

CRIMMIGRATION COMMUNICATION



Important Travel Considerations for Noncitizen Clients

As the holiday season approaches, we anticipate that many of our noncitizen clients may plan to travel abroad for personal reasons, such as visiting family or vacationing. Noncitizen clients may travel abroad as Lawful Permanent Residents (LPR), advanced parole recipients, or visa holders. It is essential to advise them of the potential legal risks associated with international travel, particularly for those with a criminal record or pending criminal matters.

All noncitizens returning to the U.S. are subject to screening by U.S. Customs and Border Protection (CBP). This process includes fingerprinting and a review of past or pending criminal court cases through multiple different databases.

If your noncitizen client is **inadmissible** due to prior criminal convictions, or for any other reason, such as unlawful presence in the U.S., your noncitizen client should not travel abroad. Doing so will result in denial of reentry, detention, and placement in removal proceedings upon their return to the U.S.

If your noncitizen client is a **visa holder**, it is important to note that any criminal arrest may result in visa revocation, which would be triggered upon the return to their home country. It is advisable for such clients to refrain from traveling abroad until their criminal cases are fully resolved. Should your visa holder client's visa be revoked and they plan to return to the U.S., they will be required to apply for a new visa, and asked to provide evidence of a favorable disposition in their criminal case.

If your noncitizen client's criminal case is **open** or the client has accepted an **Adjournment in Contemplation of Dismissal (ACOD) plea** and that period remains open, then your clients should be warned about the risks of international travel. CBP will very likely send your client to secondary inspection and interview your client at the time of their reentry to the U.S. This interview takes place in a legal space considered *outside* the U.S. and Constitutional protections do not apply; no right to counsel in Secondary inspection exists. This interview can result in admissions of criminal conduct made by your client triggering inadmissibility, placing your client at risk of being denied reentry, being detained, and being placed in removal proceedings.

If your noncitizen client absolutely needs to travel abroad, a letter explaining the status of their criminal case *may* be helpful. Our office can assist in preparing such letter or providing one for your client. However, please note that **CBP may still choose to disregard the letter and proceed to question your client**. Please contact our office if you become aware of your noncitizen client's plan to travel abroad with an open criminal case or with an open ACOD.

In light of the anticipated changes to immigration policy under the incoming presidential administration, noncitizen clients should be advised to carefully plan any travel. Specifically, we recommend ensuring that they return to the United States *before* Inauguration Day, **January 20, 2025**. On this date, new Executive Orders, or other policy changes, may impose restrictions on reentry, visa issuance, or other immigration-related processes.

The LIRIAC will continue to monitor changes in immigration policy and provide timely updates to ensure you and your clients are informed of any changes. Please do not hesitate to reach out with any questions or concerns. We are committed to assisting you and ensuring that your clients are fully informed of upcoming changes to immigration policy.

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