

TRAVELING INTERNATIONALLY FROM THE UNITED STATES WITH A CRIMINAL HISTORY

Most countries allow entry to U.S. citizens who have been convicted of a felony. The only documentation usually required is a U.S. passport. Countries that require travel visas may ask for information about the presence of a criminal history on the application form and conduct a criminal background check during the approval process but in many instances the presence of a criminal history will not automatically restrict travel authorization. However, several countries will deny entry based on this information.



Obtaining A U.S. Passport with A Criminal History

Citizens of the United States can usually obtain a U.S. passport despite having a criminal history. However, the U.S. Department of State can deny or revoke a passport under certain circumstances. These include having an outstanding federal arrest warrant, a court order restricting travel outside the U.S., or conviction of a federal or state drug felony committed while using a passport to enter or exit another country.

U.S. Passport Basics

International travel by U.S. citizens requires the issuance of a U.S. passport book or card. U.S. passports are issued by the U.S. Department of State to provide documentation for foreign travel.

A U.S. passport is often sufficient for U.S. citizens to gain admittance for a limited stay in another country. Some countries may also require an entry visa.

Each country has its own specific guidelines concerning admittance, including length and purpose of visit, and other considerations. Visitors may need to provide proof of sufficient funds for their intended stay, onward/return tickets, and/or at least six months remaining validity on their U.S. passport.

All persons traveling by air outside the U.S. (excluding direct travel to and from a U.S. territory) are required to present a U.S. passport or other valid documentation upon reentering the United States.

What Is A U.S. Passport Card?

In 2008, the U.S. Department of State began issuing passport cards. Travelers arriving by land or sea from Canada, Mexico, the Caribbean, and Bermuda may present a passport card to enter the U.S. Passport cards may not be used for air travel.

TRAVELING WHILE UNDER A TERM OF SUPERVISION

Individuals serving a term of supervision overseen by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services may only travel while on supervision with prior approval of their supervised release officer or an authorized officer of the court. However, travel authorization is at the sole discretion of the supervising official or authorized officer of the court and is subject to certain conditions and limitations.

Travel authorization within the United States should be requested no less than 21 days prior to your intended departure date and international travel authorization should be requested no less than 30 days prior to your intended departure date.

When requesting travel authorization, individuals should be prepared to provide a detailed travel itinerary, proof of accommodations, and sufficient financial resources. Additionally, individuals who owe restitution, fines or fees to the court may be denied travel authorization if they aren't current on their court ordered repayment schedule.

Individuals should speak with their supervised release officer, an officer of the court or legal representative if they have questions or concerns regarding their ability to travel outside their district.

EUROPEAN TRAVEL CLARIFIED

Traveling to Europe with a criminal history is not as problematic as some other territories, as long as the offenses are not serious. The best option for citizens of the United States is to get the European Travel Information and Authorization System (ETIAS) visa waiver before traveling to Europe once it becomes available.

The Schengen Area is an area comprising 22 European countries (see Table 1. European Countries that Form the Schengen Area) that have officially abolished all passport and other types of border controls at their mutual borders. The area mostly functions as a single jurisdiction for international travel purposes, with a common visa policy.

Applying For The ETIAS Visa Waiver

The ETIAS visa waiver will launch towards the end of 2025 and it will become the requirement for many nationalities which can currently enter the Schengen Area of Europe without any form of travel authorization. There are currently 29 European countries participating (see Table 2. European Countries that Accept the ETIAS Visa Waiver) in the ETIAS visa waiver program.

On the ETIAS application form there will be some security questions regarding criminal convictions and all applicants will be screened by eU-LISA (the European Union agency responsible for criminal record data management). However, the European Union have made it clear that only those responsible for serious crime or terrorism will be denied an ETIAS visa waiver.

The ETIAS visa waiver is being implemented in order to improve border controls against terrorist and other security threats and will be available to 63 eligible countries (see Table 3. ETIAS Eligible Countries). Applicants will have to complete a simple ETIAS application online, filing in personal data and details about travel plans. Once approved, the ETIAS will be received by email and the applicant can print a copy of their travel authorization to Europe to present at border control.

How Can European Countries Detect Criminal Histories?

While European countries are largely unconcerned with minor offenses committed outside European Union borders, crimes registered within the European Union are another matter. Since 2012, all European Union countries have been connected to ECRIS, the European Criminal Records Information System.

This shared database was created in order to improve the exchange of information about criminal convictions in the European Union. In addition to allowing local law enforcement easy access to the full record of any previous convictions across the European Union, it also takes away the possibility of escaping conviction by relocating to a different European Union country. Therefore, it is important for travelers to be honest about their criminal history when asked.

VISA REQUIREMENTS FOR MOST TRAVELED DESTINATIONS BY REGION

Travel visa requirements vary greatly among countries and regions of the World. The below information was compiled as a reference point from which to begin researching travel requirements - this information is not intended to be exhaustive. Many countries and regions modify their travel visa requirements frequently so it is highly recommended that travelers contact the consulate or embassy of the country traveling to before finalizing an itinerary to ensure compliance with all applicable laws.

AFRICA

Snapshot: All countries in Africa require a travel visa. Ethiopia, Kenya and Tanzania offer an eVisa option. Kenya and South Africa ask about prior criminal convictions on their travel visa application.

Insight: It is very difficult to obtain a travel visa from the countries of Kenya and South Africa with a criminal history.



