

What are the travel restrictions for green card holders?

During the holiday season many of our clients ask us about travel restrictions. A permanent resident card (green card) is issued to foreign aliens typically for a period of ten years. Some foreign aliens who adjust their status through a marriage to a US citizen spouse may have green cards that are only valid for two years. Before traveling outside the US you must be sure your green card will be valid upon your reentry into the U.S. and that you have evidence that you have not abandoned your intention of residing in the US. The filing of a US Tax Return, proof of residence, driver's license, US credit cards and bank accounts usually help.

Green Card holders are permitted to travel outside the US for a period of up to one (1) year without consequences on their status. However, if a green card holder intends to stay outside the US for more than one (1) year but less than two (2) years the green card holder must apply for a reentry permit before leaving. If the green card holder travels outside the US for more than two (2) years, and a reentry permit was not issued, the green card holder will then need to either obtain a returning resident special immigrant visa upon a showing that he remained outside the U.S. due to circumstances beyond his control, or reapply for a new green card.

The applicant must disclose on his naturalization application all trips taken outside the US for the five (5) years preceding the filing of his application. If a green card holder intends on applying for naturalization after this required waiting period, all trips taken during this period should be for six (6) months or less, as absences from the US for any period beyond six (6) months will break continuous residence for naturalization purposes. Therefore, it is important for the green card holder to know that travel beyond six (6) months will affect his eligibility to file for naturalization.

If travel will take you out of the US for more than one (1) year but less than two (2) you must apply for a reentry permit before leaving. The reentry permit has a fingerprint requirement that must be completed in the US. Therefore, travel cannot begin until the fingerprints have been taken. Moreover, there are occasions where the fingerprints taken result unclear and the USCIS may reschedule you to fingerprint again. Therefore, the reentry permit should be requested several months before your actual travel. The reentry permit is generally valid for two (2) years from the date of issuance. Note that the reentry permit is not a replacement for an expired green card or passport. There is no limit to the number of reentry permits someone may apply for. The only issue to keep in mind is abandonment of residency.

If you need additional information regarding this or any other immigration matter, please contact Attorney Lloyd E. Bennett, Esq. at 4713 Bergenline Ave., Union City, NJ 07087. Never use the services of a notario to help you as the wrong help will hurt! It is also against the law in the State of New Jersey for a notario to give you any legal advice. If you have been harmed by a notario contact my law firm and we will help you.