



KNOW YOUR RIGHTS: TRAVELING ABROAD AS A LAWFUL PERMANENT RESIDENT

Lawful permanent residents (LPRs) or “green card” holders, have the right to live in the United States permanently if their status does not change. Brief travel outside of the U.S. generally should not affect your LPR status, but there are some restrictions on the length of your trip, reason for your travel, and more. Know your rights and how to plan for a trip abroad as an LPR.

As an LPR, can I travel abroad?

Yes, LPRs have the right to temporarily travel and return to the U.S.

Can traveling abroad affect my LPR status?

As an LPR, you are generally free to travel and return to the U.S. if the trip is considered temporary. As a general guide, U.S. Citizenship and Immigration Services ([USCIS](#)) will look at whether you have been outside of the U.S. for more than 1 year. Traveling abroad for less than 1 year usually will not affect your LPR status, unless an immigration officer finds that your travel shows that you have abandoned your permanent resident status. According to USCIS, “abandonment may be found to occur in trips of less than a year where it is believed you did not intend to make the United States your permanent residence.” USCIS may question your intention to make the U.S. your permanent home if you remain outside of the U.S. for more than 180 days in a row. If you travel abroad for more than 180 days in a row, you may be asked to show that you intended to go abroad only temporarily and that you see the U.S. as your permanent home.

How does the government determine that an LPR abandoned their status?

As an LPR coming back to the U.S. after traveling abroad, you may be questioned by an immigration or customs officer about whether you have abandoned your LPR status.

How can I show that my trip outside of the U.S. was temporary?

You can show that your trip abroad was temporary and that you have not abandoned your LPR status by showing that you have:

- family ties, property, or a job in the U.S.
- a U.S. mailing address
- a U.S. bank account
- a U.S. driver's license
- traveled outside of the country for a specific, short-term event or activity, and not for employment or to live abroad
- filed U.S. tax returns as a resident taxpayer
- not spent significant amounts of time outside the U.S. since becoming an LPR
- a Reentry Permit.

What documents do I need to travel abroad?

To travel to a foreign country, you generally will need a passport from your country of citizenship or a refugee travel document. Depending on where you are traveling to, you may also need other entry/exit documents (such as a visa). Visit the [Department of State website](#) for information about the travel documents required by your destination country.

DISCLAIMER: This fact sheet gives general information for NYC Residents; it is NOT legal advice.

What documents do I need to return to the U.S. after traveling abroad?

To return to the U.S. after traveling for less than 1 year, you will need your unexpired “green card.” You do not need a passport to reenter the U.S.

What if I want to travel abroad for 1 year or more?

Your green card, or Permanent Resident Card, is only valid for reentry into the U.S. if you are outside of the country for less than 1 year. If you plan to travel abroad for 1 year or more, you should apply for a Reentry Permit ([Application for Travel Document](#)) before you leave the U.S. A Reentry Permit is a travel document that allows an LPR to return to the U.S. after leaving the country for 1 year or more without having to apply for a Returning Resident Visa from a U.S. Embassy or Consulate. Although a Reentry Permit does not guarantee that you will be admitted into the U.S., it will help you show that you intend to continue to permanently live in the U.S.

What if I remain abroad for 2 years or more?

If you stay outside of the U.S. for 2 years or more, you will need a Returning Resident Visa to return. A Returning Resident SB-1 Visa allows an LPR who stayed outside of the U.S. for longer than 1 year without a Reentry Permit or past the expiration date of their Reentry Permit (2 years) to return to the U.S. without having to have a new petition filed on their behalf.

What if I have been outside of the U.S. for longer than 1 year due to COVID-19 or for other reasons I could not control?

If you are an LPR who has not been able to return to the U.S. within 1 year of leaving or if your Reentry Permit has expired as a result of COVID-19 or another reason beyond your control, you may be eligible for a Returning Resident SB-1 Visa. Although USCIS has not yet announced a policy regarding LPRs stranded abroad due to COVID-19, you may be able to return and keep your LPR status if:

- You are in a foreign country that has stopped or strictly limited travel due to COVID-19
- You are at higher risk of getting seriously ill from COVID-19 due to your age or a medical condition
- You can prove that your trip was supposed to be temporary, but you could not return to the U.S. on time for reasons outside of your control.

How can I apply for an SB-1 Visa?

To apply for an SB-1 Visa, contact the nearest U.S. Embassy or Consulate. To qualify for an SB-1 Visa, you will have to prove that you:

- Were an LPR when you left the U.S. for your trip abroad
- Left the U.S. with a plan to return and did not intend to abandon your LPR status
- Are returning to the U.S. from a trip that was supposed to be temporary but was extended for reasons you were not responsible for and could not control.

If you do not qualify for a Returning Resident Visa, you will need to have a new petition filed on your behalf with USCIS.

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