



MAINTENANCE OF LPR STATUS, HERE AND ABROAD

Everything you need to know about maintaining lawful permanent residency. (In thirty minutes or less.)

Michael A. Dominguez
Waterhouse Dominguez & Strom, PLLC
mdominguez@wdslawyers.com

Leslie Giron Kirby
Giron Kirby Law Group
Leslie@gironkirbylaw.com

CONTENTS

- Maintenance of Permanent Residency
- Protecting against Loss of Status
- Planning for Travel Abroad
- Re-entry Permits for long term assignments (I-131)
- Unexpected Extended Absences
- SB-1 Returning Resident Visa
- Obtaining an SB-1 Returning Resident Visa
- Obtaining a Travel Document (I-131A)
- Travelling with an I-90 Receipt

MAINTENANCE OF PERMANENT RESIDENCY

USCIS DEFINITION

Maintaining Permanent Residence

Once you become a lawful permanent resident (Green Card holder), you maintain permanent resident status until you:

- Apply for and complete the naturalization process; or
- Lose or abandon your status.

There are several ways that you can lose your status as a lawful permanent resident.

3

NOTHING PERMANENT ABOUT BEING A PERMANENT RESIDENCE

There are many reasons USCIS can revoke lawful permanent resident status:

- Commission of certain crimes
- Marriage fraud
- **Extended absences outside of the US**

- Terms used today:
 - LPR = lawful permanent resident
 - Permanent resident
 - These are used interchangeably throughout this presentation

4

NOTHING PERMANENT ABOUT BEING A PERMANENT RESIDENCE

Permanent residents can put their green cards at risk if they:

- Travel abroad too often or for too long
- Return trips to the US are too few or too short
- Or other acts that call into question their intent to make the US their permanent home

5

MAINTENANCE OF PERMANENT RESIDENCY - CONCEPTS

When an LPR travels outside of the United States they need to be cognizant of the following:

- Absences of less than 180 days = no presumption of abandonment of permanent residence
- Absences of more than 180 days, but less than 1 year = there is a rebuttable presumption that you may have abandoned permanent residence
- Absences of more than 1 year = automatic loss of LPR status unless appropriate steps were taken prior to departure to preserve status
- USCIS takes the position that an absence of more than one year invalidates a green card, and that residency has been abandoned.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Maintenance of LPR Status, Here and Abroad

First appeared as part of the conference materials for the
47th Annual Conference on Immigration and Nationality Law session
"Maintenance of LPR Status, Here and Abroad"