



**Traveling on Advance Parole for Educational Purposes
for Recipients of Deferred Action for Childhood Arrivals (DACA)**

August 5, 2021

This document accompanies the information session presented by AU Dream attorneys on July 13, 2021. A recording of the session can be found [here](#). Additional resources are posted on the [AU Dream Initiative](#) website.

On July 16, 2021, a federal district court judge issued a decision in [Texas v. United States](#), finding that the Department of Homeland Security (DHS) created DACA in violation of the Administrative Procedures Act. The judge allowed DHS to continue deciding DACA renewal applications, but not initial applications. **As of this writing, DHS will continue to [accept and adjudicate](#) Advance Parole applications.**

Please note that additional legal and administrative action is pending and this document will be updated accordingly.

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I. Advance Parole for DACA Recipients

U.S. Citizenship and Immigration Services (USCIS) has created an Advance Parole document that may authorize a person who is present inside the United States to re-enter the U.S. after temporarily traveling abroad.¹ This process is a part of the government's broader authority to "parole" or allow someone into the U.S. as a matter of discretion.²

Applying for an Advance Parole document is an option for many noncitizens in the U.S., including recipients of DACA, applicants and recipients of Temporary Protected Status (TPS), most applicants for adjustment of status (a green card), and other limited categories.³ A DACA recipient who travels abroad without an Advance Parole document will lose their DACA.⁴

USCIS instructions for the Advance Parole application indicate that DACA recipients must travel abroad for educational, employment, or humanitarian purposes. Travel abroad for a vacation is not one of the valid purposes for DACA recipients.⁵ In a [non-exhaustive list](#),⁶ USCIS provides examples of valid travel purposes.

USCIS provides guidance on what educational travel might look like, including "semester abroad programs" or "academic research." Many colleges and universities offer study abroad programs of their own; however, students might also look into programs offered by private or non-profit education companies.⁷ In addition to academic research, students might also look into academic presentations, conferences, and competitions.

USCIS adjudicates Advance Parole applications on a case-by-case basis to decide what is or is not an educational purpose. DACA recipients can and should think expansively about what travel could be considered "educational." If USCIS rejects an Advance Parole application, there is no appeals process, but applicants may file multiple applications.

II. The Advance Parole Application

The Advance Parole application itself is straightforward: a properly completed USCIS form and supporting documents. However, as discussed in Section III below, DACA recipients must explore and consider all risks of traveling abroad before filing an application.

¹ The Advance Parole document is the USCIS Form I-512L.

² INA § 212(D)(5)(A) (Attorney General may, in their discretion, parole temporarily and on a case-by-case basis for "urgent humanitarian reasons or significant public benefit"); 8 C.F.R. §212.5(f) ("When parole is authorized for an [noncitizen] who will travel to the United States without a visa, the [noncitizen] shall be issued an appropriate document authorizing travel").

³ See [Form I-131 instructions](#), pp. 4-5.

⁴ USCIS [Frequently Asked Questions](#) on DACA, Q56.

⁵ See [Form I-131 instructions](#), p. 5.

⁶ *Id.*

⁷ See, e.g., [CET Study Abroad Programs](#) or [The California-Mexico Studies Center](#).

An Advance Parole application might look like:

- A cover letter explaining the purpose of travel and summarizing the documents included in the application
- USCIS [Form I-131](#), with two recent, passport-sized photographs and (current) \$575 fee;
- Copy of applicant’s most recent DACA Approval Notice
- Documents demonstrating travel purpose, including:
 - Letter from school or educational program confirming enrollment and “explaining why travel is required or beneficial”⁸
 - Letter or other document confirming enrollment in program abroad
 - Applicant’s own statement explaining why travel abroad is required or beneficial

III. Risks of Traveling Abroad

After traveling abroad, DACA recipients must present themselves at a port of entry to the United States. The Advance Parole document authorizes a Customs and Border Protection (CBP) officer to parole a traveler into the country, but the document itself does not *guarantee* re-entry.⁹

Although many DACA recipients have traveled abroad and re-entered the United States without adverse consequences, there are certain factors, discussed below that may heighten a DACA recipient’s denial of entry at the border and/or lead to future immigration consequences. It is important to note that a person’s history may not have led to denial of DACA or Advance Parole, but could raise issues when traveling abroad.

