

## REENTRY PERMIT APPLICATION PROCEDURES

Lawful Permanent Residence (“LPR”) status requires that you maintain a permanent residence in the United States. If you leave the United States for a continuous period of a year or more, your LPR status will be deemed abandoned, unless a Reentry Permit is filed prior to your departure. Absences of less than a year may also result in abandonment of your LPR status if while abroad you have taken actions inconsistent with an intent to reside permanently in the United States, e.g. employment abroad, failing to pay U.S. taxes as a resident, or establishing residence abroad. The following guidelines provide general information on the process of applying for a Reentry Permit.<sup>1</sup>

LPRs may use the Alien Registration Card (Form I-551) as lawful documentation to reenter the United States subsequent to a temporary trip abroad, provided that the reentry to the United States is within one year of the last departure and the LPR can demonstrate that his or her trip abroad was temporary. If the LPR accepts employment or establishes residence abroad or fails to pay U.S. taxes, his or her permanent residence status may be deemed abandoned.

If the LPR seeks readmission to the United States after having remained outside the United States for over one year, the Alien Registration Card will be insufficient to allow the permanent resident to reenter the United States. The permanent resident will be considered to have abandoned his or her lawful permanent resident status. In most cases, the LPR will know before leaving the United States whether he or she will return to the United States within the year. If an LPR plans to remain outside the United States for a continuous period exceeding one year, he or she should apply for a Reentry Permit. As a practical matter, we recommend that a Reentry Permit be obtained if the LPR plans to live abroad for 6 months or more.

Reentry Permits are also available to LPRs who are stateless and cannot obtain a passport from any country. In such circumstances, the Reentry Permit can be used in lieu of a passport. While not all foreign countries will accept the Reentry Permit in lieu of a passport, many countries will take the Reentry Permit as a guarantee that the United States will readmit the alien subsequent to his or her visit to that foreign country.

### RENEWING A REENTRY PERMIT

If the LPR is required to remain abroad in excess of two years he or she must return to the United States prior to the expiration of the Reentry Permit in order to apply for a new permit. An application for a Reentry Permit must be made while the alien is physically present in the United States.

An LPR cannot obtain new Reentry Permits indefinitely. With each new application for a Reentry Permit, the LPR can anticipate closer scrutiny with respect to his or her intention to continue to maintain lawful

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<sup>1</sup> This memo is intended for clients of Goeschl Law Corporation and is for informational purposes only. While we hope that this information is helpful as general background information, we cannot warrant its applicability, accuracy, or completeness, given the many intricacies of specific factual circumstances and scenarios and the frequent changes to immigration policy and procedures. Please also note that this memo does not cover procedures for any other classifications.

permanent residence status in the United States. The USCIS often grants Reentry Permit valid for only one year for individuals who have been issued Reentry Permits in the past.

#### IMPACT OF EXTENDED ABSENCES ON ELIGIBILITY FOR NATURALIZATION (U.S. CITIZENSHIP)

There are several requirements for naturalization pertaining to physical presence and residence in the United States:

- That an individual has resided in the United States as an LPR for a period of 57 months as an LPR immediately preceding the application for naturalization (or 33 months if based on a marriage to a U.S. citizen);
- That an individual has been physically present in the United States as an LPR for at least 30 months (or 18 months if based on marriage to a U.S. citizen); and
- In most cases, it must also be demonstrated that the individual has not been out of the United States continuously for a period of 180 days or more.

If an LPR spends more than 6 months away from the United States on a single trip, this will be considered a break in the continuity of permanent residency. The individual will not be eligible to apply for naturalization until all of the above conditions have been satisfied.

#### IMPORTANT NOTE ON U.S. TAXES

Generally, LPRs are required to file U.S. federal Income tax returns, even if residing temporarily abroad. In addition to federal income tax returns, state income tax return filing may also be required. We recommend that a tax specialist be consulted to discuss specific situations.

#### APPLICATION PROCESS

A completed Form I-131 with the application fee and supporting documents must reach the United States Citizenship and Immigration Services (“USCIS”) before the individual departs from the United States. Upon receipt, the USCIS will schedule the applicant for fingerprinting. This generally occurs within a few weeks of the application receipt. While rescheduling of the fingerprinting appointment is possible, the USCIS generally cannot grant requests for specific appointment dates. Also, if the fingerprint is not completed within 120 days of filing, the application may be denied.

We recommend filing the application as soon as the need for the Reentry Permit has been identified, so that the fingerprinting may be completed before U.S. departure. Otherwise, the applicant may be required to return to the United States to complete the fingerprinting. The fingerprinting may not be done outside the United States.

## CHECKLIST FOR REENTRY PERMIT APPLICATIONS

### Required Documents

- Copy of Current Passport Biographic Page.
- Copy of Green Card (both sides).
- Copies of Current and Expired Passports Used as an LPR. Please provide complete copies, including all blank pages, of all passports used since having become a permanent resident.
- Copy of Airline Ticket or Itinerary Showing U.S. Departure Date.

### Required Information

- U.S. Social Security Number.
- U.S. Address.
- How many days have you spent outside the United States since becoming a permanent resident (including trips to Canada and Mexico, no matter how short)?
  - Less than 6 months
  - 6 months to 1 year
  - 1 to 2 years
  - 2 to 3 years
  - 3 to 4 years
  - More than 4 years
- Since becoming a permanent resident, have you ever filed a U.S. income tax as a nonresident or otherwise claimed or received benefits as a nonresident alien under U.S. federal, state, or income tax laws?
  - Yes (please provide us with an explanation)
  - No

Please contact our office if you need additional assistance with your Reentry Permit application.