

Cross Border Business Law Blog

U.S. Citizenship and Immigration Services Tightens Requirements on Green Card Applications for Renewing Advance Parole Travel Authorization Documents

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The United States Citizenship and Immigration Services (USCIS) recently adopted a new policy for travel document applications that should be taken into account by those applying for green cards. Under the new policy, the agency will deny a request for a travel document, called an Advance Parole (AP), if it discovers that the individual traveled outside the United States after filing the request, but before its approval. AP renewals are sought by submission of Form I-131, *Application for Travel Document*.

The agency's long-standing policy had been to allow green card applicants to travel outside the United States without affecting any pending AP requests as long as the individual had other valid means of being readmitted to the United States. For example, if the individual was admitted using their existing valid, unexpired AP travel document, or by presenting a H, K, L, or V nonimmigrant visa, then their pending AP renewal request would be unaffected by the applicant's temporary absence.

The USCIS appears to be using the official instructions which accompany the latest version of Form I-131 to justify denying the requests. The instructions for completion of Form I-131, the latest version issued on December 23, 2016, do not differentiate between renewals and initial applications and state the following:

“If you depart from the United States before the Advance Parole Document is issued, your application for an Advance Parole Document will be considered abandoned.”

Requests for AP travel documents can take more than 90 days to adjudicate, and renewal requests can be filed with the agency up to 180 days in advance of their expiration dates. Green card applicants must be aware of this change in policy when planning for international

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travel in order to avoid having their pending AP renewal request denied.

Tags: Advance Parole, AP renewal, Form I 131, Form I-131 Application for Travel Document, Form I-485, Form I-485 Application to Adjust Status, green card, green card applicants, nonimmigrant visa, United States Citizenship and Immigration Services, USCIS