

Unintentionally Abandoning Permanent Resident Status – Part 2: Absence From the U.S.

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<http://www.physicianimmigration.com/blog/>

Many legal permanent residents (LPR) are unaware that they could lose their permanent resident status by being absent from the United States for an extended period of time, particularly for more than six months (180 days). In many cases, they often learn that they have abandoned their status after it is too late for them to take steps to avoid doing so. For example, a permanent resident may visit their home country to care for a sick family member and not give any thought to the maintaining of their residence status in the United States. Then, when returning to the U.S., a customs official might refuse to admit them as an LPR because they have been gone for an extended period and cannot show strong ties to the United States.

Permanent residents who return to the United States from overseas travel must “apply for admission” when they arrive in the U.S. Being absent for six months or more raises the presumption that they abandoned their LPR status, and a customs official may require the individual to prove they have not abandoned their LPR status by demonstrating fixed ties to the United States. For example, such ties may include (but are not limited to) having family members, owning property, having bank accounts, having filed [income tax returns](#), or having business affiliations in the United States.

It may be extremely difficult for permanent residents to be readmitted to the United States if they have been absent for one year or more. In this circumstance, possessing a [green card](#) is not enough to be allowed back in the country because it becomes technically invalid after an absence of one year or more. The permanent resident who returns to the U.S. must have a re-entry permit, and must have applied for it before leaving the United States. A re-entry permit demonstrates that the resident does not intend to abandon their LPR status, and it allows them to apply for readmission after being absent from the U.S. for up to 2 years without having to obtain a returning resident visa. The consequence of not having a re-entry permit could result in the resident’s LPR status being considered abandoned upon seeking readmission at their port of entry.

In our next article we will briefly discuss the consequences of failing to convince U.S. customs that LPR status was not abandoned.

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