

How to Maintain a Green Card while Living Abroad

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For U.S. permanent residents faced with an attractive opportunity to live or work outside of the U.S., a simple solution exists to both leave the U.S. and retain a green card.

“Abandonment of residency” rules are an important consequence to which Permanent Residents (PRs) are subject. Abandonment can result in loss of PR status for a legal or conditional PR who is outside of the United States for more than six months without advance permission from the U.S. Citizenship and Immigration Services (USCIS) in the form of an approved re-entry permit. Generally, PRs are free to travel abroad, provided that the trip is “temporary.” USCIS views any absence from the United States for longer than six months as not temporary. Furthermore, USCIS may also view trips outside the United States of less than six months as not temporary in cases where a PR works outside the United States and lacks U.S. employment. Thus, it is advisable to obtain a re-entry permit before departure.

To qualify for a re-entry permit, an applicant must prove ties to an “unrelinquished lawful permanent residence” in the United States. To determine whether these ties exist, USCIS looks at various factors, including:

- Location of family, property holdings, and jobs;
- Intention to return to the United States as a place of employment, business, or as an actual home;
- Purpose for departing from the United States; and
- Whether the visit abroad is short.

Whether or not a returning PR has a re-entry permit, he/she may be subject to increased scrutiny if an act that triggers “removal” was committed before or after departing the United States. Unlike U.S. citizens, PRs are subject to removal from the United States for the commission of certain acts, including perpetration of certain crimes, receipt of certain public benefits and misrepresentation regarding immigration status, among others. Therefore, a PR should consult an immigration attorney if he/she has been accused of any crime or if he/she plans to be outside of the United States for more than 180 days.

Once issued, a re-entry permit can usually be reissued twice, covering a total of six years of absence from the U.S. A previous re-entry permit approval does not guarantee approval of subsequent applications. Additionally, each subsequent application is reviewed with more scrutiny as a PR's intent to reside within the United States may be called into question.

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