

## **words of caution on traveling**

New border controls and enforcement have made travel abroad an increasing challenge for many Americans. Even American citizens have experienced increased scrutiny and often intrusive questioning and searches at borders, but risks to non-citizens are even greater. Immigrants who do not exercise care before traveling abroad risk exclusion, deportation, or lengthy legal proceedings to preserve their immigration status.

**NOTE:** Except for the last question, all travel referred to in this brochure relates to travel outside of the United States.

# **tips on traveling abroad for immigrants**

*Are you planning on traveling outside the United States?*

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**SFILEN** is dedicated to providing **free immigration legal assistance**  
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# traveling abroad for immigrants

## frequently asked QUESTIONS



***I am a lawful permanent resident with a valid and current 'green card.' Should I have any concerns about traveling overseas?***

Perhaps. There are several issues that you should consider.

➤ **First, depending on the time you spend overseas and other factors, the government can decide that your absence has resulted in loss of your status in the United States.** For example if you move out of your apartment, file taxes as a 'non-resident' (or don't file taxes at all), and travel for a year overseas, the government may seek to cancel your status as a permanent resident. Even if your trips are less than six months long, if you are spending most of your time outside the United States, your green card may be at risk. In general, if you plan to be out of the country for more than six months in any twelve-month period we recommend that you apply for a "re-entry permit" before you leave the United States. A re-entry permit may allow you to stay abroad for up to two years, as long as you maintain a permanent home in the United States the whole time and you can prove a clear intent to return to that home.

➤ **Second, travel overseas may delay your ability to apply for citizenship.** In order to apply for citizenship you must have continuously resided in the United States for certain periods of time (five years for most applicants). Although you can take short trips during this time, a trip abroad of over six months may re-start your required residency period. If you plan to apply for citizenship in the near future or have an application for citizenship pending you should consult an attorney before traveling for more than brief periods.

➤ **Third, if you have been arrested or convicted of a crime at any time you should seek legal advice before traveling.**

Traveling abroad with a criminal record can result in serious consequences including the possibility of deportation.

***My 'green card' has expired! Can I still travel abroad?***

**You should not travel abroad if your green card has expired because you may be denied entry back into the country.** If you are already out of the country and discover your green card has expired, you may be able to be re-admitted if you can show that you have not abandoned your U.S. residence. In some cases, you may go to the U.S. Consulate or Embassy to request a "boarding letter" to return here, but you should get competent legal advice before making such a request.

***Can I travel overseas if I have an application for a 'green card' pending?***

**Most persons with pending applications for permanent residency can and should request permission from the government before traveling.** There are some exceptions to this rule so you should get legal advice before you apply for government approval.

Persons who have been in the country without legal status for more than a total of 180 days after April 1, 1997, should **not** leave the country for any reason. Even if you are otherwise eligible for a visa, you may be banned from returning to the United States for at least three years.

***I do not have legal status at this time. Can I travel within the country?***

**If you do NOT have legal status, you are at some risk of being detained and deported wherever you go.** Increased security checks at airports and train stations raise the risk of arrest by immigration officials. Only a change in immigration law will improve this situation for the vast majority of undocumented immigrants.

**NOTE:** This brochure is intended as general information. It is not a substitute for individualized legal advice. If you are a low income resident of San Francisco you may be entitled to free legal advice provided by the San Francisco Immigrant Legal and Education Network.