



# Questions and Answers

July 8, 2008

## USCIS BIOMETRIC CHANGES FOR RE-ENTRY PERMITS AND REFUGEE TRAVEL DOCUMENTS

U.S. Citizenship and Immigration Services (USCIS) has issued revised instructions for USCIS [Form I-131, Application for Travel Document](#). The instructions include changes effective March 5, 2008 that require applicants for re-entry permits and refugee travel documents to provide biometrics (e.g., fingerprints and photographs) at a USCIS Application Support Center (ASC) for background and security checks and to meet requirements for secure travel and entry documents containing biometric identifiers.

### **Q. What are the new biometric changes for re-entry permits and refugee travel documents?**

**A.** The new instructions for Form I-131 require that applicants for re-entry permits and refugee travel documents that are ages 14 through 79 provide biometrics before departing from the United States. Applicants also are strongly encouraged to apply, whenever possible, well in advance of their anticipated travel dates to allow time to attend their ASC appointments and to receive their travel documents. Shortly after filing a Form I-131 for a refugee travel document or a re-entry permit, USCIS will mail the applicant his or her receipt and an ASC scheduling notice. Certain overseas USICS offices may, in their discretion, accept and adjudicate Form I-131 filed for a refugee travel document (but not re-entry permits), where the applicant has failed to apply while in the U.S. (*see* 8 C.F.R. § 223.2(b)(2)(ii)). However, applicants for refugee travel documents should not count on the overseas offices necessarily agreeing to accept and adjudicate an I-131 in all cases, particularly where it is evident that the individual could have applied while in the U.S. and attended his or her biometrics appointment.

### **Q. Is there a fee for the new biometrics requirement for applicants applying for re-entry permits and refugee travel documents?**

**A.** The instructions discuss the requirement for applicants for re-entry permits and refugee travel documents who are in the United States to pay the \$80 biometrics services fee, or to submit a biometrics fee waiver request with sufficient documentation to support their inability to pay the fee. As in the past, the application fee for Form I-131 cannot be waived.

### **Q. What are the procedures for requesting an expedited adjudication of Form I-131?**

**A.** If applicants require expedited processing, the instructions provide specific information for submitting pre-paid express mailers with the Form I-131 for USCIS to send the applicant his or her receipt and ASC appointment notice, as well as the completed re-entry permit or refugee travel document, if approved. A request for expedited processing should contain the applicant's reasons for such processing so that USCIS may determine whether the applicant qualifies for expedited processing.

### **Q. Will Forms I-131 already in the pipeline that remain unadjudicated as of 3/5/08 at the Nebraska Service Center be subject to the new biometrics requirement?**

**A.** No, not unless USCIS determines, in a particular case, that there is a need for additional biometrics (other than the photographs that all applicants were required to submit with their I-131) for a specific

reason related to the adjudication of that case, such as a question regarding the applicant's true identity. As always, USCIS reserves its authority in such a case to request additional information, which may include biometrics. The general requirement for applicants for refugee travel permits and re-entry permits to appear for a biometrics appointment at an ASC is for applications filed on or after the effective date 03/05/08, not for the applications that are pending as of that date. Applications that were filed prior to 03/05/08 will need to contain valid photographs for document production and verification of identity. Applicants that filed prior to 03/05/08 will not be required to pay the \$80 biometrics fee.

**Q. How and when will applicants be notified that they must pay the additional biometrics fee?**

A. The I-131 form instructions, revised on 02/26/2008, as well as the USCIS Update released on 03/05/2008 notify all applicants for refugee travel documents or re-entry permits that a \$80 biometrics fee (or a properly supported fee waiver request) is necessary for processing *if* the person is in the age range (14 – 79) that is required to attend an ASC appointment for biometrics.

**Q. Will Forms I-131 submitted/mailed before 3/5/08 but received at the NSC on 3/5/08 be subject to the new requirement?**

A. No, if the applicant does not submit the biometrics fee and mailed his or her Form I-131 before 03/05/08, USCIS will process the application according to the procedures in place before the Form I-131 biometrics requirement. However, as mentioned above, USCIS continues to reserve its authority to request biometrics as additional information, if needed, for the adjudication of a specific case even if the person submitted his or her application prior to 3/5/08.

**Q. Do the revised Form I-131 instructions require advance parole applicants to complete biometrics?**

A. Applicants for advance parole are not required to submit biometrics at this time. An applicant for advance parole must continue to submit two identical color photographs of the applicant taken within 30 days of the filing of the Form I-131 application.

**Q. Is e-filing available for aliens applying for a re-entry permit or a refugee travel document on the USCIS website?**

A. Currently, only those who are seeking to e-file Form I-131 for advance parole would be able to use the e-filing option. The system is currently unable to accept the additional biometrics fees that are required for refugee travel documents and re-entry permits. Therefore, customers are encouraged to file via paper until the system is changed. Once the system is in place, e-filing of Form I-131 will be available for all categories.

