Sanctuary for Families

APPLYING FOR A REFUGEE TRAVEL DOCUMENT

Your client is not permitted to leave the United States during the pendency of their asylum claim, whether affirmative or in proceedings. After your client has been granted asylum, they must not use a passport issued by the country from which they were granted asylum. Instead, your client can apply for a refugee travel document for a fee. However, asylees should not travel until after they have become permanent residents as there is no guarantee that they will be permitted to re-enter the United States. Some advocates report instances of asylees being stopped at ports of entry and questioned about the basis of their asylum claims. If this happens, a border officer could turn your client away or place them in detention if the officer doubts the validity of the asylum claim. If your client must travel abroad, they should notify you and Sanctuary for Families in advance so we can advocate for the client if they encounter problems at a U.S. port of entry upon their return. Also, please note that any overseas travel by your client must be thoroughly documented at the time of filing their application for adjustment of status, also commonly known as the application for a green card.

Sanctuary recommends that you file for a travel document at the same time that you file for a green card for your client. The application, made on Form I-131, is free of charge if filed with an application for a green card or while one is pending, provided that your client paid the I-485 application fee. Note, however, that if a fee waiver was approved for your client's I-485 application, then your client will still be required to pay the Form I-131 fee. No definite travel plans need to be indicated. These applications take a few months to process, but if your client needs to travel urgently, you may request expedited service by calling the national service number printed on the receipt notice. Refugee travel documents are only valid for one year but may be renewed for a fee. Refugee travel documents are necessary for all asylees, even if they have a green card. Your client must follow the visa requirements of each country they wish to enter and should carry their valid refugee travel document and permanent residency card with them when exiting and entering the United States.

Under no circumstances may your client travel to the country from which they were granted asylum or else they risk losing their asylum or permanent resident status in the United States. Your client also should not travel to neighboring countries without first discussing this possibility with you and Sanctuary for Families. When traveling to neighboring countries, your client must maintain good records of their travel, including records of entry and exit from each destination, as your client may be questioned at a U.S. port of entry upon their return as to whether they also traveled to the country of persecution.

For more information, please see the attached USCIS advisory for asylees regarding overseas travel and possible consequences of returning the country of claimed persecution.