A. Risk Factors to Consider

1. Traveling abroad outside the authorized Advance Parole dates or after DACA authorization has expired

Attempting to re-enter the United States after the dates authorized on the Advance Parole document or after DACA authorization has expired may result in denial of re-entry at the border or, later, denial of DACA renewal. The Advance Parole documents only authorizes parole “prior to” the specific date entered on the document. On this date, a CBP officer may still choose to exercise their parole authority and allow a traveler into the country, but this may affect future immigration options. Prior to the 2017 rescission of DACA and accompanying Advance Parole, there were reports that DACA recipients who had been paroled into the U.S. subsequently received denials or Requests for Evidence when trying to renew their DACA authorization.¹⁰

⁸ DHS, [National Standard Operating Procedures \(SOP\): Deferred Action for Childhood Arrivals \(DACA\)](#) (April 4, 2013). P. 137.

⁹ See [Form I-131 instructions](#), p. 5.

¹⁰ Immigrant Legal Resource Center and United We Dream, [Practice Advisory: DACA Renewal and Advance Parole](#) (April 2016).

2. Having a prior removal order

If a DACA recipient has a prior “removal” (or deportation) order and subsequently departed the U.S. and then re-entered, travel abroad will trigger severe consequences. It does not matter whether the DACA recipient was an adult or minor when previously deported. Travelers presenting themselves at a port of entry are considered to be seeking admission and are thus subject to the immigration inadmissibility grounds.¹¹ A DACA recipient in this position would be deemed inadmissible under the “permanent bar”¹² and likely denied entry. Additionally, a person denied entry due to the permanent bar *may* be able to re-enter the United States with permission only after they have spent 10 years outside the country.

If a DACA recipient has a prior removal order and never departed the country after receiving it, travel abroad should not trigger inadmissibility grounds.¹³ The order will, however, impact future immigration applications.

Determining whether a prior removal order exists is necessary before applying for Advance Parole. In many situations, family may be able to clarify a DACA recipient’s immigration history. Another option is filing a Freedom of Information Act (FOIA) request with appropriate immigration offices, including USCIS, CBP, and the Executive Office of Immigration Review (EOIR).

3. Previous period of unlawful presence in the U.S. followed by an exit and re-entry

If a DACA recipient previously spent more than one year in the U.S. without documents, left the U.S., and then re-entered, travel abroad will trigger severe consequences. A DACA recipient in this position would be deemed inadmissible under the “permanent bar” and likely denied entry. Additionally, a person denied entry due to the permanent bar may be able to re-enter the United States with permission only after they have spent 10 years outside the country.

4. Contact with the criminal legal system

Contact with the criminal system that leads to a finding of inadmissibility may bar a DACA recipient from re-entering the country¹⁴ and will require a waiver for any future immigration applications. Inadmissibility—meaning that a noncitizen is not eligible for “admission,” or lawful entry, to the United States—is defined in the Immigration and Nationality Act (INA) and sweeps broadly to cover many interactions that a person might have with the criminal legal system.¹⁵ Applicants for Advance Parole should consider the following.

¹¹ See INA § 212(a).

¹² See INA § 212(a)(9)(C)

¹³ INA § 212(a)(9)(C) is not triggered because the person is not seeking re-entry without being admitted. INA § 212(a)(9)(B) is not triggered because travel on Advance Parole is not considered the type of “departure” contemplated in the statute. See *Matter of Arrabally and Yerrabelly*, 25 I&N Dec. 771 (BIA 2012).

¹⁴ While CBP has broad authority to parole into the U.S. a person who is inadmissible, historically it has not done so with DACA recipients traveling on Advance Parole who are found to be inadmissible.

First, a criminal conviction might not bar a person from getting DACA, but it might make them inadmissible to the United States. For example, someone with one or two theft convictions was granted DACA, but these convictions might make someone inadmissible.

