

TRAVELING ABROAD WITH ADVANCE PAROLE: A GUIDE FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) BENEFICIARIES



EDUCATORS FOR FAIR CONSIDERATION



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TESTIMONIALS

Ju (South Korea) - Traveling for a Humanitarian Purpose

Ju's Advance Parole request was recently approved to travel to his home country, South Korea, where he has not been since he arrived in the U.S. 13 years ago. Because his 90-year-old grandmother has been suffering from health problems, he asked to travel for a humanitarian purpose so that he could visit her. While he is in South Korea, he plans to share his experience with the rest of the world by creating blogging about his journey and creating a documentary.

What country were you born in and how old were you when you first arrived in the United States? How long has it been since you first arrived?

I was born in South Korea and arrived in the United States when I was 11 years old. Until I received DACA, I had not been able to travel to my home country for 13 years.

When did you first find out about being able to travel under Advance Parole and what motivated you to submit a request?

I knew that I had the opportunity to apply for Advance Parole as soon as the Deferred Action for Childhood Arrivals (DACA) program was announced in 2012. I didn't plan to submit a request until I found out that my grandmother's health had been declining since she suffered from a stroke. My grandmother also has Alzheimer's disease and will turn 90 years old this year. After much thought and consideration, I decided to submit a request to go visit my grandmother.

How easy of a process was it for you to file for your Advance Parole request? Did you receive legal help?

First, I did a lot of research on my own. After I had a general sense of how to submit an Advance Parole request, I went to ask for guidance from those who knew more about the legal process. I contacted my friends, mentors, and immigration lawyers to find out more. Afterwards, I received legal representation from an immigration attorney to fill out the form and gather all necessary documentation required. We submitted the Advance Parole request a month after I began my initial research.

What kind of evidence did you submit for your Advance Parole request?

Because I was seeking to travel for a humanitarian purpose to visit my sick grandmother, I submitted various hospital documents as evidence that my grandmother was receiving medical help. We also requested a letter from the doctor with details about her condition. All of the documents were scanned and e-mailed to me.

How long did you wait to get your Advance Parole approved and how long were you approved to be outside of the country for?

It took 25 days to receive my approval. I was approved to be in South Korea for 24 days, even though I only requested 23.

South Korea has a mandatory military service requirement for all males. How did you bypass that requirement so that you were able to renew your passport and not have any trouble when landing in the country?

Before I could renew my passport, which was expired, I had to request to defer my military service with the South Korean government. Fortunately, it was deferred and then I was able to renew my passport.

Going abroad can be costly. Have you received any financial support from your community to make this trip possible?

Without community support, I would not be able to go back to South Korea. Because of financial difficulties, I reached out to my community and started an online fundraising campaign in hopes of

reducing the burden of worrying about the financial aspects of my trip. In less than two weeks, I met the goal and was able to fundraise enough to pay for my Advance Parole fee, travel costs, and other necessary expenses. I am so grateful and humbled to have a community who supported me every step of the way.

I recommend that others also obtain help from their communities. Whether it is financial or emotional support, it is very much needed.

Are you doing anything to document your travel experience?

I am using this opportunity to educate the rest of my community. This is not just about me. I created a website (www.joinjuhong.com) to document my journey and help others who are thinking about submitting an Advance Parole Request. I will be updating it with pictures, short videos, and reflections about my experience. I am also creating a short documentary. This trip will be very emotional for me and I want to capture it so that I can come back to the United States and educate others.

Would you encourage others to travel abroad with Advance Parole? Do you have any suggestions for them?

It is each person's decision to travel abroad. It is a great opportunity. I hope that sharing my personal experiences will help others better understand the Advance Parole process and make an informed decision. I definitely suggest that if they do decide to travel, obtaining legal help from an immigration attorney is crucial. They should also plan in advance to give themselves enough time to prepare.

