

## APPROVAL OF PERMANENT RESIDENCY | FREQUENTLY ASKED QUESTIONS

### 1. My child(ren) immigrated with me. Are there any limitations on the Green Cards approved for a child?

If your child was under 14 years of age when his/her immigration was approved, you will need to submit a Form I-90 to apply for a new Alien Registration Card ("Green Card") for him/her after the child turns 14 years of age. You can find information about this procedure on the U.S. Citizenship and Immigration Services (USCIS) website, which can be accessed via the Jackson & Hertogs website. If you would like to retain our services for this process, you should contact our office. Please note that most companies do not retain us for this service and you would be required to pay the legal fees.

### 2. Now that I am a Permanent Resident, am I required to register with Selective Service?

Yes. Selective Service registration allows the U.S. government to maintain a list of names of men who may be called into military service in case of a national emergency requiring rapid expansion of the U.S. Armed Forces. By registering all young men, the Selective Service can ensure that any future draft will be fair and equitable. Federal law requires that men between 18 and 25 years of age register with Selective Service. This includes all male non-citizens within these age limits who permanently reside in the United States. Men with Green Cards (Lawful Permanent Residents) must register. Men living in the United States without immigration documentation (undocumented aliens) must also register. But men cannot register after reaching age 26. Failure to register for the Selective Service may (in certain instances) make you ineligible for certain immigration benefits, such as U.S. citizenship.

- For instructions on registering with Selective Service as an immigrant, please see the Selective Service System Registration Information, <http://www.sss.gov/inslink.htm>.
- If you would like to confirm that you or someone else are registered with Selective Service, please see the Selective Service System "Check a Registration" webpage, <https://www4.sss.gov/regver/verify.asp>.
- If you would like answers to frequently asked questions about Selective Service, please see Selective Service System "Frequently Asked Questions" Webpage, <http://www.sss.gov/qa.htm>.

### 3. When will I receive my Green Card?

USCIS will manufacture your card and send it to your home address within a few months.

### 4. What happens if I move before or after I receive the actual Green Card?

All immigrants are required to file notices of change of address with USCIS under Section 265 of the Immigration & Nationality Act within 10 days of moving. Every Lawful Permanent Resident must do this until s/he becomes a U.S. citizen. You can obtain the necessary Form AR-11 from our website under "change of address". You must notify USCIS each and every time that you move. Failure to notify the USCIS of such changes of address can result in your being found guilty of a misdemeanor; if you are convicted, you can be fined up to \$200, be imprisoned not more than 30 days or both. Parents are responsible for notifying USCIS of changes of address for their minor children as well. For further information and instructions for completing the USCIS Form AR 11, please refer to our website.

You should also file a change of address form with the U.S. Postal Service and, if our file for you is still open, you should notify our office of the change of address.

### 5. What happens if I do not receive my Green Card?

You should make an in-person inquiry at the local USCIS office by scheduling an InfoPass appointment. Appointments are available online at <http://infopass.uscis.gov>.

If you require temporary proof of your permanent residency status while waiting for your green card, you may make an InfoPass appointment and visit your local USCIS and request a temporary I-551 stamp in your passport. At the same time, depending upon whether the USCIS computer system indicates that the actual green card was manufactured and sent, you may want to also submit a Form I-90 for a replacement of the lost card. To be prepared to file the Form I-90, you should print the form from the USCIS website and bring your check book in case a fee waiver request is not granted. You do not require an attorney to assist you in preparing and processing the Form I-90.

### 6. What is the date of the approval of Permanent Residency?

For adjustment of status applicants, the effective date of the approval is indicated on the USCIS approval notice. For individuals who were issued immigrant visas by a Consulate/Embassy, the date you became a Permanent Resident is the date you were admitted to the United States by the CBP after the immigrant visa was issued.

### 7. What does the stamp in my passport mean?

For adjustment of status applicants, the effective date of the approval is indicated on the USCIS approval notice. For individuals who were issued immigrant visas by a Consulate/Embassy, the date you became a Permanent Resident is the date you were admitted to the United States by the U.S. Customs & Border Protection (CBP) after the immigrant visa was issued.

