

What Does "Relatively Short Period of Time" Mean?

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Attorney Eugenia Ponce recently wrote a blog post <u>here</u> cautioning Lawful Permanent Residents to keep their trips abroad relatively short. Here is the text of that post:

Lawful permanent residents (LPR) of the United States (green card holders) need to keep their trips abroad to a relatively short period of time. The Department of Homeland Security (DHS) could determine that an LPR has abandoned their residence if the LPR's intent was not to return to the U.S. within a relatively short period of time.

Factors DHS could consider in evaluating the LPR's intent include:

Whether the trip abroad is lengthy or for a short period of time; LPR's family ties in the U.S.; property holding in the U.S.; business affiliations within the U.S.; LPR's family, property, and business ties in the foreign country.

After that was posted, we were asked what exactly we meant by the term "relatively short." Of course the answer, as always, depends on several factors. But here is a further explanation from Ms. Ponce:

What a "relatively short period of time" is can't be defined in terms of elapsed time alone. Generally, lawful permanent residents (LPR) can use their green cards to return to the United States after a temporary absence not exceeding one year. The most important factor in concluding whether an LPR abandoned his or her U.S. residence is to look at the LPR's actual intent to return to the United States after a short trip, along with the other factors such as property, business, and family ties inside the U.S. and in the foreign country. An LPR returning to the U.S. once a year for a few days doesn't "automatically revalidate" a green card in a situation in which the lawful permanent resident has actually been residing abroad.

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