Lizeth (Mexico) - Traveling for a Humanitarian Purpose

Lizeth traveled to Mexico to visit her grandfather, who was diagnosed with cancer. Since she has been married to her U.S. citizen partner for five years, there was an additional benefit for traveling abroad. Although Lizeth's U.S. citizen partner filed an immigration petition on her behalf, she was unable to adjust her status in the United States because she initially entered the United States without inspection (e.g. unlawfully). Traveling abroad with Advance Parole allowed her the chance to return to the U.S. lawfully and with inspection, thereby alleviating this problem. After returning, she filed for adjustment of status and is close to receiving a decision on her case.

What country were you born in and how old were you when you first arrived to the United States?

I was born in Mexico and was 11 years old when I first came to the United States.

What was your purpose for traveling abroad with Advance Parole?

After 13 years of not being able to return to Mexico, I wanted to visit my grandfather, who was recently diagnosed with cancer. He is very sick. I didn't get a chance to visit my grandmother in time because she passed away.

After speaking with my attorney, I also wanted to travel so that I can return lawfully to the United States because I crossed the border when I first came to Mexico as an 11-year-old child. My attorney let me know that coming back lawfully would allow me to adjust my status in the U.S. so that I could obtain my green card through a petition filed by my US citizen husband.

How long did it take for you to receive a decision? How long were you out of the country for?

After I submitted my Advance Parole request, it took two weeks for me to receive my approval. I was given permission to be in Mexico for only a week because even though I was able to specify the amount of time that I wanted to be out of the country for on the Advance Parole application, I did not put any length of time.

What was it like to finally be able to go outside of the United States?

While I was in Mexico, I was very sad. My grandmother died two years prior and I was focused on how I didn't have a chance to meet her.

The city where I grew up had changed a lot. When I was a kid, I pictured the city where I grew up as bigger than it really was. When I arrived there, I was really surprised at how small and different it was from what I had envisioned.

Did you have any fears when you traveled abroad?

Because I was one of the first DACA recipients to go abroad, I was very worried the whole time. I wasn't sure what the process would be like for returning to the United States and feared not being let back in.

Did you receive legal help before traveling? Would you recommend that others seek legal help?

I did receive legal help before traveling. It is important because I was screened to make sure that I didn't have anything in my record that would prohibit me from being able to re-enter the country after traveling to Mexico. I highly recommend that others work with an attorney before traveling.

Did you run into any trouble when you reentered the United States? What was the process like? What kinds of questions were you asked?

When I was reentering the country after my trip, I feared that I was going to be questioned and surely enough, I was.

The officer who reviewed my documents had not seen an Advance Parole document before and asked me what it was. I had to explain to her that I was granted Advance Parole because I had Deferred Action under the DACA program. She didn't even know what DACA was so I had to explain that to her as well. She saw in her system that an immigration petition was filed by my U.S. citizen spouse so she asked me if I was planning to adjust my status in the U.S. I told her that I was. Before letting me in, she told me to file for my parents as soon as I am able to and let me know that she was also an immigrant. She wished me luck.

What would your advice be for someone who is thinking of traveling abroad?

I would suggest that others not worry like I did. As long as you get screened by an attorney, you have nothing to worry about. Just enjoy your trip!

Also, specify the amount of time that you want to be let out of the country; otherwise they will choose a length of time for you. I was only given one week.

**Vianney (Mexico) -
Traveling for an Educational Purpose**

Vianney recently submitted an Advance Parole request so that she could conduct studies in Mexico for her Ph.D. program at the University of California, Berkeley. She describes the types of evidence that she submitted with her request and although she is still waiting for a decision on her Advance Parole, she is excited to visit the country that she has not been able to travel to in over 22 years.

How old were you when you first arrived to the United States?

I was 6 years old when I came to the United States.

Where will you be traveling for Advance Parole and what is your purpose?

I will be traveling to Jalisco, Mexico for educational purposes. As part of my Ph.D. program at UC Berkeley, I will be conducting an independent ethnographic pilot study that will be used for my qualitative methodology seminars in Fall 2014 and Spring 2015.

Can you explain the steps that you had to take to complete your Advance Parole Request and what type of evidence you submitted?

