

**IF I GET THE GREEN CARD, CAN I LOSE A GREEN CARD: International Travel as a Permanent Resident. By David H. Nachman and Michael Phulwani, Esq. - Managing Attorneys at the Nachman Phulwani Zimovcak, P.C. Law Group, P.C. (offices in NY, NJ and an affiliated office in Mumbai, India).**

Once an individual obtains their lawful permanent residence status in the U.S. the immigration lawyers and attorneys in our office have to explain that the green card CAN be taken away by the U.S. government. An individual's lawful permanent residence can be revoked, rescinded, abandoned or terminated by the U.S. government for a variety of reasons. One of the most frequent reasons to lose lawful permanent residence is the failure by a green card holder to maintain their lawful permanent residence in the U.S.

To this end, we share the following Frequently Asked Questions (FAQs) to assist you and your friends and your family members so that you can avoid potential allegations by the U.S. government that you have failed to maintain lawful permanent residence (the green card) in the U.S.

**What documents do I need to travel outside the United States?**

In general, you will need to present a passport from your country of citizenship or your refugee travel document to travel to a foreign country. In addition, the foreign country may have additional entry/exit requirements (such as a visa). For information on foreign entry and exit requirements, see the Department of State's webpage at [www.travel.state.gov](http://www.travel.state.gov).

**What documents do I need to present to reenter the United States?**

If seeking to enter the United States after temporary travel abroad, you will need to present a valid, unexpired "green card" (Form I-551, Permanent Resident Card). When arriving at a port of entry, a U.S. Customs and Border Protection Officer will review your permanent resident card and any other identity documents you present, such as a passport, foreign national I.D. card or U.S. Driver's License, and determine if you can enter the United States. For information pertaining to entry into the United States, see U.S. Customs and Border Protection's webpage at [www.cbp.gov](http://www.cbp.gov).

**Does travel outside the United States affect my permanent resident status?**

Permanent residents are free to travel outside the United States, and temporary or brief travel usually does not affect your permanent resident status. If it is determined, however, that you did not intend to make the United States your permanent home, you will be found to have abandoned your permanent resident status. A general guide used is whether you have been absent from the United States for more than a year. Abandonment may be found to occur in trips of less than a year where it is believed you did not intend to make the United States your permanent residence. While brief trips abroad generally are not problematic, the officer may consider criteria such as whether your intention was to visit abroad only temporarily, whether you maintained U.S. family and community ties, maintained U.S. employment, filed U.S. income taxes as a resident, or otherwise established your

intention to return to the United States as your permanent home. Other factors that may be considered include whether you maintained a U.S. mailing address, kept U.S. bank accounts and a valid U.S. driver's license, own property or run a business in the United States, or any other evidence that supports the temporary nature of your absence.

### **What if my trip abroad will last longer than 1 year?**

If you plan on being absent from the United States for longer than a year, it is advisable to first apply for a reentry permit on Form I-131. Obtaining a reentry permit prior to leaving the United States allows a permanent or conditional permanent resident to apply for admission into the United States during the permit's validity without the need to obtain a returning resident visa from a U.S. Embassy or Consulate abroad. Please note that it does not guarantee entry into the United States upon your return as you must first be determined to be admissible; however, it will assist you in establishing your intention to permanently reside in the United States.

If you remain outside of the United States for more than 2 years, any reentry permit granted before your departure from the United States will have expired. In this case, it is advisable to consider applying for a returning resident visa (SB-1) at the nearest U.S. Embassy or Consulate. An SB-1 applicant will be required to establish eligibility for an immigrant visa and will need a medical exam. There is an exception to this process for the spouse or child of either a member of the U.S. Armed Forces or civilian employee of the U.S. Government stationed abroad on official orders. For more information on obtaining a returning resident visa, see the Department of State's webpage on returning resident visas at [www.travel.state.gov](http://www.travel.state.gov).

Additionally, absences from the United States of six months or more may disrupt the continuous residency required for naturalization. If your absence is one year or longer and you wish to preserve your continuous residency in the United States for naturalization purposes, you may file an Application to Preserve Residence for Naturalization Purposes on Form N-470.

Please note that everyone's circumstances are different. If you would like specific legal advice with regard to our potential travel outside the U.S., please feel free to visit our website at [www.visaserve.com](http://www.visaserve.com) or to e-mail to us at [info@visaserve.com](mailto:info@visaserve.com)