Sarah was arrested, charged, and convicted of possession of marijuana in 2012. She was not given any jail time. This was her only contact with the criminal system. Later, Sarah applied for and received DACA because her sole conviction was not a “significant misdemeanor.” Sarah has successfully renewed DACA since 2013. Sarah’s conviction does not bar her from DACA (and did not lead to a discretionary denial of DACA), but does make her “inadmissible” under immigration law.

Second, a person may have been previously arrested and/or charged and those charges were then dropped, never resulting in a conviction. CBP may question them about this at the border and if they formally admit to committing facts that constitute a crime, this may make them inadmissible.

Jack is at the airport and is being questioned by a CBP officer who notices that he was arrested and charged with theft a few months ago. Jack says that he was never convicted and they dropped the charge. The CBP officer starts asking Jack questions. Jack says that he went to court and the prosecutor offered a plea: if Jack admitted what he did and completed 40 hours of community service, then the prosecutor would drop the charge. Jack did this. CBP might interpret this as a conviction.

Third, although most traffic and civil violations are not crimes and should not bar someone from DACA or admission, there might be some violations that carry additional consequences. One example might be using a fake ID.

If DACA recipients are unclear about their previous contact with police or prosecutors, they may be able to search for records online through their state or county’s court system. They may also be able to request arrest reports from the police or request records from a courthouse clerk. An FBI Identity History Summary can also compile contact with law enforcement from any jurisdiction in the U.S.¹⁶

B. Other Considerations

In addition to speaking with an immigration attorney about any of the above risk factors, DACA recipients may consider the following circumstances when traveling abroad.

First, if a DACA recipient initially entered the U.S. without inspection (meaning that they did not have a visa when they first entered), traveling abroad on Advance Parole may have a positive effect on future immigration applications. If such a person is applying for a green card,¹⁷ they would generally have to complete the application at a U.S. Consulate in their home country, a process

¹⁶ Federal Bureau of Investigations (FBI) [Identity History Summary Checks](#).

¹⁷ This specific scenario applies to applicants who have a green card immediately available to them, usually through a U.S. citizen spouse or a child who is 21 years old.

known as consular processing. With an entry on Advance Parole, a DACA recipient would be able to complete the green card application in the United States. In recent months, immigration agencies and the Supreme Court held that holders of Temporary Protected Status (TPS) who had re-entered the country on Advance Parole must complete consular processing when applying for a green card.¹⁸ As far as we know, these holdings are not being applied to DACA recipients.

Second, travel during global pandemic comes with risks, which may impact travelers' ability to re-enter the U.S. The Centers for Disease Control (CDC) maintains a list of Travelers Prohibited from Entry to the United States, which is dependent on where the travelers have been.¹⁹ With a recent rise in cases in summer 2021, the countries on this list may change with little notice. The CDC also requires a negative result from a COVID-19 test within three days of re-entering the U.S.²⁰ If a traveler contracts COVID abroad and must wait until they are clear to return, they may miss the date of re-entry on their Advance Parole document.

IV. Returning to an Airport in the United States

When flying into the U.S. from abroad, all travelers must go through customs and inspection with Customs and Border Protection (CBP). Inspection will occur at the first airport a traveler flights into, regardless of connecting flights. This is the point at which many of the above-mentioned risks may impact re-entry.

When flying, DACA recipients can prepare for inspection by carrying their immigration documents with them—especially the *original* Form I-512L, Advance Parole document—and leaving a copy with their family and/or attorney. For a list of documents to carry while traveling, please see the checklist in Section VII below.

Travelers must be prepared for questioning by a CBP officer, either briefly during inspection or during lengthier questioning and searches in secondary inspection. CBP officers may ask them questions about their travel as well as their immigration history and contact with the criminal system in the U.S. to determine inadmissibility. They may also search travelers' belongings, including luggage and electronic devices.²¹

V. University Support for Students with DACA Studying Abroad

¹⁸ See [Sanchez v. Mayorkas](#), 141 S.Ct. 1809 (June 7, 2021); USCIS, [Policy Memorandum: Matter of Z-R-Z-C-](#), Adopted Decision (Aug 20, 2020)

¹⁹ Centers for Disease Control, [Travelers Prohibited from Entry to the United States](#).