Once I knew that my research required me to travel to Mexico, I immediately informed my faculty advisor and explained to her my travel plans and the legal process required for me to travel. After I explained the Advance Parole process to her, I then asked her for a letter that I could use as evidence for my packet stating the reason why I needed to travel and how it relates to my degree.

Next I began to write my "explanation for travel" document that is a requirement of the process. In it I clearly stated why the travel is necessary for my research and how my research in turn is part of my progress in completing milestones in my graduate program and finally how this is part of my professional development. I wrote several drafts of this document which my advisor gave me feedback on to make sure it was concise.

I then compiled all of the required evidence. I obtained copies of previous transcripts, my school identification card, and confirmation of current enrollment to prove that I am a Ph.D. student at the school.

How are you feeling while you wait for your Advance Parole request decision?

I feel a bit anxious because I have not received a response yet (it has been about a month). I hope I get the Advance Parole granted because this would not only be a significant educational and professional experience but above all, it would allow me to see family that I have not seen in over 22 years. This parole is very symbolic of the restricted freedom undocumented students have to move across borders.

WHAT IS ADVANCE PAROLE?

Advance Parole is a travel document that some individuals can apply for from within the United States. As the name suggests, Advance Parole gives qualified individuals advance permission to enter into the United States after traveling abroad for certain purposes.

If you are granted Deferred Action under the Deferred Action for Childhood Arrivals (DACA) program, international travel may be permitted if you apply for and receive an Advance Parole travel document. You cannot apply for the AP document until your DACA is approved.

The United States Citizenship & Immigration Services (USCIS), the agency that oversees Advance Parole requests, states that it will only grant Advance Parole for “humanitarian, education or work purposes.”

WHAT ARE SOME EXAMPLES OF TRAVELING ABROAD FOR HUMANITARIAN, EDUCATION, OR WORK PURPOSES?

Humanitarian Examples	<ul style="list-style-type: none">» Visiting sick relatives» Medical assistance» Funeral service» Other urgent family-related purposes
Educational Examples	<ul style="list-style-type: none">» Study abroad programs through school» Academic research
Employment Purposes	<ul style="list-style-type: none">» Overseas assignments» Interviews» Conferences and Trainings» Meetings

HOW CAN I APPLY FOR ADVANCE PAROLE?

If you are granted Deferred Action, you can apply for an Advance Parole travel document with United States Citizenship & Immigration Services (USCIS) if your reason to travel is for a humanitarian, education, or work purpose.

To apply you must submit the following:

- 1) A completed I-131 Application for Travel Document form, found at www.uscis.gov
- 2) Evidence of your reason for travel (see next section for examples of evidence that you can use)
- 3) A copy of your DACA approval notice
- 4) A copy of a photo identification card (like your employment card or a state-issued identification card)
- 5) A \$360 Application fee (money order or check payable to "U.S. Department of Homeland Security")

EXAMPLES OF EVIDENCE THAT YOU CAN USE FOR DIFFERENT TRAVELING PURPOSES

Educational Purposes	<ol style="list-style-type: none">a. A letter from a school employee acting in an official capacity describing the purpose of the travel and explaining why travel is required or beneficial; or,b. A document showing enrollment in an educational program requiring travel.
Employment Purposes	<ol style="list-style-type: none">a. A letter from your employer or a conference host describing the need for the travel.
Humanitarian Purposes	<ol style="list-style-type: none">a. A letter from your physician explaining the nature of your medical condition, the specific medical treatment to be sought outside of the United States, and a brief explanation why travel outside the U.S. is medically necessary; or,b. Documentation of a family member's serious illness or death.

FREQUENTLY ASKED QUESTIONS/TIPS TO APPLY FOR ADVANCE PAROLE

Does an applicant need an attorney or a Board of Immigration Appeals (BIA) accredited representative to apply for Advance Parole? How can I find legal help?

Because of the complexity of traveling abroad with Deferred Action, we highly recommend that applicants seek legal assistance before traveling. This is because applicants should make sure that they are thoroughly screened and eligible to re-enter the country once they leave.

