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Chapter 12 - Travel Outside the United States

Guidance

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A. Travel While Application for T Nonimmigrant Status is Pending

The filing of an application for T nonimmigrant status does not grant the applicant permission to travel outside the United States. Departures from the United States while an application for T nonimmigrant status is pending could affect the applicant's ability to establish eligibility for T nonimmigrant status. For example, a departure may impact their ability to establish physical presence in the United States or at a U.S. port of entry on account of trafficking and extreme hardship.^[1] Additionally, an applicant's departure from the United States while the application for T nonimmigrant status is pending could impact the applicant's ability to return to the United States unless the applicant has another status that allows for travel. Moreover, if an applicant for T nonimmigrant status has accrued more than 180 days of unlawful presence in a single stay before departing, the applicant would be inadmissible if they again seek admission to the United States within 3 or 10 years of departure.^[2]

B. Travel for T Nonimmigrants

A T nonimmigrant may travel outside the United States before applying for lawful permanent resident status. The T nonimmigrant must file an Application for Travel Documents, Parole Documents, and Arrival/Departure

Records ([Form I-131](#)) seeking an advance parole document, and must be issued an advance parole document that is valid for the entire period of travel before leaving the United States in order to return to the United States in T nonimmigrant status.

Leaving the United States after first obtaining an advance parole document does not constitute a departure within the meaning of [INA 212\(a\)\(9\)\(B\)\(i\)](#).^[3] Therefore, a T nonimmigrant who accrued more than 180 days of unlawful presence in a single stay would not be inadmissible under INA 212(a)(9)(B)(i) upon leaving the United States after first obtaining an advance parole document and thereafter again seeking admission.^[4] However, leaving the United States after first obtaining an advance parole document does count towards time constituting a break in continuous physical presence for the purposes of adjustment under [INA 245\(l\)](#).^[5]

A T nonimmigrant who departs the United States and returns through means other than an advance parole document issued before departure or admission at a designated port of entry with a T nonimmigrant visa does not resume T nonimmigrant status and may have to reapply for such status if certain requirements are not met. In order for a T-2, T-3, T-4, T-5, or T-6 nonimmigrant to depart the United States and return to the United States in T nonimmigrant status, the T nonimmigrant must either:

- File an Application for Travel Documents, Parole Documents, and Arrival/Departure Records ([Form I-131](#)), and obtain advance parole before departure; or
- Apply for and receive a T nonimmigrant visa from the U.S. Department of State and seek admission as a T nonimmigrant at a designated port of entry.

C. Travel Considerations

Even if a person is granted an advance parole travel document before departing the United States, the document does not entitle the person to be paroled into the United States. U.S. Customs and Border Protection makes a separate, discretionary decision on a request for parole when the person arrives at a U.S. port of entry.

DHS may revoke or terminate an advance parole document at any time, including while the person is outside the United States.^[6] In that event, the person may be unable to return to the United States unless the person has a valid visa or other document that permits the person to travel to the United States and seek admission.

If the person is in the United States and DHS has granted deferred action in the case, the deferred action terminates automatically if the person leaves the United States without advance parole. Generally, if the person is in the United States and has applied for adjustment of status to that of a lawful permanent resident, USCIS deems the adjustment application abandoned if the person leaves the United States without advance parole.

Footnotes

[^1] See Chapter 2, Eligibility Requirements, Section C, Physical Presence on Account of Trafficking [[3 USCIS-PM B.2\(C\)](#)].

[^2] See [INA 212\(a\)\(9\)\(B\)\(i\)](#). See Volume 8, Admissibility, Part O, Aliens Unlawfully Present, Chapter 6, Effect of Seeking Admission Following Accrual of Unlawful Presence, Section A, Inadmissibility Based on Seeking Admission within the Statutory 3 Years or 10 Years After Departure or Removal [[8 USCIS-PM O.6\(A\)](#)].

[^3] See [Matter of Arrabally and Yerrabelly \(PDF\)](#), 25 I&N Dec. 771 (BIA 2012).

[^4] See Volume 8, Admissibility, Part O, Aliens Unlawfully Present, Chapter 6, Effect of Seeking Admission Following Accrual of Unlawful Presence, Section A, Inadmissibility Based on Seeking Admission within the Statutory 3 Years or 10 Years After Departure or Removal [[8 USCIS-PM O.6\(A\)](#)].

[^5] See Volume 7, Adjustment of Status, Part J, Trafficking Victim-Based Adjustment, Chapter 2, Eligibility Requirements, Section A, Principal Applicants [[7 USCIS-PM J.2\(A\)](#)].

[^6] See [8 CFR 212.5\(e\)](#).

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