



DEFERRED ACTION AND TRAVEL OUTSIDE THE UNITED STATES

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IF I TRAVELED OUTSIDE THE U.S. AFTER JUNE 15, 2007 BUT BEFORE AUGUST 15, 2012, CAN I STILL APPLY FOR DEFERRED ACTION?

Maybe. One of the key criteria for deferred action for young people is that an individual must have resided continuously in the U.S. from June 15, 2007 to the present time. If your trip outside the U.S. was “brief, innocent and casual,” it will not break the continuous residence period required for deferred action. However, if your trip outside the U.S. was (1) for an extended period of time (more than 90 days); (2) because of an order of deportation or removal or an order of voluntary departure; or (3) to participate in criminal activity, you may not be eligible for deferred action. If you have traveled outside the U.S. since June 15, 2007, you should speak to a reputable immigration attorney, an accredited representative or legal services provider before applying for deferred action.

IF I TRAVEL ABROAD AFTER AUGUST 15, 2012 BUT BEFORE I APPLY FOR DEFERRED ACTION CAN I STILL APPLY?

No. Until you apply for and receive deferred action, any travel outside of the United States after August 15, 2012 will result in denial of your application. It does not matter why you traveled abroad or if the trip was brief.

CAN I TRAVEL ABROAD WHILE MY DEFERRED ACTION APPLICATION IS PENDING?

No. If you travel outside of the United States while your deferred action application is pending, USCIS will deny your application.. You cannot request permission to travel abroad (known as “advance parole”) at the same time that you submit your request for consideration for deferred action or while your application is pending.

IF MY DEFERRED ACTION APPLICATION IS APPROVED, CAN I TRAVEL ABROAD?

Maybe. If you are granted deferred action, you may request permission to travel abroad for humanitarian, educational or employment purposes. Before you travel, you must request “Advance Parole” from USCIS by completing Form I-131, Application for a Travel Document and pay a non-waivable filing fee of \$360. USCIS will determine whether your purpose for international travel is justifiable based on the circumstances you describe in your request. You should not apply for advance parole unless USCIS approves your application for deferred action. You cannot apply for advance parole at the same time that you submit your application for deferred action. You should only travel abroad after USCIS approves your request for advance parole.

CAUTION: If you have been in the U.S. unlawfully for more than 6 months after your 18th birthday, a departure from the U.S. on advance parole may affect future immigration applications such as a “green card” application. You should speak to a reputable immigration attorney or legal services provider before departing the United States on advance parole. Also, do not travel abroad at any time if you have ever been arrested, without first speaking with a reputable immigration lawyer or legal services provider.