Travel Information for DACAmented Students

IMPORTANT NOTICE:

This is a resource for student travelers.

The information contained in this information guide does not constitute legal advice. This information has been developed from publically available resources (see page 8 of this document) to provide general guidance to DACAmented students desiring to travel outside of the United States. Each student’s situation is different. DACAmented students, therefore, are strongly encouraged to consult with legal counsel of their choice before traveling outside of the United States.

Update November 16, 2016: The future of DACA is currently unknown. During his campaign President-elect Trump pledged to end DACA and has the authority to do so. Given this it is critical that DACA students take into consideration this extreme uncertainty and seek legal advice when considering travel outside of the United States.

There is conflicting advice regarding what next steps DACA students should take. We, therefore, encourage you to seek legal counsel from the resources listed below. The University of Michigan will continue to monitor federal immigration compliance developments and share updated information.

Some advice that immigration attorney Dan Berger has shared with international educators and NAFSA members can be found below.

“DACA students are encouraged to apply for renewal at the earliest possible moment - see the calculator at http://e4fc.org/legalservices/deferredactionresources.html. And here are some tips if DACA is delayed to get it approved as soon as possible given current long processing delays- www.nilc.org/issues/daca/

Students should also consider if they have any longer term immigration options - http://e4fc.org/resources/legalremedies.html.

Regarding study abroad after the inauguration, that is a concern...For now, I would advise DACA students to explain the uncertainty of their status to a study abroad program, and only sign up if they can back out at the last minute, once we see more about what happens in the first 100 days. I would recommend that current study abroad students return before the inauguration.”

There are many things to consider before applying for an international opportunity as a DACA recipient. This resource provides a description of the process and considerations for traveling abroad as a DACAmented student.

In general, students enrolled in Deferred Action for Childhood Arrivals (DACA) may leave the U.S. temporarily for educational, humanitarian, or employment purposes if granted prior permission to reenter the United States from U.S. Citizenship and Immigration Services (USCIS) before leaving the country. If you are enrolled in DACA, you must apply for advance parole from USCIS using Form I-131 to obtain permission to reenter the U.S.

Advance parole is a document (Form I-512L) that gives Customs and Border Protection (CBP) permission to allow you to reenter the U.S. without affecting your DACA status. Reentering the U.S. on advance parole does not count as “admission” to the United States and carries no other benefits. Advance parole is only available to applicants who intend to travel for educational, humanitarian, or employment purposes.

Vacation is not a valid purpose for travel.

Do not leave the U.S. without first obtaining advance parole. Doing so will cause your DACA to be automatically revoked, and you may not be able to return to the U.S.

Undocumented students who have not yet enrolled in DACA should seek legal counsel before attempting to travel abroad. You are not eligible for advance parole if you have not yet applied for DACA or if your application is still pending. Leaving the country will seriously jeopardize your eligibility to enroll in DACA in the future.

**Things to Consider When Deciding Whether to Travel**

*Are you comfortable with the risks of traveling abroad?*

Advance parole does not guarantee you reentry into the United States. Your advance parole may be revoked at any time at USCIS’s discretion, including while you are abroad. It is up to the U.S. border officials at your point of entry to decide whether to allow you to reenter the country. You should be aware of the following risks of traveling on advance parole:

- If you have an outstanding deportation or removal order on your record and you leave the country on advance parole, USCIS will consider you to have complied with the deportation order, and you will not be allowed to return to the U.S. You must reopen your case and terminate any outstanding orders before you travel (see below).
If you breach the terms of your advance parole, such as by traveling to additional countries or overstaying—even by mistake—then you may be denied reentry to the United States. Even if you are allowed to reenter, you may lose the ability to renew your DACA in the future.

Even if you obey the terms of your parole, Customs and Border Protection (CBP) may decide to not to allow you to reenter if they believe that you are inadmissible on health, safety, or national security grounds.

**Can you obtain all the required documents to apply for advance parole and travel abroad?**

In order to obtain advance parole, you will need to be able to furnish documents proving your identity, your DACA status, and the purpose of your trip. Unless you are traveling to your country of origin, you will also need to obtain a valid passport from your country of origin/citizenship and a visa (if required) to enter each destination country. You should not apply for advance parole unless you can obtain all the necessary documents in time for your trip.

**Do you have enough time to complete all the necessary administrative steps?**

You should begin planning your trip as soon as possible. You should apply for advance parole as far in advance as possible but no later than three months before your date of departure. If you have other administrative steps to complete first, you must give yourself enough time to complete these as well. Depending on your situation, you may need to do the following before applying for advance parole, each of which will add to the time you should set aside to prepare for your trip:

- Enroll in DACA or wait for a pending DACA request to be granted;
- Renew your DACA, if it is set to expire before or during your trip;
- Terminate or administratively close any outstanding deportation or removal order;
- Obtain or renew a passport from your country of origin; and
- Obtain travel visas from each destination country.

