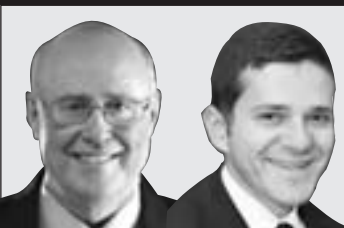


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ATTY. ROBERT REEVES & JEFF L. KHURGEL

What every non-citizen should know before traveling

try or whether their departure will in any way impact their current benefits application. There are several types of Travel Documents issued by immigration authorities which are applicable:

Advance Parole

Generally, a person in the US who has filed an application for adjustment of status is deemed to have abandoned that adjustment of status application if she departs the US while her application is pending. The effect of an advance parole travel document is to permit travel, while preventing abandonment. An advance parole document is issued solely to authorize the person who travels to a US port of entry to seek parole into the United States to await the adjudication of the pending application.

A person's application for an advance parole document on the basis of a pending application for adjustment of status must be approved prior to departing the US. If granted, USCIS normally issues a 1-year, multiple-use advance parole document. If the resident departs prior to issuance of the advance parole document, her application for adjustment of status will be considered abandoned.

Re-Entry Permit

Often, lawful permanent residents may seek to travel abroad for over a year, but faithfully intend to reside permanently in the US. This can occur because the resident wants to finish school abroad, is employed abroad, desires to care for an ailing relative abroad, or any other of a number of reasons. In such instances, residents should

consider availing of a re-entry permit, so as to minimize the chances of Green Card abandonment. Residents may use re-entry permits to seek to re-enter the United States if they have been absent for 1 year or more. This travel document must be applied for in the US before leaving the US, and is usually granted for a validity period of 2 years.

As are all non-citizens, re-entry permit holders are still subject to inspection at the port of entry and may be denied admission if they are inadmissible. While possession of a re-entry permit travel document evidences intent to reside in the US, it does not guarantee admission into the US. The resident should also have a viable reason and supporting documentation for any departure from the US for over 6 months.

Even with a valid travel document, a resident who is in the US, but has accrued at least 180 days of unlawful presence, should carefully consider whether to leave the US, as doing so may subject her to a 3 or 10 year bar to re-entry.

Returning Resident Visa

While the advance parole and re-entry permit travel documents require forethought and planning prior to leaving the US, the reality of life is such that not all residents can predict their travel plans. As such, a resident sometimes leaves the US believing that she will return within 6 months or one year, but circumstances force her to alter her plans. In such instances, the resident may be eligible for a special im-

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