### 8. Do I still need my passport to travel?

Yes! Please note that your passport must also be valid. If the passport which contains the I-551 stamp expires before the Green Card is received and you need to renew your passport, please present both the expired passport with the valid I-551 stamp and the new passport to the CBP Inspector upon entry to the U.S.

### 9. When can I apply for U.S. citizenship?

Generally, an individual may be eligible to apply for U.S. citizenship after s/he has been a Permanent Resident of the U.S. for five years depending upon whether the individual meets the eligibility rules. If you are married to a U.S. citizen, you may be eligible to apply after you have been a Permanent Resident for three years. In addition to being a Permanent Resident for the specified period of time, the other eligibility requirements include physical presence in the U.S. during that time frame, residence in a state and good moral character, to name a few. Please refer to the following USCIS link: <http://www.uscis.gov/natguide>. If you are interested in discussing your eligibility for applying for U.S. citizenship, please contact our office for a consultation.

### 10. How long do I have to be in the U.S. each year in order to retain my Green Card?

The general rule is that a Lawful Permanent Resident intends to reside permanently in the U.S. Short trips outside the U.S. are allowed. However, any stay outside the U.S. of more than six months needs to be treated with caution. If you remain outside the U.S. for more than six months, you may be required to prove to the inspecting CBP officer that you still intend to reside in the U.S. permanently. If you are outside of the United States for 12 consecutive months, your Green Card may no longer serve as a valid travel document and you may be considered to have abandoned your Permanent Resident status.

If you plan to be outside the U.S. for more than six months, we recommend that you apply for a reentry permit before you depart the U.S. The application must be submitted while you are physically present in the U.S. If/when the application is approved, the document can be mailed to you abroad. However, the reentry permit by itself is not sufficient to prove that you did not intend to relinquish your Permanent Resident status. After each absence from the U.S. of more than six months, you must be prepared to demonstrate to a CBP inspector at the time of entry that you are returning to an un-relinquished U.S. residence by showing strong ties to the U.S., e.g. family, property, bank accounts, employment, etc. As a Permanent Resident, you are required to file U.S. income taxes as a Resident every year even if you are temporarily living outside the United States. Please note that any stay outside the U.S. for more than 180 days may impact your eligibility to apply for U.S. citizenship. If you are considering a lengthy departure from the U.S., we strongly recommend that you seek a consultation with an immigration attorney before you finalize your plans.

### 11. Now that I am a Permanent Resident, can I file for my parents?

No. Only a U.S. citizen can file an immigrant visa petition for his/her parents. However, you may file for a spouse or your unmarried minor children if they were unable to immigrate with you as derivative beneficiaries.

### 12. Now that I am a Permanent Resident, can I file for a Green Card for my spouse or children?

If the relationship existed prior to granting of your permanent residency, you may file Adjustment of Status for your spouse and/or children as a "follow to join" provided your priority date remains current. If you recently married and the marriage date is after the date of approval for your permanent residency, you may sponsor your spouse or children for permanent residency by filing a Form I-130 Petition for Alien Relative. Spouse and children of a Permanent Resident is a family-sponsored preference category 2A. For the latest visa bulletin and quota movement, visit our website <http://www.jackson-hertogs.com/quota/quota.shtml>.

### **13. I have a job offer from overseas. What do I need to do to maintain my Permanent Residency?**

You should return to the U.S. at least every six months unless you have a valid Reentry Permit. You should also file a U.S. Income Tax Return every year as a Resident. Finally, you should maintain as many ties to the U.S. as possible, e.g. bank account, driver's license, insurance, credit cards, etc. Please keep in mind that a reentry permit is not a guarantee that you will be able to retain your U.S. Permanent Residence following an extended absence. After each absence from the U.S., you must be prepared to demonstrate to a CBP inspector at entry that you are returning to an unrelinquished U.S. residence by showing strong ties to the U.S. using the evidence outlined above. Please review Question 10 above for more information. Again, this may impact when you are eligible and apply for U.S. citizenship. Please also note that if you are accepting employment abroad with a U.S. employer, you may be eligible to file an additional application that will allow you to preserve your eligibility to apply for U.S. citizenship despite the lengthy absence from the U.S. We strongly encourage individuals considering an overseas assignment to contact our office for a consultation.

