

# One Minute Memo<sup>®</sup>



## USCIS Will Deny Pending Advance Parole Applications When Green Card Applicants Travel Internationally

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**Seyfarth Synopsis:** The United States Citizenship & Immigration Services (USCIS) has reversed its longstanding practice and will begin to deny Advance Parole (AP) applications if a green card applicant travels internationally while their AP application is pending with USCIS.

U.S. permanent resident (green card) applicants often rely on a grant of Advance Parole (AP) to travel internationally while their green card applications are pending with United States Citizenship & Immigration Services (USCIS). Without Advance Parole, green card applicants are not permitted to travel internationally unless the applicant holds a valid H, K, L, or V visa. For years, USCIS has permitted green card applicants holding these visas to travel internationally without consequence while their AP applications are pending. USCIS has also permitted green card applicants holding a valid AP document to travel internationally while their AP renewal application is pending.

Regrettably, USCIS recently decided to reverse their longstanding practice and deny AP applications if the applicant departs the U.S. while the application is pending. USCIS' recent practice shift will now consider the pending AP application as abandoned if the applicant travels abroad prior to AP issuance. The new practice was confirmed by USCIS Service Center Operations Directorate (SCOPS) and affects applicants filing initial AP applications as well as renewal applications. Importantly, in the case of a renewal applicant, an AP renewal application will now be denied even if the applicant is traveling internationally using a previously approved AP Document.

Applicants should be cautioned to avoid international travel during the pendency of the AP application with USCIS. Applicants should also assess any impact to their ability to travel internationally if an AP denial is issued or if a denial is expected. In this regard, if the AP application is denied, applicants may consider filing a new AP application once the applicant returns to the U.S.

We will continue to monitor any developments as they occur and provide any necessary updates.

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