitarian, or employment purpose.
  - Examples of acceptable evidence include “a document showing enrollment in an educational program requiring travel” and “documentation of a family member’s serious illness or death.”<sup>3</sup>
  - All supporting documents should be in English or translated into English as well.

Length of trip: **Individuals** must specify the dates they wish to travel and the countries they will go to during the trip. DACA-mented individuals have been granted permission to travel for a few days as well as for an entire year, depending on whether the length of time is justified. USCIS has granted permission to travel for a single trip and for multiple trips over the course of a year. Regardless of the length of travel, **it is important to stay within the confines of your approved travel dates.** To account for any unexpected changes to your travel schedule, request a few additional days on Form I-131 to give yourself some flexibility.

Timing: It is recommended **to apply for advance parole as far in advance as possible and at least three months before the expected date of your trip.** If there is no time before your travel, you can request emergency advance parole through the local USCIS field office. Many individuals have done so in the past however services may be limited due to the pandemic.

Mail instructions: If you have DACA and are using USPS, you will mail your application with the above-mentioned items to the following address:

USCIS

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<sup>3</sup> Instructions for Application for Travel Document, USCIS, <http://www.uscis.gov/sites/default/files/files/form/i-131instr.pdf>.



P.O. Box 20700  
Phoenix, AZ 85036-0700

Or, if you have DACA and are using express mail or courier delivery, you will send it here:

USCIS  
Attn: DACA  
1820 E. Skyharbor Circle S  
Ste. 100  
Phoenix, AZ 85034

For more and latest information, please see USCIS website:  
<https://www.uscis.gov/i-131>