### **14. Should I advise my employer regarding my new status?**

When your employer requests that you reverify your employment eligibility, check the box on Form I-9 which indicates that you are a Lawful Permanent Resident. Your employer should provide you with a list of acceptable documents to present as evidence for work authorization. Either the I-551 stamp in your passport or the actual Green Card is acceptable. This reverification step must be completed before the expiration date of the work authorization previously used for your last Form I-9. You may choose to do so now that you have your green card, or you may choose to wait until your employer requires reverification of your employment authorization. Even if your employer sponsored you for permanent resident status, you still must reverify your employment authorization. Once you have reverified your employment as a Lawful Permanent Resident, you will not need to reverify your employment again with that employer. The only exception to this is if you choose to use an I-551 stamp in your passport, you will be required to reverify your employment authorization at a later date.

### **15. What documents must I carry as a Lawful Permanent Resident?**

Always carry your Green Card with you. The law requires that all aliens 18 years of age and over shall at all times have any certificate of alien registration or Alien Registration Receipt card issued to him/her. Failure to carry such documentation can result in you being found guilty of a misdemeanor and, upon conviction thereof, a fine not to exceed \$100, or imprisonment not more than 30 days or both. We also suggest that you keep a copy of the Green Card, the 551 stamp and any approval notice in a safe place in case your Green Card is lost.

### **16. As a nonimmigrant, I was subject to special registration. Are there any additional procedures involved for me?**

While USCIS has indicated that its database is updated to indicate that as a Permanent Resident you are no longer subject to special registration, you may want to file a Form AR-11SR with USCIS and keep a copy of the filing to document that you are no longer subject to special registration because you are now a Lawful Permanent Resident. Refer to our website's special registration page for a link to this form and other special registration information.

### **17. After I immigrate, how long must I stay in the same position with my employer? Can I take a promotion or other wise change jobs immediately?**

When one immigrates based on an offer of employment in the United States, it is assumed that the intent of both the employer and the employee is that the individual is being offered the described position "permanently" upon receipt of permanent residency. Throughout the process, the individual and the employer are confirming (when a labor certification, immigrant visa petition and application for adjustment of status are filed) that intent. After an individual immigrates, the USCIS would look at the "reasonableness" of how long the person remained in that position. This would presumably become an issue if/when the individual applies for U.S. citizenship or another immigration benefit if the USCIS examiner questions a fast change in positions/jobs/employers. That said, a variety of factors would presumably play into this analysis. For example, if immediately after immigrating an individual is offered "the position of a life time" or needs to move because a spouse is relocating, under the totality of the circumstances, the USCIS examiner may conclude that the change in position is reasonable. Also, with passage of The American Competitiveness in the 21st Century Act (AC21) and the ability to port the immigration process from one employer to another or from one position to another with the same employer so long as the positions are the "same or similar" (please see other portions of our website for a discussion about AC21), it is likely that the USCIS will not question such moves if the application for

adjustment of status had been pending for at least 6 months before it was adjudicated. Please note that there are no regulations implementing AC21 as of yet.

### **18. Should I notify the Social Security Administration that my status has changed?**

While you need not notify the SSA of your permanent residency, we recommend you do so in order to obtain an unrestricted Social Security card. Most nonimmigrants are issued Social Security cards that indicate that the card cannot be used for employment verification without USCIS documentation. It is prudent to apply for a new card that does not contain this restriction. Furthermore, if you change your name or if you later become a citizen of the United States, we recommend you also notify the SSA for those events as well.

### **19. Now that I am a lawful permanent resident, can I vote in U.S. elections?**

No. Only U.S. citizens can vote.