The United States Citizenship & Immigration Services (USCIS) is the agency that reviews and approves Advance Parole requests. However, when recipient of Advance Parole tries to re-enter the U.S. after the trip, the Customs and Border Protection (CBP) agency will be in charge of deciding whether that person is paroled into the country. Therefore, getting screened by an expert immigration attorney or Board of Immigration Appeals (BIA) accredited representative for “admissibility” is extremely important.

To find legal help, applicants can submit a free online intake form at www.tinyurl.com/e4fclegal

Are there risks involved in traveling abroad?

As stated above, individuals must be “admissible” in order to re-enter the United States after a trip abroad. There are many reasons why someone can be found “inadmissible.” One of the most common reasons why someone is inadmissible is that they have a previous removal (deportation) order on their record, sometimes without the person’s knowledge.

Also, certain criminal issues, even if they have been expunged, dismissed or occurred long ago, could be a problem.

There is also a chance that Congress might pass immigration reform and that it would only apply to people physically in the U.S. on the date the law is

passed. That is a small risk, but one you should be aware of if you plan to leave on Advance Parole.

Finally, we are still not 100% sure if travel triggers something known as the 3 and 10 year bars. We believe it does not - and the original DACA travel documents said this clearly. Now the documents no longer have that language. We are awaiting clear guidance from USCIS.

How long will it take to find out if an Advance Parole request is approved?

Once applicants have sent in a request for Advance Parole, it can take up to 90 days to receive a response. Sometimes applicants receive something called “Request for Evidence,” asking for more documentation before a decision is made. For these reasons, applicants must give themselves plenty of time before their trip.

What if a person needs to travel abroad immediately? Is there a way to receive a quicker response?

If an applicant for Advance Parole is on a tight schedule, it is possible to receive a quicker response. Sometimes applicants can call the United States Citizenship & Immigration Services (USCIS) at 1-800-375-5283 and ask for a quicker decision. If that does not work, applicants can try to contact their local Congressperson to help expedite the decision. Please realize that expedites are discretionary but will usually only be granted in an extreme situation. An expedite is likely to be granted for a very sick relative, but not for a study abroad program.

For what length of time can a person be out of the country with an Advance Parole (AP) document?

Because an Advance Parole (AP) document can only be valid for up to one year, the maximum time you can ask for is a year. However, you will need to show that you need to be outside of the country for whatever amount of time you ask for.

Since granting AP for individuals with DACA is a new process, you may only be granted a limited period and a single entry depending on your reason for travel.

For example, if you need to travel for a school program that lasts 2 weeks, your AP document may only be valid for two weeks and allow only one entry. We suggest that you ask for the maximum amount of time and multiple entries but you may only be granted a limited amount of time and only a single entry. You should make sure you double check the validity period of your AP document before you decide to travel abroad. Try to ask for a little extra time just in case there is a delayed or cancelled flight.

Note that renewing DACA requires “continuous presence” in the U.S. We hope that USCIS will agree that a long trip on AP does not break “continuous presence” in the US since the travel was authorized. But we do not have confirmation from USCIS that a longer trip on AP, such as a year abroad on AP, will be acceptable for a DACA renewal.

Do I need a new Advance Parole (AP) document each time that I travel?

You may need to apply for a new Advance Parole (AP) document if the validity period of your AP allows only for a single entry. You do not need to apply for a new AP if you are granted multiple entries and your AP is still valid. For example, don't ask for an AP for a single international soccer game if you are on a college team that may travel multiple times; instead, mention every international game for the season.

Will a re-entry under Advance Parole count as a lawful entry into the U.S.? Why is this important?

Although this has not yet been verified by United States Citizenship & Immigration Services, entry to the United States on Advance Parole could be considered a lawful entry to the United States because you will have been inspected and paroled to the country by an immigration officer. This is important if you later become eligible to apply for a green card based on a qualifying relationship to a United States citizen. In addition to asking about risks, talk with an attorney about how traveling abroad could actually improve your ability to qualify for permanent immigration status.

