

USCIS Clarifies New Travel Document Rules

Earlier this year, U.S. Citizenship and Immigration Services (USCIS) issued revised instructions for USCIS Form I-131, Application for Travel Document. On July 8, 2008, it provided further guidance concerning biometrics steps, and certain situations affecting individuals in need of travel documents.

Applicants for re-entry permits and refugee travel documents are now required to provide biometrics (for example: fingerprints and photographs) at a USCIS Application Support Center (ASC) for background and security checks, and to meet requirements for secure travel and entry documents containing biometric identifiers.

Applicants also are strongly encouraged to apply, whenever possible, well in advance of their anticipated travel dates to allow time to attend their ASC appointments, and to receive their travel documents. Shortly after filing a Form I-131 for a refugee travel document or a re-entry permit, USCIS will mail the applicant his or her receipt and an ASC scheduling notice. Certain overseas USICS offices may, in their discretion, accept and adjudicate Form I-131 filed for a refugee travel document (but not re-entry permits), where the applicant has failed to apply while in the U.S. However, applicants for refugee travel documents should not count on the overseas offices necessarily agreeing to accept and adjudicate an I-131 in all cases, particularly where it is evident that the individual could have applied while in the U.S. and attended his or her biometrics appointment.

If applicants require expedited processing, the instructions provide specific information for submitting pre-paid express mailers with the Form I-131 for USCIS to send the applicant his or her receipt and ASC appointment notice, as well as the completed re-entry permit or refugee travel document, if approved. A request for expedited processing should contain the applicant's reasons for such processing so that USCIS may determine whether the applicant qualifies for expedited processing.

Applicants for advance parole are not required to submit biometrics at this time. An applicant for advance parole must continue to submit two identical color photographs of the applicant taken within 30 days of the filing of the Form I-131 application.

Not all applicants for a re-entry permit or refugee travel document may complete biometrics outside of the U.S. Specifically, Form I-131 instructions provide guidance for certain persons who are abroad at the time of filing to visit a U.S. Embassy or consulate for fingerprinting, although all applicants are urged to file before leaving the U.S. Since certain overseas offices have the discretion to accept and adjudicate applications for refugee travel documents, although it is not mandatory that they do so, an applicant for a refugee travel document may complete biometrics outside of the U.S. But an applicant is still encouraged to wait to travel until his or her biometrics is collected and the document delivered.

It is also significant to note that Form I-131 form instructions state, “Departure from the United States before a decision is made on an application for a Re-entry Permit usually does not affect the application. However, where biometric collection is required and the applicant departs the United States before the biometrics are collected, the application may be denied.” Thus, travel is not advisable. If an applicant leaves and comes back, his or her application may be denied while abroad, and he or she may not be able to get back into the country. Even though an overseas USCIS office may, in its discretion, take the biometrics of an applicant for a refugee travel document, there is no guarantee that the office will necessarily exercise its discretion to do so. Therefore, USCIS again urges all I-131 applicants for whom biometrics will be required to file their applications well in advance of their scheduled departure dates. Indeed, USCIS suggests applicants apply for a travel document at least 60 days prior to the date of travel.

Travel outside of the U.S. can jeopardize a foreign national’s U.S. immigrant visa goals, if not properly arranged. Thus, one should always confirm with his or her attorney that the appropriate steps are taken before travelling. [Portions of this article are excerpted from official USCIS communication memorandum.]

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