**Do you have enough money to complete all the necessary steps?**

There is a $360 fee to apply for advance parole, and many of the prerequisite steps (like obtaining or renewing DACA status, or obtaining a valid passport) come with application fees as well. For certain steps, like terminating an outstanding deportation order, you may even need to hire a lawyer. You should factor these costs into your trip budget, and only begin the process if you can afford to finish it.

Information regarding financial support for international travel is available on the Global Michigan Education Abroad Funding page.
Things to Consider Before Applying for Advance Parole

Are you currently DACAmented?

You must be currently enrolled in DACA to be eligible for advance parole. If you have not yet applied for DACA, or if your DACA application is still pending, you must wait until it is granted before you apply. USCIS will not consider an initial DACA request and an application for advance parole together.

Is your DACA set to expire before or during your trip?

DACA must be renewed every two years. If your DACA is set to expire before or during your trip, you should renew your DACA before applying for advance parole. You should plan on applying for renewal at least 150 days before the expiration date or your date of departure, whichever is sooner. You are eligible to renew your DACA only if:

- You have not left the U.S. without advance parole on or after August 12, 2012;
- You have continuously resided in the U.S. since submitting your most recent application for DACA that was approved; and
- You have not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and you are not otherwise considered to pose a threat to national security or public safety.

Do you have a passport from your country of origin?

Your Form I-512L (Advance Parole Document) is not a substitute for a passport. Unless you are traveling to your country of origin, you will need to obtain a valid passport before you leave. The passport must be valid for at least six months after the date of your planned return. As a DACA recipient, you are not eligible to receive a U.S. passport; instead, you should contact the consulate of your country of origin for instructions on applying for or renewing your passport. You can locate your country of origin’s consulate in the United States by checking the U.S. State Department’s website.

Can you acquire a visa from your destination country?

You should check with the embassy of your destination country to verify that you are eligible to obtain a visa for your trip. Certain countries impose different visa requirements depending on the nationality of the applicant. Depending on your destination and your country of origin, you may need to complete additional steps or pay additional fees to obtain a travel visa.

Have you ever been ordered deported or removed?

If you have an outstanding deportation or removal order on your record, you may still apply for advance parole. However, you must take additional steps before you leave the country. If you leave the country
without first having your deportation/removal case closed or terminated, you will be considered deported or removed, with very serious consequences for your future immigration prospects. For example, you may be barred from re-entering the United States for several years. You should consult an attorney if this situation applies to you.

Before you leave the United States, you will need to reopen your case with the Executive Office of Immigration Review (EOIR) and have it administratively closed or terminated before leaving the country. Do not leave the country until EOIR grants your request.

For more guidance on applying for advance parole, please see USCIS’s DACA FAQs: Travel.

**How to Apply for Advance Parole**

You should apply for advance parole as soon as possible but no later than three months before your trip begins. You may request expedited processing if necessary. Apply using Form I-131, which is available online. Check the Form I-131 Instructions for additional help completing your application.

Once your request is granted, USCIS will give you a Form I-512L. This is your advance parole document. You will need to show the original Form I-512L to the border inspector when you return. You should make copies of your Form I-512L as well, and leave at least one copy with someone you trust in the United States.

**Important things to consider when completing your Form I-131**

- **Length of trip.** You will be asked to specify the dates of your trip. You should give yourself at least a few additional days before and after you actually intend to depart and return to the United States. This will prevent you from breaching the terms of your parole in the event of a flight delay or other mishap. Currently, USCIS will not grant advance parole for longer than one year.

- **Plan and Purpose of trip.** You will need to complete a statement explaining how your trip fits one of the three purposes for which advance parole can be granted. If you’re studying abroad, you should explain how the trip fulfills an educational purpose, explain your course of study, and if possible, describe how the program will help you satisfy the requirements of your major.

- **Multiple Trips.** You may apply for advance parole for multiple trips (i.e., permission to leave and reenter the U.S. more than once) in a single application.
Other Required Documents

To complete your application, you will need to attach the following to your Form I-131:

- **Proof of DACA status.** DACA may be granted either by USCIS or Immigration and Customs Enforcement (ICE). Depending on which agency deferred action in your case. Attach either a copy of the USCIS Notice of Action, Form I-797 that you received when your DACA was approved, or a copy of an approval order, notice, or letter from ICE confirming that you have received deferred action.

- **Filing fee.** Attach a check or money order for $360 payable to “U.S. Department of Homeland Security.”

