

Top Mistakes That Jeopardize Your Green Card—and How to Avoid Them

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As we are currently in a time of extensive scrutiny of immigration actions, individuals must understand their status, rights and obligations. Legal Permanent Residents possess many protections that nonimmigrants do not have, but must carefully maintain their status. One of the key aspects of maintaining a green card is maintaining an existing “intent” to permanently reside in the United States. This is an issue that comes up with green card holders who move abroad or spend significant time outside of the United States. If the Department of Homeland Security (DHS) has reason to believe an individual does not have the intention to reside in the United States, then they can bring proceedings against the individual to remove their green card. The law and policy are summarized by the U.S. Citizenship and Immigration Services (USCIS) as follows:

- Permanent Resident Cards become technically invalid for reentry into the United States if the holder is absent from the United States for 1 year or more.
- U.S. permanent residence status may be considered abandoned for absences shorter than 1 year if the green card holder takes up residence in another country.

The first point is technical; if one is out of the country for a year or more, their green card is no longer valid for entry. Customs and Border Protection (CBP) will raise this issue at the Ports of Entry to the United States. It can be waived at entry, but the CBP rarely allow that. Instead, they follow a “hawkish” approach to individuals with absences of a year or longer. It should be noted that legal permanent resident status is protected by law and must be removed by legal proceedings.

The second point is where individuals can potentially incur CBP scrutiny through a prolonged periods of absence from the United States. For example, if an individual comes into the U.S. twice a year for several years to maintain their green card, questions may arise about the individual’s intent to reside in the U.S., even though that they were technically compliant. Generally speaking, if a legal permanent resident thinks they will spend more than six months outside the United States, they should talk to an immigration attorney.

On May 1, 2025, CBP updated its guidance to legal permanent residents returning to the United States. This policy document states that legal permanent residents who have been out of the country for longer than six months will be subject to new immigration inspection procedures. No further details of these new and increased inspections have been released. See [Traveling outside U.S. - Documents needed for Lawful Permanent Residents \(LPR\)/Green Card holders](#)

Certain key actions can automatically raise a question of the green card holder’s intent if they leave the United States, specifically:

- Clearly manifesting an intent of permanently residing in another country (i.e., applying for long-term status in that country).

- Green card holders must file US taxes on their global income, and they must file taxes as residents for tax purposes; failure to file resident tax returns can be seen as an intentional abandonment of status.
- Making statements to CBP or DHS that do not support the green card holders' assertions that their trips abroad are temporary.

Accordingly, green card holders who move abroad temporarily must be diligent in maintaining ties to the United States and take proactive steps to protect their green card. They must realize they are jeopardizing their status by extended time abroad. Returning to the United States once a year will eventually draw the ire of the CBP, and the green card holder can expect to receive progressively more intrusive and sustained questioning upon entry to the United States. Steps that green card holders who live abroad could take to protect their status include the following:

- Travel with evidence of why your trip outside of the US is temporary – temporary job offer, extended care for a family member, explanations for delays, etc.
- Continue to file US Income taxes.
- Maintain a residence in the US.
- Be diligent in not spending 365 days outside of the United States.
- Registering with the Selective Service is required.
- Updating their home address with USCIS via Form AR-11.
- Obtain a Re-Entry Permit:
 - Re-Entry Permits protects a green card holder's status for two years upon approval. Although not a guarantee of entry, the Re-Entry Permit is excellent evidence to present to CBP that the individual's absence abroad is temporary.
 - Re-Entry Permits can be renewed depending on the circumstances that the individual faces.
 - Re-Entry Permits must be applied for in person in the U.S.; Having the USCIS receipt notice as evidence of the application is good evidence to demonstrate to the USCIS.
- Been out of the country for a year or longer?
 - The safest route is to apply for an SB-1 immigrant visa at your local U.S. Embassy to avoid issues entering the country.

Lastly, should an individual face potentially denial of entry to the United States for circumstances beyond their control, they can apply for a returning resident special immigrant visa to ensure they can enter the U.S.