

## Advance Parole Travel Document Q & A

It is important that any foreign national wishing to travel internationally plan ahead to ensure they have the required documents for re-admission to the United States. It is very common for many foreign nationals to travel while an Application to Adjust Status to U.S. Permanent Resident (I-485) is pending with the United States Citizenship and Immigration Services (“USCIS”). Depending on a foreign national’s underlying nonimmigrant status, s/he may only be permitted to travel if s/he has a valid Advance Parole (“AP”) document.

**Combination Employment Authorization/Advance Parole Card “Combo Card”:** Please note that on February 11, 2011, USCIS began issuing employment and travel authorization on a single card for certain applicants filing an Application to Adjust Status to U.S. Permanent Resident (I-485). This document will be issued where a Form I-765, Application for Employment Authorization, and Form I-131, Application for Travel Document, are concurrently filed. The document that is issued looks similar to the current plastic Employment Authorization Document (“EAD”) card but also includes the following text: “Serves as I-512 Advance Parole.” This document will provide an individual with U.S. work authorization and will allow an individual to travel abroad and return to the U.S. Upon arriving at a U.S. port-of-entry, this document would be presented to a Customs and Border Protection (“CBP”) Officer to request parole. Please note that this card must have been approved and issued prior to a departure from the U.S. and must be valid upon an individual’s return to the U.S. to be eligible for parole into the U.S. The traditional paper AP documents will continue to be valid and will continue to be issued when an individual is not eligible for a Combo Card.

Please review the information below, which explains how and when an AP document may/must be used for international travel when an I-485 application is pending with USCIS. **Advisory:** This is general information. Please also note that these FAQs relate to general AP legal concepts which apply to both the traditional paper AP document and the new Combo Card, however some of the information within these FAQs solely relates to the traditional paper AP document. If after review of this document specific questions or concerns arise, please be sure to contact your LMAC attorney, well in advance of departure from the U.S., and well in advance of purchasing non-refundable tickets.

### **Question #1: What is the Validity Period of an Advance Parole Document and Does USCIS Issue Only One?**

**Answer #1:** An Advance Parole document (Form I-512L) is **typically** valid for one year from the date of issuance by the USCIS. The AP documents are issued in duplicate (sometimes in triplicate) and are **typically** valid for multiple entries during the one year validity period. Although our office requests that the Advance Parole document be issued for multiple entries, please review your Advance Parole document to determine if it has been issued by USCIS for a single entry or for multiple entries<sup>1</sup>. You may find this information on the AP document itself in the section titled “**PAROLE**” (i.e. “This authorization is valid for multiple applications for parole into the United States during the validity period noted above.”). Please note that the USCIS sometimes erroneously issues original AP documents in triplicate. The third original AP document does not need to be returned to the USCIS. Therefore, if the USCIS issues an AP in triplicate for a foreign national, we will provide the third original AP document for the individual’s use.

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<sup>1</sup> If an individual applies at a USCIS Field or District Office for an Advance Parole for emergency travel, the USCIS may issue the Advance Parole document for a very limited period of time for a single entry.

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**Question #2: What Biographical Information is Included on the Advance Parole Document?**

**Answer #2:** The Advance Parole document includes the following biographical information about the individual for whom the AP document has been issued: Family Name/Surname, Given/First Name, Middle Initial; Date of Birth (Month/Day/Year); Country of Birth; Alien Number ("A#"); AP Application Receipt Number; and U.S. Address. Upon your receipt of the AP document from our office, please review the document very carefully to ensure that your biographical information is correct. If any biographical information is incorrect, please notify our office immediately as the AP document is not valid and cannot be used for reentry to the United States if any biographical information is incorrect, with the exception of the U.S. address. Please note that the AP documents will typically be issued with our office name and address in the U.S. address section. This is because we include our address on the AP application form to ensure that the AP document is mailed to our office for our review and to update your case file before sending to you for your use. The use of our address in this section is not an issue and does not prevent you from using the AP document to reenter the U.S.

**Question #3: When and How Do I Use an Advance Parole Document?**

**Answer #3:** The U.S. Citizenship and Immigration Services must **approve** the application for AP prior to the individual's departure from the United States if s/he travels outside the United States while his/her adjustment of status application is pending with USCIS and s/he will need to use the AP documents to reenter the U.S. If the individual is maintaining H or L status and departs the United States prior to the approval of the AP application, the individual must reenter in valid H or L status in order to maintain the adjustment of status application. If the individual is not in the U.S. pursuant to H or L status, s/he may not travel internationally until the AP application has been approved.

Although an individual must be physically in the United States when s/he submits an application for an AP document, the individual may travel outside the United States while an AP application to *renew* permission to travel is pending, but must return prior to the expiration date of the current AP document. If when an individual departs the U.S. s/he has received his/her renewal AP document and it is valid for a period of time from the expiration date of the current AP document, the individual **must** reenter the U.S. pursuant to the same AP document that was used/valid at the time of his/her departure from the U.S. (For example, the current AP expires on October 18, 2008. The renewal AP is valid from October 18, 2008 to October 17, 2009. The individual is leaving the U.S. on October 10, 2008. In this situation, although the renewal AP has been issued *prior to departure* from the U.S., the individual **must** reenter the U.S. prior to the expiration of the current AP on October 18, 2008.)

