

# Advance Parole in a Business Setting

## *Using Advance Parole to Support DACA Employees*

### Overview

Companies can play a critical role in helping certain Deferred Action for Childhood Arrivals (DACA) recipients become eligible for important immigration benefits by supporting opportunities for them to travel abroad temporarily using “Advance Parole” (AP). AP allows certain noncitizens, including DACA recipients, to obtain legal permission to reenter the U.S. in advance of traveling abroad. Because AP allows DACA recipients to reenter the U.S. legally, it allows some DACA recipients to overcome immigration barriers that would have previously prevented them from adjusting to a more permanent immigration status.

Businesses can support their DACA recipient employees who are seeking to utilize these benefits. Such support can include:

- Paying for AP applications and related travel
- Providing legal support for the application process
- Educating human resources staff about AP
- Seeking out opportunities for DACA employees to attend client meetings, conferences, or other events abroad.

Advance Parole is an administrative procedure that allows certain noncitizens inside the U.S. seeking to travel abroad to receive advanced authorization to reenter the U.S. after temporarily traveling abroad. To travel abroad using AP, DACA recipients must have:

- A valid employment authorization document (EAD);
- A valid passport from their country of citizenship; and
- A [qualifying employment, education, or humanitarian reason](#) for travel.

After an individual applies and is approved for AP, U.S. Citizenship and Immigration Services (USCIS) issues an AP travel document to travelers before they depart the U.S. For details on the steps required to apply for AP, visit [Informed Immigrant](#).

### Why Advance Parole?

DACA was never intended to be a permanent solution that provided a pathway to citizenship or adjustment of immigration status for the young people who qualified as recipients. It is also critical to note that DACA could be terminated at any time, including by a new presidential administration in 2025 or as a result of litigation. DACA has been under threat in the courts since 2017, and DACA recipients have lived in legal limbo ever since.

In October 2022, the Fifth Circuit Court upheld a lower court decision finding that DACA violated federal law and barring the federal government from granting new DACA applications. A year later, a District Court in Texas reaffirmed that holding, finding that a new rule adopted by the Biden Administration also violated federal law. The case is expected to be taken up by the Supreme Court in the 2024 - 2025 term. Advocates are preparing for an eventual negative decision from the Supreme Court, which could lead to the end of DACA in 2025.

While the DACA program is still in place, it is essential that we work to protect the individuals in the program and create opportunities for DACA recipients to continue to build their futures in the U.S., whether or not the program continues.

One way to do this is by utilizing a legal process called “Advance Parole.” AP not only provides the potential for DACA recipients who otherwise would not be permitted to reenter the U.S. to travel abroad and return, but it also creates the opportunity for individuals to reunite with family members they have not seen for decades and pursue educational or employment opportunities.

*Critically, AP can also eliminate certain legal barriers for undocumented individuals hoping to adjust their immigration status.* Many DACA recipients are unable to adjust their status from within the U.S. due to the manner in which they initially entered the country. Current legal barriers require many DACA recipients to leave the country and wait years—as much as a decade—to seek reentry through a consulate outside the U.S. (known as “consular processing”). Using AP to leave the country and reenter with formal inspection—a legal requirement to adjust status—could open up existing or future pathways for these individuals to adjust status or pursue new immigration protections while they stay in the country.

## **How Companies Can Expand Opportunities for DACA Recipients Through Advance Parole**

FWD.us estimates that [460,000 DACA recipients are in the labor force](#), putting their employers in a unique position to help them eliminate potential barriers to adjusting their status by supporting AP opportunities.

Although AP trips are often life-changing and can lead to DACA recipients being able to apply for a green card or other adjustment of status, they can be prohibitively expensive for many individuals. Due to the costs of applying (\$630 as of April 1, 2024), legal support, and travel, many DACA recipients forgo opportunities to use AP. Supporting the financial burden of traveling on AP is another way that companies can help their employees access this crucial immigration benefit.

### **CAPITALIZING ON EMPLOYMENT OPPORTUNITIES**

As employers, companies are well-situated to create or open up opportunities for DACA recipients who have **employment-related** reasons to utilize the AP process for travel abroad.

- **Client Work** - If your company supports international clients, there could be an opportunity for DACA recipient employees working on these accounts to utilize AP for client meetings, site visits, or other projects.
- **International Office Visits** - If your company has its own offices abroad, you may be able to send DACA employees on AP trips for trainings, presentations, team meetings, or other employment reasons.
- **International Conferences and Fellowships** - DACA recipients may be able to offer significant benefits to their employers by participating in international conferences or fellowships which also make them eligible for AP travel.
- **Create an AP Travel Opportunity** - If your company has several DACA recipient employees, creating a travel opportunity that caters specifically to DACA recipients’ ability to travel abroad for a qualifying AP reason can be an ideal way to support a cohort of DACA recipients. In addition, a program specific to DACA recipients would allow you to address the unique needs that this population has when traveling abroad.

## OTHER WAYS TO SUPPORT ADVANCE PAROLE FOR DACA EMPLOYEES

- **Humanitarian AP** - A DACA employee may have a qualifying humanitarian reason to use AP such as seeking medical treatment, visiting an ailing relative, or attending funeral services for a family member. Even if an AP opportunity is unrelated to their employment, you can still support your employee through paying for a legal consultation and application fees or providing time off for AP travel.
- **Travel Support** - Companies may also choose to provide some support for the travel costs of an AP trip. For example, you could offer a stipend for flights/travel or a certain number of days in a hotel.

## Where to Start?

Our goal is to help grow as many AP opportunities as possible to eliminate some immigration bars for DACA recipients before the courts or a new presidency potentially terminates DACA.

## TIPS FOR SUPPORTING ADVANCE PAROLE OPPORTUNITIES

- **Start now!** Time is of the essence, as DACA remains under threat in the courts, and application processing times can be long.
- **Work with immigration attorneys.** Due to a variety of factors, including individuals' immigration histories, not all DACA recipients may be good candidates for AP. Attorneys can also help with onerous AP applications. Re-screening participants upon their return to the U.S. can help determine if they have any pathways to adjust their status.
- **Make it as affordable as possible.** One reason DACA recipients don't utilize AP, despite the advantages it provides, is that traveling abroad and submitting AP applications is expensive. Offering financial resources to applicants for AP will ensure that DACA recipients of all means, including those who may be financially supporting various family members, can participate.
- **Create a Resource that Explains AP.** Create a resource accessible to all employees that breaks down what AP is and how your employees can take advantage of this opportunity.
- **Proactively Communicate with your Employees about Immigration Benefits.** When your company decides to offer any type of AP support or other immigration benefit, share the information across the organization so that everyone who may be able to take advantage of the benefit knows about the new policy.

## Additional Resources

- [Traveling with Advance Parole in 2023](#), Informed Immigrant
- [Apply for EMERGENCY Advance Parole as a DACA recipient](#), Informed Immigrant
- [Requesting Advance Parole and Traveling Outside the United States Under Deferred Action for Childhood Arrivals](#), Immigrant Legal Resource Center
- [The Advance Parole Travel Guide](#), Immigrants Rising

*This resource is not legal advice. Companies should consult with an attorney when implementing Advance Parole-related resources. DACA recipients should consult with an attorney before traveling on or applying for AP.*