

# Can I Leave the U.S. While My Asylum Case Is Pending?

Technically, asylum applicants CAN travel outside the U.S., but it's usually not a good idea; particularly not if you're planning to visit the country that you claim persecuted you.

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Updated 5/03/2024

After a foreign national submits an affirmative [asylum application](#) to U.S. Citizenship and Immigration Services (USCIS), in an effort to claim humanitarian protection because of past [persecution](#) or a fear of future persecution in their home country, they could face a long wait. The U.S. government is notoriously delayed, and asylum applicants might find they wait months or years to be called for their in-person [asylum interview](#) with an asylum officer. What if they want to travel outside the United States during that time, even briefly? Here, we will look at the details of the law as well as the practical realities for people with pending asylum applications.

(This article does not discuss the situation of someone [applying for asylum in court proceedings](#). If this is your situation, you should absolutely not depart the United States. If you do, you will be considered to have "self [deported](#)" and will not be allowed back for a number of years.

## Risks of Traveling While Awaiting an Asylum Interview

Technically, asylum applicants CAN travel outside the United States while awaiting their interview at the Asylum Office. It's usually not a good idea to do so, however. Even with a pending asylum application, the person will be subjected to questioning from Customs and Border Protection (CBP) when attempting to return to the United States.

If you have [inadmissibility](#) grounds that could be triggered when you leave the country (such as unfavorable immigration or criminal history), you could be denied reentry, even if you have the necessary travel documentation. For example, any past unlawful presence in the United States could come back to bite you. While your presence in the United States should be lawful now (as a pending asylum applicant), any past unlawful presence of six months or more could make you inadmissible, as described in [Consequences of Unlawful Presence in the U.S.—Three- and Ten-Year Time Bars](#).

Also, depending on timing, you might actually end up missing your scheduled asylum interview. This will obviously lead to delays in receiving a decision from USCIS and, in the worst case, could lead to your asylum request being denied.

You should consult an immigration attorney who can best advise you to whether it is in your best interests to leave the United States, or whether the risks are too high.

## **If You Feel You Must Travel While Awaiting Your Asylum Interview**

If you decide to travel regardless of the risks, you will need to submit USCIS Form I-131, Application for Travel Document to USCIS in order to receive what's called "advance parole" (permission to reenter the U.S. before your application is approved).

To learn more about this, see [Filling Out Form I-131 for Advance Parole](#). Apply for advance parole well in advance of your trip and make sure you do not leave the United States without your travel document.

## **Do Not Return to Your Home Country While Applying for Asylum**

The biggest travel "don't" for asylum applicants is returning to the country where you have indicated that you fear [persecution](#). If you do so, USCIS will then presume that you have abandoned your asylum application and could

even decide that you submitted a fraudulent application—after all, your level of fear couldn't be too great if you willingly go back to the country you supposedly fled. This could have serious consequences such as a permanent bar from reentering the United States.

## Getting Legal Help

Gaining asylum in the United States is difficult, because of the complexity of the law and its narrow requirements. If you haven't done so already, hiring an attorney with expertise in this area might improve your chances of obtaining asylum and help you answer questions about the risks of travel. If the attorney agrees that your travel plans are reasonably safe, they can help you apply for Advance Parole. As your interview approaches, the asylum can help you prepare to testify and appear with you, either at the Asylum Office or in Immigration Court.

Fortunately, asylum is an area where you'll find a lot of [help from volunteer attorneys](#) or nonprofit (charitable) organizations serving immigrants and refugees.