²⁰ CDC [Requirement](#) for Proof of Negative COVID-19 Test or Recovery from COVID-19 for All Air Passengers Arriving in the United States (updated July 6, 2021).

²¹ See Electronic Frontier Foundation, [Digital Privacy at the U.S. Border: Protecting the Data On Your Devices](#) (Dec. 2017) (“Agents may ask travelers to unlock their devices, provide their device passwords, or disclose their social media information. This presents a no-win dilemma. If a traveler complies, then the agents can scrutinize and copy their sensitive digital information. If a traveler declines, then the agents can seize their devices, subject the traveler to additional questioning and detention, and otherwise escalate the encounter. Border agents cannot deny a U.S. citizen admission to the country. However, if a foreign visitor declines, an agent may deny them entry . . . Your response to this dilemma may vary according to your risk assessment.”)

There are many ways that colleges and universities can support their DACA students who are trying to study abroad. Staff play an integral role in properly advising students, helping them apply for Advance Parole, and supporting them while they are abroad and upon re-entry to the United States.

University support of a student with DACA begins before the student even files the Advance Parole application. While many resources, like this one, are available online, students must understand the risk of traveling outside the United States as it applies to them. University staff can do a couple things to help students assess this. First, universities can have a point person in the study abroad office who understands the risks of students with DACA traveling abroad. This staff member would ideally be able to guide and support students through the entire study abroad program, whether it is an in-house education abroad program or one at another university or company. Second, staff can facilitate a student's consultation and/or representation with an attorney. Some universities have in-house immigration attorneys who provide legal services for free; others contract with local non-profit legal services organizations that provide services to students. Importantly, a university's international office that works on student visas or OPTs might not be equipped to address this specific issue in immigration law.

Once the level of risk becomes clear to the student, university staff can provide a letter and other supporting documents for a student's Advance Parole application. The letter should be on official letterhead and describe the program and the dates that it will run. The letter should state that the student is enrolled in the education abroad program and explain "why travel is required or beneficial."²² The letter can emphasize the university's support for the student being able to travel abroad for the program.

Lastly, staff for education abroad programs should be flexible with timing and requirements. A DACA recipient's ability to travel is dependent on how long USCIS takes to process their Advance Parole application. Staff might consider allowing recipients of DACA to apply and conditionally enroll in programs. If they are not given Advance Parole, staff can work with others, such as academic advisors, to find other options for their education. Lastly, if a student does receive Advance Parole after the education abroad program has begun, staff can work with institutions or programs abroad to have the student join the program, knowing that the lengthy and burdensome Advance Parole process may prevent the student from having another opportunity to study abroad.

VI. Resources

It is best practice for DACA recipients to consult with an immigration attorney, who will review their entire history and determine how risky it is to travel abroad, *before* applying for Advance Parole. Many schools have in-house immigration attorneys that provide free legal services to students free of charge. Below are a few examples:

- American University's Defending the [AU Dream Initiative](#) provides immigration legal services, including brief consultations and full representation, to students currently enrolled at a college or university in the DC metropolitan area.

²² DHS, [National Standard Operating Procedures \(SOP\): Deferred Action for Childhood Arrivals \(DACA\)](#) (April 4, 2013). P. 137.

- The University of California (UC) [Immigrant Legal Services Center](#) provides immigration legal services to students currently enrolled at any UC. There are also immigration services available to students at [California community colleges](#).
- The Harvard [Immigration and Refugee Clinic](#) provides immigration legal services to currently enrolled students at Harvard.

If a university does not make *pro bono* immigration attorneys available, DACA recipients may also reach out to a nonprofit organization to schedule a low cost consultation. [Informed Immigrant](#) and the [Immigration Advocates Network](#) have national databases to search for legal services providers.