COUNTRY	VISA REQUIRED	CRIMINAL HISTORY QUESTIONS	
		VISA APPLICATION	ARRIVAL DOCUMENTATION
Egypt	Y	N	N
Ethiopia	Y (eVisa)	N	N/A
Kenya	Y (eVisa)	Y	N/A
Tanzania	Y (eVisa)	N	N/A
Morocco	Y	N	N
Tunisia	Y	N	N
South Africa	Y	Y	N

AMERICAS

Snapshot: Most countries in the Americas require a travel visa. The Dominican Republic offers an eVisa option. Argentina and Canada ask about prior criminal convictions on their travel visa application.

Insight: It is very difficult to obtain a travel visa from the countries of Argentina and Canada with a criminal history.



COUNTRY	VISA REQUIRED	CRIMINAL HISTORY QUESTIONS	
		VISA APPLICATION	ARRIVAL DOCUMENTATION
Argentina	Y	Y	N/A
Brazil	Y	N	N
Canada	N	Y	Y
Chile	Y	N	N/A
Cuba	Y	N	N
Dominican Republic	Y (eVisa)	N	N
Mexico	N	N	N
Peru	Y	N	N

ASIA

Snapshot: Most countries in Asia require a travel visa. India and Nepal offer an eVisa option. China, India, Iran, Israel, Japan, and Taiwan ask about prior criminal convictions on their travel visa application.

Insight: It is very difficult to obtain a travel visa from the countries of China, India, Iran, Israel, and Taiwan with a criminal history.



COUNTRY	VISA REQUIRED	CRIMINAL HISTORY QUESTIONS	
		VISA APPLICATION	ARRIVAL DOCUMENTATION
Cambodia	Y	N	N
China	Y	Y	Y
Hong Kong	Y	N	N
India	Y (eVisa)	Y	Y
Indonesia	N	N	N
Iran	Y	Y	Y
Israel	N	Y	N
Japan	Y (90 Days +)	Y	Y
Macau	Y	N	N
Malaysia	N	N	N
Nepal	Y (eVisa)	N	N
Philippines	N	N	N
South Korea	N	N	N
Taiwan	Y	Y	Y
Thailand	Y	N	N
United Arab Emirates	Y	N	N
Vietnam	Y	N	N

EUROPE

Snapshot: Most countries in Europe require a travel visa. In 2022, the Schengen Area of Europe will begin offering an eVisa option. Russia, the Schengen Area, Turkey, and United Kingdom ask about prior criminal convictions on their travel visa application.

Insight: It is very difficult to obtain a travel visa from the countries of Russia and United Kingdom with a criminal history.



COUNTRY	VISA REQUIRED	CRIMINAL HISTORY QUESTIONS	
		VISA APPLICATION	ARRIVAL DOCUMENTATION
Ireland	N	N	N
Russia	Y	Y	Y
Schengen Area	Y (eVisa)	Y	N
Turkey	Y	N	N
Ukraine	N	N	N
United Kingdom	Y	Y	Y

AUSTRALIA & NEW ZEALAND

Snapshot: Australia and New Zealand require a travel visa and their travel visa applications contain questions about prior criminal convictions.

Insight: It is very difficult to obtain a travel visa from the countries of Australia and New Zealand with a criminal history.



COUNTRY	VISA REQUIRED	CRIMINAL HISTORY QUESTIONS	
		VISA APPLICATION	ARRIVAL DOCUMENTATION
Australia	Y	Y	Y
New Zealand	Y	Y	Y

FINAL THOUGHTS

The legal requirements for entering a foreign country change frequently. Travelers denied entry at a foreign border can be forced to return to the U.S. immediately. Additionally, once allowed into a foreign country, the government may still conduct a criminal background check and require the immediate removal of certain travelers to their country of origin.

Always consult with the foreign consulate or embassy of the country visiting to discuss individual circumstance before traveling outside the United States.

TABLE 1. European Countries that Form the Schengen Area

Austria	Estonia	Greece	Lithuania	Poland	Spain
Belgium	Finland	Hungary	Luxembourg	Portugal	Sweden
Czech Republic	France	Italy	Malta	Slovakia	
Denmark	Germany	Latvia	Netherlands	Slovenia	

TABLE 2. European Countries that Accept the ETIAS Visa Waiver

Andorra	Finland	Iceland	Luxembourg	Poland	Spain
Austria	France	Italy	Malta	Portugal	Sweden
Belgium	Germany	Latvia	Monaco	San Marino	Switzerland
Czech Republic	Greece	Liechtenstein	Netherlands	Slovakia	Vatican City
Denmark	Hungary	Lithuania	Norway	Slovenia	

TABLE 3. EITAS Eligible Countries

Albania	Costa Rica	Macedonia	Paraguay	Timor Leste
Antigua and Barbuda	Dominica	Malaysia	Peru	Tonga
Argentina	El Salvador	Marshall Islands	Saint Kitts and Nevis	Trinidad and Tobago
Australia	Georgia	Mauritius	Saint Lucia	Tuvalu
Bahamas	Grenada	Mexico	Saint Vincent	Ukraine
Barbados	Guatemala	Micronesia	Samoa	United Arab Emirates
Bosnia and Herzegovina	Honduras	Moldova	Serbia	United Kingdom
Brazil	Hong Kong	Montenegro	Seychelles	United States of America
Brunei	Israel	New Zealand	Singapore	Uruguay
Canada	Japan	Nicaragua	Solomon Islands	Vanuatu
Chile	Kiribati	Palau	South Korea	Venezuela
Colombia	Macao	Panama	Taiwan	