



Fact Sheet

Traveling Outside the United States as an Asylum Applicant, an Asylee, or a Lawful Permanent Resident Who Obtained Such Status Based on Asylum Status

Asylum applicants, asylees, and lawful permanent residents who obtained such status based on their asylum status are subject to special rules with regard to traveling outside the United States. This U.S. Citizenship and Immigration Services (USCIS) Fact Sheet describes the relevant statutes and regulations regarding traveling outside the United States as well as the consequences that could result if an asylum applicant, an asylee, or a lawful permanent resident who obtained such status based on his or her asylum status returns to his or her country of claimed persecution.

Travel Outside the United States

- **Asylum Applicants:** An asylum applicant who leaves the United States without first obtaining advance parole shall be presumed to have abandoned his or her asylum application. Advance parole (see: *USCIS Form I-131*) allows certain aliens to return to the United States without a visa after traveling abroad. Asylum applicants must receive advance parole before leaving the United States. Advance parole does not guarantee that the alien will be paroled into the United States. Rather, the asylum applicant must still undergo inspection by an immigration inspector from United States Customs and Border Protection (CBP).
- **Asylees:** Asylees (individuals who have been granted asylum) may travel abroad with the prior approval of the Secretary of the Department of Homeland Security (DHS). Such prior approval comes in the form of a refugee travel document. A refugee travel document is valid for one year and is issued to an asylee to allow his or her return to the United States after temporary travel abroad. Generally, the asylee should obtain the refugee travel document prior to departure from the United States, though the applicable regulations also permit the issuance of a refugee travel document abroad under certain circumstances. Like advance parole, a refugee travel document does not guarantee admission into the United States. Rather, the asylee must still undergo inspection by an immigration inspector from CBP.
- **Lawful Permanent Residents:** Lawful permanent residents who obtained such status based on their asylum status may also travel abroad with refugee travel documents.

Possible Consequences of Returning to the Country of Claimed Persecution

Section 208.8(b) of Title 8 of the Code of Federal Regulations provides that an asylum *applicant* who leaves the United States pursuant to advance parole and returns to the country of claimed persecution shall be presumed to have abandoned his or her asylum application, unless the applicant is able to establish compelling reasons for the return. Therefore, if an asylum applicant returns to his or her country of claimed persecution pursuant to advance parole, he or she should be prepared to explain the reason for the return.

Asylum status may be terminated for specific reasons as listed in INA § 208(c)(2). An individual's underlying asylum status may be terminated even if the individual has already become a lawful permanent resident.

Returning to one's country of claimed persecution may be relevant to a number of termination grounds. For instance, asylum status could be terminated based on a fundamental change in circumstances in the asylee's country of persecution. Termination could also occur due to fraud in the asylum application such that the asylee was not eligible for asylum. Return to the country of feared persecution can, in some circumstances, be considered evidence that the asylee's alleged fear of persecution is not genuine. In addition, termination of asylum status could occur if an "alien has voluntarily availed himself or herself of the protection of the alien's country of nationality . . . by returning to such country with permanent resident status or the reasonable possibility of obtaining such status with the same rights and obligations pertaining to other permanent residents of that country."

Accordingly, an asylee or a lawful permanent resident who obtained such status based on a grant of asylum status may be questioned about why he or she was able to return to the country of claimed persecution and, in some circumstances, may be subject to proceedings to terminate asylum status.

– USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.