

LPRs – Limit Travel to Maintain Status

<p>To Avoid Risk of Losing Status, Maintain a Permanent U.S. Home and Calculate the Number of Days Outside the United States</p>	<p>Travel < 180 Days</p>	<p>Travel > 180 Days but < 1 Year</p>	<p>Travel > 1 Year</p>
	<p>= No presumption that permanent resident status has been abandoned</p> 	<p>= Rebuttable presumption that you abandoned LPR status</p> <ul style="list-style-type: none"> ■ The government presumes that you have abandoned status. ■ You have the burden to convince the Gov't otherwise. 	<p>= Automatic loss of LPR status unless adequate steps were taken to preserve status</p> <ul style="list-style-type: none"> ■ The USCIS has not adopted any policy exceptions. ■ A reentry permit is advisable to preserve status.
<p>Applying for a Reentry Permit</p>	<ul style="list-style-type: none"> ■ Be physically present in the U.S. when filing. You must apply BEFORE you leave the United States. ■ You must remain physically present until your biometrics have been collected. This can take several weeks or months. 		
<p>If your outside stay becomes > 1 year, or > your reentry permit validity</p>	<p>If either situation applies, obtain from your embassy or consulate an SB-1 Returning Resident Visa before returning to the U.S.</p>		
<p>If COVID-19 caused your delay</p>	<p>Be prepared to provide the following evidence of maintained ties to the U.S. as your permanent residence:</p> <ul style="list-style-type: none"> ■ Timely attempts to travel back (Cancelled airline docs and emails or other correspondents documenting your intent to return & inability to travel, or evidence of local lockdowns preventing travel). ■ Continued ties to the U.S. such as continued payment of any mortgages or rent as well as any associated housing costs. Also be prepared to document your temporary arrangement for housing in the foreign country (that you own no property there). ■ Evidence that you maintained an employment relationship in the U.S., such as an employer letter showing you had a leave of absence or that you will be rehired upon your return to the U.S. Also, provide evidence that you did not work in the foreign country except possibly for your U.S. employer. ■ Evidence of illness either applicable to yourself or a family member that prevented travel. ■ Evidence that your other family members remained in the U.S. while you traveled. ■ Financial ties such as bank accounts, U.S. tax returns, etc. 		
<p>Preserving Your Naturalization Application</p>	<p>Attorneys in the U.S. are proposing policy to address COVID-19 travel encumbrances that affect naturalization continuous residence & physical presence requirements. The effect of absences in light of the pandemic has yet to be determined. Consult with KLF for updates.</p>		