Do I need an Advance Parole document if I travel domestically but outside the continental U.S.?

If you have been granted Deferred Action under the Deferred Action for Childhood Arrivals (DACA) program, you do not need Advance Parole in order to travel within the U.S. states, including Alaska and Hawaii.

You also do not need an Advance Parole document in order to travel to any U.S. territories including Puerto Rico, Guam, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands so long as you do not make any layover in another country before reaching your final destination.

However, we recommend against travel to U.S. territories unless absolutely necessary since those returning from U.S. territories may be subject to so-called “grounds of inadmissibility” per federal regulations. As a result, detailed questions about previous immigration history may come up, which is complicated for any Deferred Action applicant.

Always keep in mind that whenever you travel, especially if you are near a border or at an international airport, there will be Customs & Border Protection (CBP) officers present and you could be questioned. However, as a Deferred Action beneficiary, you can show the officer your DACA approval notice indicating that United States Citizenship & Immigration Services (USCIS) and Immigration & Customs Enforcement (ICE) is not pursuing your deportation.

As long as Deferred Action is in effect, you are considered to be lawfully present in the U.S.

*Note that accidentally crossing the border outside of U.S. territory without Advance Parole could jeopardize your DACA grant.

SAMPLE DECLARATIONS FOR ADVANCE PAROLE REQUESTS

Declaration of Ju Young Hong

I declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I was granted Deferred Action for Childhood Arrivals (DACA) on October 22, 2012. My deferred action is valid until October 21, 2014. I submit this declaration in support of my application for deferred action.
2. I am applying for the Advance Parole based on humanitarian reasons — my grandmother in South Korea is seriously ill and undergoing treatment. She is turning ninety years old this year. My grandmother suffered a stroke and has been diagnosed with Alzheimer's disease. She has also been undergoing treatment for quadriparesis (weakness in her arms and legs) as well as cognitive dysfunction following her stroke. She underwent a MRI and neuropsychological testing.
3. I have not seen my grandmother in over thirteen years. I hope to see her to help her recover from her stroke, but also so that I can spend time with her. She has begun having trouble with her short term memory and frequently forgets things that happened the day before. I understand it is common for people struggling with Alzheimer's disease to also develop problems with their long-term memory over time and may even have difficulty remembering relatives. It would be heartbreaking if I was not able to see my grandmother before her Alzheimer's disease worsens and she forgets me.
4. I intend to visit South Korea on Tuesday, May 20th, 2014, and return back to the United States on Wednesday, June 11, 2014, a total of 23 days. My travel dates are flexible depending on the period allowed by my advance parole. Please help me reunite with my family and spend time with them in this very short trip. Thank you.

I declare under penalty of perjury that the above statement is true and correct.

2/10/14
Date



Ju Hong

Declaration of Vianney A. Gavilanes

The purpose for my travel is to conduct pre-dissertation field research. This summer research is a pilot study providing preliminary investigations necessary for my two-part qualitative methods seminar in Fall 2014 and Spring 2015 (Edu 280 C & D Research Apprenticeship and Qualitative Methodology Seminar), which will be the focus of my dissertation research.

My summer pilot study consists of interviewing a group of Mexican citizens who chose to leave the U.S. and return to Mexico in search of new opportunities after continuously residing in the U.S. during their K-12 education years. I will interview a sample of students in Guadalajara, Jalisco who are currently enrolled at the University of Guadalajara, have graduated, and/or are currently employed as professionals. Jalisco is one of the top four traditional sending Mexican states of migrants¹ and Guadalajara is a major metropolitan city with a high rate of return migration,² for these reasons Guadalajara, Jalisco is the chosen site for this pilot study.