If you would like to read more about Advance Parole for DACA recipients, there are several resources available online that discuss Advance Parole in more detail:

- Immigrant Legal Resource Center, [Requesting Advance Parole and Traveling Outside the United States Under Deferred Action for Childhood Arrivals](#) (March 2021)
- Catholic Legal Immigration Network, [Advance Parole Travel for Deferred Action for Childhood Arrivals Recipients - FAQs](#) (January 2021)
- Immigrant Legal Resource Center, [DACA, Advance Parole, and Family Petitions](#) (June 2016)

VII. Advance Parole Checklists for DACA Recipients

Prior to speaking with an attorney there are certain documents that are helpful to gather in order for an attorney to provide accurate legal advice. These may include:

- Copy of current DACA Approval and any previous approval notices
- Most recent DACA application
- Work permit (Employment Authorization Document)
- Information on the educational purpose of your travel (e.g. information on the study abroad program, including dates and how it relates to your studies)
- Passport that is valid beyond the time of intended travel (or begin passport request/renewal process)
- Records of all past or pending tickets, citations, arrests, charges, or convictions
- Prepare to discuss when and how you entered the United States, how many times you entered, and if you or your parents have had any interactions with immigration. Gather any documents you might have from your or your parent's immigration case.

After consulting with an immigration attorney, the Advance Parole application itself requires:

- USCIS Form I-131
- \$575 fee (or check USCIS site for current fee)
- Two recent, passport-sized photographs
- Copy of most recent DACA Approval Notice (USCIS Form I-797)
- Applicant's statement explaining educational purpose of travel
- Evidence supporting travel purpose, including a letter from the program confirming enrollment and explaining how travel is required or beneficial

After being granted Advance Parole, here is a checklist to run through to best prepare for travel and re-entry into the U.S.:

- Do you have your *original* Form I-512L (approved Advance Parole Document)?
- Do you have a copy of your Advance Parole application, which indicates the purpose of your travel?
- Do you have a Form G-28 (attorney representation form) that is signed by an attorney? If not, do you or your family have an attorney's contact information handy?
- Do you have evidence that your travel abroad was for the purpose stated on your Advance Parole application?
- Are you prepared to answer CBP's questions during customs and inspection?
- Are you prepared for CBP to search your luggage and electronic devices?

VIII. Answers to FAQs

Please note that the answers below are not specific legal advice, but general answers to common questions. As always, please consult an immigration attorney for your specific circumstances.

Why is the program called *Advanced Parole*?

The government is authorized by the Immigration and Nationality Act in section 212(D)(5)(A) to parole—or temporarily allow—a person into the United States on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.” *Advance parole* is a process by which a person who is currently inside the US receives advance authorization to be paroled into the US after temporarily traveling abroad.

How can we use study abroad and *Advance Parole* as opportunities to teach universities about immigration?

Raising the issue of *Advance Parole* within the context of study abroad is a great way to make university staff aware of the diversity of students’ experiences and to encourage the university to address all students’ needs. Students with DACA and their allies on campus can use study abroad as an entry point for education as well as a tool for advocacy to ask the university to meet their specific needs. For example, university education abroad programs can adjust their internal timing and requirements to be more flexible with students applying for *Advance Parole*.

What kind of policies can governments and schools create to protect the safety of an undocumented traveler?

The government’s position will always be to implement the law as it exists, with a measure of discretion. Undocumented students who do not have DACA should not travel abroad.²³ At the moment, we know that the government has denied re-entry to travelers with DACA—even those traveling on *Advance Parole*—where the travelers have been found “inadmissible” under immigration law.

Schools can take many steps to address and mitigate the risks of traveling abroad.²⁴ They can arrange consultations with immigration lawyers for students with DACA contemplating studying abroad. They can support a student’s *Advance Parole* application by providing supporting documents. They can appoint and train a study abroad advisor to become the point of contact for students with DACA. They can be flexible in their policies, such as when students can enroll in a program or when students can begin the program. Universities can and should be prepared to harness the power of their campus community and administration if any of their students encounter immigration problems. Overall, these specific policies are representative of the larger necessity of universities creating specific policies to meet their undocumented students’ needs, whether they are traveling abroad or not!

²³ As noted in Section I, other noncitizens—such as those with TPS or a pending adjustment of status application—can also apply for *Advance Parole*/

²⁴ See Section V above.

Of the DACA recipients stuck outside the United States using advanced parole, how many have been students?

We do not have data on this.

Are there any specific education programs or universities/community colleges in the SoCal area that are doing study abroad?