- **Two passport-sized photos.** Attach two identical photographs of yourself taken within 30 days of filing your I-131. They must be 2” x 2” and printed on glossy photo paper. The photos should show your entire face in frontal view against a white or off-white background. Do not take these photos yourself. Instead, have the photos taken at the United States Postal Service or a store that offers professional passport photo services. Examples include shipping centers like FedEx or UPS; or retail stores like CVS, Walgreens, or Walmart.

- **Supporting evidence of your reason for travel.** You must include evidence that your trip will be for an educational purpose. Acceptable forms of evidence include a letter from a professor or program director explaining the details of the study abroad and why it is important to your course of study, evidence of enrollment in an academic program at your destination, and a course syllabus. Send copies of your supporting documents, rather than originals because you will not get them back.

**Traveling With Advance Parole**

**While You Are Abroad**

Keep copies of your advance parole document, DACA documentation, and other travel documents with you as you travel. If you lose your Form I-512L while you are abroad, visit the nearest U.S. consulate to apply for a replacement.

Be careful not to violate the terms of your advance parole by traveling outside of your approved travel dates or traveling to other destinations during your trip. As mentioned above, your application should give you a cushion of time on either end of your actual dates of travel. This will prevent you from accidentally violating your parole in the event of a flight delay or other unforeseen circumstances.

Maintain a few documents that show your compliance with the terms of your Advance Parole (e.g., hotel receipts, course syllabi, course work, travel receipts, etc.)
Arrange for someone at home to have copies of all your documents so that the information can be forwarded to you if lost or stolen.

*When You Return to the U.S.*

As you prepare to return to the U.S., you should have the following original documents with you to assist with any questions from Customs and Border Patrol (CBP) agents:

- Your passport from your country of origin that is valid for at least six months after the date of travel;
- Advance parole document;
- DACA approval notice;
- State I.D. or driver’s license;
- Employment Authorization Document (“EAD”)
- Evidence of educational, humanitarian or employment purpose for the trip abroad
- Evidence of your actual trip (e.g., tickets, receipts, event flyer, conference material, syllabus, trip itinerary); and
- Your attorney’s business card or contact information.

When you first arrive at an airport in the U.S., you will pass through immigration and customs and be processed for reentry. There will be separate lines marked “Visitor” and “Resident/Citizen.” You may be processed in either of these lines. You may be escorted to a separate room for processing. This doesn’t mean that you are being detained so don’t panic. There is also possibility of CBP not delaying you at all. However, you may need to spend several hours with CBP, which may impact your ability to make a connecting flight. Make your travel plans accordingly.

CBP may ask you a number of questions. You should be prepared to answer these and provide supporting documentation:

- What was the reason for your trip abroad?
- For how long were you gone?
- What countries did you visit, and where did you stay?

Once your case has been processed, CBP will stamp your Form I-512L and your passport. Keep copies of your stamped Form I-512L, your stamped passport, your plane tickets, and any other supporting documentation you prepared for your trip. You may need these later to prove that you complied with the terms of your advance parole, such as when renew your DACA.
Resources

- **Form I-131 Instructions** (United States Citizenship and Immigration Services): Gives detailed instructions for completing your Form I-131. Be aware Form I-131 is used by other applicants for advance parole besides DACA recipients, and not all of the information contained in the instructions applies to DACAmented applicants. Read the instructions carefully.

- **Renew Your DACA** (USCIS): Gives detailed instructions on renewing DACA.

- **Frequently Asked Questions about DACA Travel** (USCIS): Provides answers to frequently asked questions about DACA travel.

- **Practice Advisory: DACA Renewal and Advance Parole** (Immigrant Legal Resource Center & United We Dream): Describes some of the problems DACAmented individuals have encountered after taking advantage of advance parole.


- **Practice Advisory: Advance Parole for Deferred Action for Childhood Arrivals (DACA) Recipients** (American Immigration Council Legal Action Center & Catholic Legal Immigration Network, Inc.): Provides a technical discussion of the process of applying for advance parole, the logistics of travel with advance parole, as well as some of the legal issues and risks involved.

- **Webinar: DACA and Advance Parole (May 2014)** (Catholic Legal Immigration Network, Inc.)

- **Webinar: Travel Abroad for Deferred Action for Childhood Arrivals (DACA) Recipients** (Catholic Legal Immigration Network, Inc.)

Local Resources

U-M (Ann Arbor Campus) Student Legal Services  
[https://studentlegalservices.umich.edu/](https://studentlegalservices.umich.edu/)

Michigan Immigrant Rights Center  
[www.michiganimmigrant.org](http://www.michiganimmigrant.org)

Michigan Immigration and Labor Law Association (MILLA)  
[https://www.law.umich.edu/journalsandorgs/Pages/MILLA.aspx](https://www.law.umich.edu/journalsandorgs/Pages/MILLA.aspx)