My pilot study is the preliminary work of an extended research project aimed at learning why some students have chosen to return to their home countries after having lived in the U.S. for the majority of their young lives. This research is both timely and imperative due to our current political landscape regarding comprehensive immigration reform, and in particular legislation that will favor out-of-status students in the United States. Since the establishment of Deferred Action for Childhood Arrivals (DACA) on June 15, 2012 many out-of-status students have benefited from this discretionary action, however, not all qualified students have applied. Much empirical research is needed to fully understand the complexity of the transnational experiences many students have experienced in the U.S. as immigrants and now as they return to their country of birth after many years.

Due to the nature of my research and the location of my research subjects I am seeking this Advance Parole document which will allow me to conduct my research in Mexico and be able to re-enter the United States upon completion of the pilot study. My field research will be conducted from early June to mid August 2014. I look forward to completing this necessary research milestone and continue my doctoral study as I progress towards my dissertation research stage.

Sincerely,

Vianney A. Gavilanes

¹ Mexican Immigrants in the United States. (n.d.). *The Migration Information Source*.
<http://www.migrationinformation.org/usfocus/display.cfm?ID=767>

² Reyes, B. (1997). *Dynamics of Immigration: Return Migration to Western Mexico*. San Francisco, CA: Public Policy Institute of California. http://www.ppic.org/content/pubs/report/r_197brr.pdf

ABOUT THE AUTHORS

DAN BERGER

Dan is a frequent speaker at colleges, universities, and nonprofits on immigration issues. As a law student, he won the 1995 American Immigration Lawyers Association (AILA) annual writing competition for an article on INS policies toward international adoptions. Mr. Berger continued researching and writing, including being a Senior Editor of the AILA Immigration and Nationality Law Handbook for over ten years, Editor-in-Chief of Immigration Options for Academics and Researchers (2005 and now the new edition 2011), and Editor of the International Adoption Sourcebook and the Diplomatic Visas Handbook. He currently is Vice Chair of the AILA Healthcare Committee and a member of the AILA Texas Service Center Liaison Committee and the Rome District Chapter Consular Liaison Group, having previously served in many liaison positions working with different branches of the U.S. Citizenship and Immigration Service. Mr. Berger developed his interest in immigration in college, where he studied immigration history and taught English as a Second Language for adult refugees. He is a graduate of Cornell Law School, and a partner with Curran & Berger LLP in Northampton, Massachusetts.

KRSNA AVILA

Krsna is a graduate of the University of California, Davis where he received his Bachelor of Arts Degree in Sociology and Psychology in 2010. Having immigrated to the United States when he was only four months old, Krsna grew up feeling truly American, despite his legal status. Living in Oakland, he was a victim of four gun violence incidents. Education became Krsna's tool for freedom and self-advancement, a way to "level the playing field." Since joining E4FC's Legal Services Team, Krsna has developed an in-depth knowledge of U.S. immigration law and has been able to use his knowledge to pursue and gain lawful permanent residency for himself and to help others in similar situations. Krsna was recently admitted at Cornell Law School and will begin law school this fall.

ABOUT US

ABOUT EDUCATORS FOR FAIR CONSIDERATION (E4FC)

Founded in 2006, Educators for Fair Consideration (E4FC) empowers undocumented young people to pursue their dreams of college, career, and citizenship in the United States. We address the holistic needs of undocumented young people through direct support, leadership and career development, community outreach and education, creative expression, and advocacy. Our programming is designed by and for undocumented young people with support from committed allies. We are a fiscally-sponsored project of Community Initiatives. For more information, please visit us online at www.e4fc.org.

ABOUT CURRAN & BERGER LLP

Curran & Berger is a law firm in Northampton, MA specializing in immigration, with a wide range of clients from large corporations to top research universities to individuals. For many years our firm has represented colleges and universities. In the past, there would be individual undocumented students approaching us for advice, but the numbers were relatively small. Trying to help these students involved surveying the gamut of visa categories, from family to business, to look for a possible remedy. As we saw the numbers grow, we became increasingly involved in this issue, teaming with E4FC in 2010 to provide targeted legal services. We currently advise many universities about their policies regarding undocumented students. For more information, visit www.curranberger.com. You can also contact us by email at info@curranberger.com or (413) 584-3232.