Most universities have their own study abroad programs, e.g. the [University of Southern California](#), the University of California system's [Education Abroad Programs](#), and the California State University system's [International Programs](#). Check with your academic advisor at your school.

How can I find a study abroad program for my home country of Mexico? I've checked with my university's study abroad site and they do not have any programs in Mexico.

If a student wants to travel to a specific country and their school does not have a program in that country, there are a couple options. The student can explore private education abroad programs like the [Institute of International Education](#), [Academic Travel Abroad](#), or [CET Academic Programs](#), which work with universities to ensure credits count toward a degree. There are also non-profit organizations, like [The California-Mexico Studies Center](#), that do the same. Alternatively, the student can work with their academic and study abroad advisor to design their own program at a host university in their intended country of study. It is more difficult to design an individual program, but students can tailor it to their studies.

What was the name of the educational program run by the Mexican government?

Many years ago, the Mexican Consulate had a [program](#) for DREAMers to travel to various places in Mexico and learn about the culture. It is unclear whether this program still exists.

Can we encourage universities to pay the \$360 application fee?

The current fee for the Advance Parole application (USCIS [Form I-131](#)) is **\$575** and this may change in the future. This is another point of advocacy for students who want to be seen and supported by their universities.

I graduated and I am currently working as a professional staff within my university. How can I ask for support?

If there is an educational program you wish to attend, it is worth doing research about the program and speaking with a supervisor or Human Resources (HR) about how attendance in this program will contribute to your knowledge and expertise. (Alternatively, DACA recipients may seek Advance Parole for traveling for employment purposes and it is worth having a conversation with a supervisor or HR about how this may contribute to your professional development.) Remember, there is no requirement that a DACA recipient be currently enrolled in a college or university to travel abroad for educational purposes, but there is an expectation of some sort of evidence from a program or institution that the educational program is required or beneficial.

If we want to study abroad during summer 2022, when would be the best time to apply to Advance Parole?

Now, in summer or early fall 2021. Planning ahead is critical when applying for Advance Parole because, as we know anecdotally, USCIS is taking *upward of six months* to process these applications. Best practice is to plan study abroad a year in advance and speak with academic and study abroad advisors about the process.

If we are approved for Advance Parole, can we choose the dates and times for how long we will be out of the country, or are they assigned to us?

Applicants for Advance Parole indicate on their Form I-131 the date they wish to travel abroad and the duration of their time outside the United States (e.g. 30 days, 180 days, etc.). It is helpful to provide other evidence that supports these dates, such as the school's academic calendar showing when the semester or program ends or a letter from a study abroad advisor. If approved, the Advance Parole document will reflect these dates.

Can charity work be considered a humanitarian reason?

The most recently available guidelines from USCIS are from 2013. (DHS, National [Standard Operating Procedures](#): Deferred Action for Childhood Arrivals (April 4, 2013), p. 136.) They state:

For humanitarian purposes the applicant must show that the travel is for the purpose of:

- Obtaining medical treatment;
- Attending funeral services for a family member; or
- Visiting an ailing relative.

From this language, it appears that charity work would be outside the scope of humanitarian reasons, as they are defined here. We do not know if USCIS has broadened its definition of travel for humanitarian purposes since 2013. In our personal experience, we have not had DACA recipients request Advance Parole for charity work.

Can you submit a DACA renewal and Advance Parole application together?

It is best practice to wait until new DACA authorization has been issued and then request Advance Parole for travel dates that fall squarely within the most recent DACA authorization. USCIS provides the following guidance for DACA recipients applying for Advance Parole:

You may not apply for advance parole unless and until USCIS defers action in your case under the consideration of DACA. You cannot apply for advance parole at the same time as you submit your request for consideration of DACA.

The language is unclear about whether this applies to initial or renewal DACA applications or both.²⁵

If waiting on a DACA decision in order to apply for Advance Parole would prohibit participation in an education abroad program, a person may wait until they receive their

²⁵ Those who are applying for DACA for the first time are considered to be filing initial applications. If a person has consistently renewed DACA since they were first granted DACA, their applications will be considered renewal applications. If a person's previous DACA authorization expired, but they are applying for DACA within one year of its expiration, this will be considered a renewal application. See USCIS FAQs on DACA, Question #50.