**Q. Are applicants for Form I-131 re-entry permits or refugee travel documents required to be physically present in the U.S. at the time of filing of the I-131 application?**

A. While USCIS urges all applicants for refugee travel documents to anticipate their need for the document *before* leaving the United States and to allow sufficient time for processing and adjudication, certain USCIS overseas offices do have *discretionary* authority to adjudicate an application for a RTD. *See* 8 C.F.R. § 223.2 (b)(2)(ii).

This option is not available for applications for re-entry permits. Applicants filing for re-entry permits must be physically present in the United States when they file the re-entry permit application. *See* 8 C.F.R. § 223.2(b)(1). USCIS or a U.S. Department of State Embassy or Consulate can *deliver* re-entry permits, as well as refugee travel documents to the applicant at an overseas office if the applicant requests so at the time of filing Form I-131. *See* 8 C.F.R. § 223.2(f). To reiterate, filing of Form I-131 for a re-entry permit must be done while the person is physically present in the United States.

**Q. May an I-131 applicant for a re-entry permit or refugee travel document complete biometrics outside of the United States?**

**A.** Form I-131 instructions provide guidance for certain persons who are abroad at the time of filing to visit a U.S. Embassy or consulate for fingerprinting, although all applicants are urged to file *before* leaving the United States. Since certain overseas offices have the discretion to accept and adjudicate applications for refugee travel documents, although it is not mandatory that they do so, an applicant for a refugee travel document may complete biometrics outside of the United States, but is encouraged to wait to travel until his or her biometrics have been collected and the document delivered. As discussed earlier, certain overseas USCIS offices may, in their discretion, adjudicate Form I-131 filed for a refugee travel document (but not re-entry permits), where the applicant has failed to apply while in the U.S. (*see* 8 C.F.R. § 223.2(b)(2)(ii)). However, applicants for refugee travel documents should not count on the overseas offices necessarily agreeing to adjudicate Form I-131 in all cases, particularly where it is evident that the individual could have applied while in the U.S. and attended his or her biometrics appointment. Applicants for reentry permits should attend their biometric appointment at the designated ASC. If the applicant departs the United States before the biometrics are collected, the application may be denied.

**Q. Will Form I-131 re-entry permit or refugee travel document be denied if the applicant leaves the U.S. after the application has been filed and receipted but before biometrics are completed?**

**A.** Form I-131 form instructions state, “Departure from the United States before a decision is made on an application for a Re-entry Permit usually does not affect the application. However, where biometric collection is required and the applicant departs the United States before the biometrics are collected, the application may be denied.” Travel is not advisable. If an applicant leaves and comes back, his or her application may be denied while abroad, and he or she may not be able to get back into the country. Even though an overseas USCIS office may, in its discretion, take the biometrics of an applicant for a refugee travel document, there is no guarantee that the office will necessarily exercise its discretion to do so. Therefore, USCIS again urges all I-131 applicants for whom biometrics will be required to file their applications well in advance of their scheduled departure dates. USCIS suggests applicants apply for a travel document at least 60 days prior to the date of travel.

**Q. I am a Lawful Permanent Resident (LPR) who will be out of the US for more than 1 year? What documents will I need to return to the US?**

**A.** To reenter the U.S. an LPR normally needs to present his or her green card (Permanent Resident Card, Form I-551). A reentry permit is needed for reentry from absences outside the U.S. that are greater than one year but less than two years in duration. Thus, if an LPR anticipates remaining outside the U.S. for longer than one year, he/she will need to apply for a reentry permit while he or she is in the U.S. See 8 C.F.R. § 223.2(b)(1)(Re-entry permit may be approved IF filed by a person who is in the U.S. at the time of application)(emphasis added). An application is not complete until an individual has provided his or her fingerprints and photograph (*i.e.*, biometrics). The newly revised I-131 instructions also provide procedures for requesting an expedited ASC appointment for biometrics collection and for requesting expedited delivery of a travel document, where needed. USCIS believes that the majority of LPRs who live abroad will be able to re-enter the U.S. using their Permanent Resident Cards. Those LPRs who currently live abroad, but who know that when they return to the U.S. they will need to apply for a Re-entry Permit because they plan to leave the U.S. again for more than a year and will need the permit to re-enter the next time they come to the U.S., USCIS encourages these LPRs to anticipate their need for the Re-entry Permit sufficiently in advance of their travel and, if necessary, to follow the procedures for obtaining an expedited ASC appointment where absolutely necessary. If the LPR departs from the U.S. while the I-131 is pending, but before biometrics are taken, then the adjudication of the I-131 re-entry permit application will not be affected as long as the applicant returns to the U.S. to attend the biometrics appointment before the first year of foreign travel has ended. In such case, the LPR could apply for reentry to the U.S. using only his or her I-551 Permanent Resident Card if he has been absent for less

than one year. We further note that if it is necessary, the LPR may make arrangements to have his Re-entry Permit delivered to him through a U.S. consulate or a USCIS office abroad. 8 C.F.R. 223.2(f).

**Q. Is there a place for me to call with further questions?**

**A.** Please contact the USCIS National Customer Service Center by calling (800) 375-5283 or (800) 767-1833 (TTY).