Please note that if an individual is submitting an AP document application for his/her initial AP, s/he cannot use that AP until it has been approved and issued by the USCIS. In addition, individuals in certain nonimmigrant statuses may not travel internationally until such time that they have obtained a valid AP document from the USCIS. Please see below for additional information about this travel restriction for certain nonimmigrants.

For the first trip outside the United States using the AP to reenter the U.S., the individual must bring the original AP documents in duplicate. Upon reentry into the United States, the U.S. Customs and Border Protection ("CBP") Officer will stamp both AP documents and retain one AP document for CBP records. The admission stamps on the AP documents will bear an expiration date one year from the date of entry. Note that this date is not relevant for status purposes or AP document validity purposes; the expiration date of the AP remains the date printed on the top of the AP document. **In order to maintain the adjustment of status application, reentry to the United States must be completed prior to this AP document expiration date.**

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**Also note that the CBP Officer must return the other stamped AP document to the individual for subsequent travel; the individual may continue to present this AP document for reentry into the United States during the validity of the AP document.**

**Question #4: Do I Need a New I-94 Card When I Reenter the United States Using an AP Document?**

**Answer #4:** Yes. When you reenter the U.S. pursuant to a valid AP document you will be issued a new I-94 card. You will be paroled into the United States for a period of up to one year. Thus, your I-94 card will only be valid for a period not to exceed one year from the date of your entry into the U.S. Note that this I-94 card expiration date is not relevant for status purposes or AP document validity purposes. Please see Section V regarding maintenance of status while an adjustment of status application is pending with the USCIS.

**Question #5: May an Individual in H/L Status Resume H/L Status in the United States After Using an AP to Reenter the United States?**

**Answer #5:** Under current USCIS guidance, individuals maintaining H or L status who travel outside the United States and reenter using valid AP documents may resume their H or L status pursuant to a valid H or L petition.

This option may be preferred and more convenient for individuals in H or L status who would otherwise have to apply for and obtain a new H or L visa stamp at a U.S. Consulate abroad in order to reenter the U.S.

**\*\*CAVEAT: Pursuant to current U.S. immigration policy, if the Principal Applicant (H-1B, L-1A or L-1B) reenters the U.S. pursuant to a valid Advance Parole document, he/she will be paroled into the U.S. Any dependent family members with pending adjustment applications who had been maintaining H-4 or L-2 status will not be permitted to reenter the U.S. with a valid H-4 or L-2 visa stamp following travel outside of the U.S. Such dependent family members will be required to present valid Advance Parole documents in order to reenter the U.S. following travel abroad. However, please note that Principal Applicant's entry to the U.S. pursuant to a valid Advance Parole document does not prevent the Principal Applicant from resuming employment pursuant to H-1B or L-1 status or obtaining an extension of such status. If the Principal Applicant and dependents later obtain extensions of H or L status (provided they maintained valid H or L status), the Principal Applicant and dependents may apply for H or L visa stamps the next time that they travel abroad and then reenter the U.S. pursuant to the valid H or L visa stamp. If a dependent enters the U.S. pursuant to an Advance Parole document, such entry as a parolee does not affect the Principal Applicant's ability to enter the U.S. pursuant to an H or L visa stamp provided that the Principal Applicant has maintained valid H or L status. All of the above also applies to visa exempt Canadians but in lieu of a visa stamp, they would need a valid I-797 Approval Notice.**

Note that the following categories of individuals are not maintaining valid H or L status and **must** use AP documents to reenter the United States:

- H-1 or L-1 nonimmigrants who leave the employer indicated on the H or L petition and engage in employment for a different employer pursuant to an employment authorization document ("EAD") card;
- H-4 nonimmigrants who are working pursuant to an EAD card or whose H-1B spouse/parent is employed pursuant to an EAD card;
- L-2 nonimmigrants who are working pursuant to an AOS EAD card; and
- L-2 nonimmigrants whose L-1 spouse/parent is working pursuant to an EAD card.

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**Question #6: How Do I Apply for a New Advance Parole Document?**

**Answer #6:** If you would like our assistance in obtaining new AP documents, you must notify this office 150 to 180 days prior to the expiration of the AP documents.

Pursuant to current USCIS policy, the application for new AP documents cannot be filed with the U.S. Citizenship and Immigration Services more than 120 days prior to the AP document expiration date.

Because our office cannot provide a reliable estimate of the processing time to receive new AP documents due to the fluctuating processing times issued by USCIS, we recommend filing the AP applications 120 days prior to the expiration date to avoid any interruption in your ability to travel outside the United States while the Adjustment of Status application is pending. Please note that USCIS has strict expedite criteria and does not normally expedite these applications without a true emergency situation.

Please contact the Attorney assisting with your case if you have any questions or concerns regarding AP documents and travel.