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## Policy Alert

**SUBJECT:** Effect of Travel Abroad by Temporary Protected Status Beneficiaries with Final Orders of Removal

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating the [USCIS Policy Manual](#) to clarify the effect of travel outside the United States by temporary protected status (TPS) beneficiaries who have final removal orders.

### Background

According to the Immigration and Nationality Act (INA), TPS beneficiaries may not be removed from the United States while they have TPS.<sup>1</sup> In addition, section 244(f)(3) of the INA permits TPS beneficiaries to travel abroad with prior authorization to travel from the Secretary of Homeland Security. Based on this statute and corresponding regulations, USCIS issues advance parole documents to TPS beneficiaries whose requests for authorization to travel abroad are approved.<sup>2</sup>

This update clarifies that, unless certain TPS bars apply, a TPS beneficiary who obtains USCIS' authorization to travel abroad temporarily (as evidenced by an advance parole document) and who departs and returns to the United States in accordance with such authorization remains in the same exact immigration status and circumstances as when he or she left the United States. Such travel does not result in the execution of any outstanding removal order to which a TPS beneficiary may be subject. The guidance, contained in Volume 7 of the Policy Manual, is controlling and supersedes any prior guidance on the topic.

### Policy Highlights

- Clarifies that generally, a TPS beneficiary who departs and returns to the United States based on authorization to travel remains in the same exact immigration status and circumstances as when he or she left the United States.

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<sup>1</sup> See [INA 244\(a\)\(1\)\(A\)](#). In certain circumstances, USCIS may withdraw TPS status from an alien and he or she would no longer be protected from removal. See [INA 244\(c\)\(3\)](#) and [8 CFR 244.14](#).

<sup>2</sup> See [8 CFR 244.15\(a\)](#).

- Clarifies that TPS beneficiaries who had outstanding, unexecuted final removal orders at the time of departure, remain TPS beneficiaries who continue to have outstanding, unexecuted final removal orders upon lawful return.
- Clarifies that TPS beneficiaries in removal proceedings at the time of departure but who did not have a final order of removal, remain TPS beneficiaries in removal proceedings upon lawful return, unless those proceedings have been otherwise terminated.

### **Citation**

Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 3, Filing Instructions, Section D, Jurisdiction [[7 USCIS-PM A.3\(D\)](#)].