Receipt Notice for the DACA renewal application and submit this with the Form I-131, indicating in their cover letter that their DACA renewal is pending and can then supplement their I-131 application after receiving DACA approval. USCIS states that an approved Advance Parole document is “not to exceed the duration of the deferral of removal under DACA.” ([Standard Operating Procedures](#), p. 138) so this may be a tricky process.

For the emergency situations, are some local offices more lenient than others? Do you have to go to the one closest to your residence?

DACA recipients who must travel quickly for emergency situations can call the USCIS National Customer Service Center at 1-800-375-5283 to schedule an InfoPass appointment for emergency Advance parole. USCIS will schedule an appointment at the local USCIS field office, based on a person’s home address. Certain USCIS offices and officers have reputations for exercising their discretion more or less benevolently.

I filed an FBI background check that an attorney suggested to do, in order to figure out if I had a deportation order. Everything came out good, would that still be valid? Should I be okay to apply for advanced parole?

FBI [background checks](#) tend to be comprehensive with respect to an individual’s contact with the criminal or immigration legal systems. However, this information will not capture all the data that might lead to an increased risk of denial upon re-entry. For example, if a person lived in the U.S. without permission, left the country, and then came back without permission, this information would not show up on an FBI background check, but the person is subject to the ground of inadmissibility known as the “permanent bar.” If there is any doubt or lack of clarity about a person’s immigration history, DACA recipients can check with family to clarify and file Freedom of Information Act (FOIA) requests with the immigration agencies.

Do speeding tickets count as involvement with the law?

Generally, traffic violations are not considered criminal offenses and do not make someone inadmissible to the United States. However, each state’s law varies and sometimes a certain type of traffic offense or a certain number of traffic offenses might carry additional consequences. Please consult with an attorney.

What is AOS?

AOS is an abbreviation of Adjustment of Status and is the process through which someone applies for a green card and “adjusts” their status to Lawful Permanent Resident.

Would a bar still be a risk even if they traveled within their dates and did everything right? Why would that potentially trigger a bar?

In some cases, a DACA recipient is subject to a ground of inadmissibility (based on their immigration history or contact with the criminal system), but this does not stop them from renewing DACA or from receiving Advance Parole. Travel abroad in this situation can be risky. If a person travels abroad and then tries to re-enter the United States at an airport with their Advance Parole document, they are considered to be seeking admission.

At this point, the inadmissibility grounds would come into play and CBP may deny re-entry, even where a DACA recipient is traveling within their authorized dates.

Re copy of passport, do you mean valid home country passport?

In order to travel internationally, a person must have a valid passport or other valid travel document. Many DACA recipients apply for and receive passports from their country of nationality at an embassy or consulate here in the United States.

Is there a limit to how long a DACA recipient can travel abroad? For example, can a DACA recipient use Advance Parole to attend medical school abroad?

Generally, a departure from the United States breaks the continuous residence required to maintain DACA. (See USCIS [DACA FAQs](#) #56). There is, however, an exception for travel on Advance Parole. (See [Matter of Arabally & Yerabelly](#)).

Although USCIS is authorized to issue an Advance Parole document for multiple entries, it cannot issue the document for dates that extend beyond the current DACA authorization. ([Standard Operating Procedures](#), p. 138) This may become very complicated and lead to risky situations where a person is abroad and does not have DACA authorization if the renewal is pending. Additionally, a long absence from the U.S., even with Advance Parole, may be seen as a break in continuous residence.

If I have a clean record, should I be worried about the risks?

We are unsure what is meant by a “clean record.” We have highlighted certain facts that may lead to higher chances of denial of re-entry to the United States or create problems for future immigration applications. If a person’s experience does not contain these facts, then there will certainly be a lower risk of traveling abroad. There is always a level of risk that an undocumented person assumes while traveling abroad, even on Advance Parole; however, [many](#) DACA recipients have successfully traveled and returned to the country with an Advance Parole document. Please consult with an attorney about your specific circumstances.