

# THE FILIPINO **EXPRESS**

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## **Reentry Permits for Immigrants**

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When a permanent resident alien plans a lengthy absence of more than one year from the US, he must file for a re-entry permit prior to departure. This permit will be valid for up to two years, and is required for an alien to reenter. A green card is sufficient if an alien, on a temporary trip abroad, returns within the year of his departure.

Aliens who apply for a special immigrant visa must be able to establish that he has not abandoned his permanent resident status while he was out of the US.

Those who have obtained temporary residence under the 1986 legalization program may not use the reentry permit. Instead they should apply for advance parole at the local INS district office. If the application is approved, they will receive the INS Form I-512 on which to stamp the visas of foreign countries the alien wishes to visit or stay in for an extended time.

Documents that would be required to obtain a reentry permit are the following: INS Form I-131 (in duplicate), Alien Registration Receipt Card (Green Card), two identical photographs, and a filing fee.

The application for reentry permit is filed with the INS office jurisdiction over an alien's place of residence. It is required that the person filing the application must file it in advance of his departure, that is, while he is still in the US. The application, along with his green card, photographs and the fee, should also be filed in person. This is so because it is required that the immigration officer verifies that he has seen the alien's green card after which it is returned to the applicant.

A permanent resident, who reenters after one year but does not have a reentry permit, must obtain a special immigrant visa. A special immigrant visa applicant must be able to establish that he has not abandoned his permanent resident status while he was out of the U.S.

The reentry permit application is mailed to the Nebraska Service Center regardless of where the applicant resides in the US. The applicant must be in the U.S. at the time of filing. A copy of the green card must be attached but if the applicant has recently become a permanent resident and has not received his green card, a copy of the page of his passport indicating his temporary I-551 admission as permanent resident may be submitted.

The applicant of the reentry permit does not need to wait in the U.S. for the response from the INS office. The permit will either be mailed to the address on his application or to the consulate abroad which he has designated on the application. If sent to the consulate abroad, the alien may simply pick it up.

If the application for reentry is denied, the alien may file an appeal through the Nebraska Service Center. The appeal will be decided by the INS Administrative Office in Washington, D.C.

There is no limit to the number of times one may apply but if the resident alien has been outside the U.S. for more than four years of the past five years, the permit will be valid for only one year.

The aforementioned procedures for reentry to the US are required to establish an alien's intention to maintain his permanent resident alien status. The INS looks at the following facts by which it determines the intention of an alien to maintain his permanent resident status: length of departure, purpose of departure, facts indicating a fixed termination of his stay abroad, continued filing of US tax returns, maintenance of ties with US such as various equities as property ownership, bank accounts, credit cards, and driver's license and nature of alien's employment in the US and abroad.

Proper documentation of alien's absence is important to ensure the intention to maintain one's permanent resident status. The maintenance of a US address and an active bank account, as well as a statement from his US employer or employers abroad stating length and terms of assignment are required.

If employment is not the reason for an alien's extended stay, other reasons such as family matters abroad, must nevertheless be established with proper documentation.

It is not sufficient that an alien who spends most of his time abroad, return to the US once a year in order to use his green card as reentry permit and not have to apply for reentry permit. An alien who spends considerable time abroad must, above all, continue to file tax returns as a resident. He must claim his income on the return, though he may be exempt from actual taxation of his income earned abroad. This is one major factor which will indicate whether alien will be able to keep or lose his permanent resident status.