



Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana

Installment Seventy Eight

Ask the Consul – Legal Permanent Residents and Returning Residents

Q: I am a Legal Permanent Resident (LPR) of the United States so can I travel freely between Guyana and the United States?

Yes, you may travel freely within certain time-required guidelines. A permanent resident returning to the United States from a visit abroad of less than a year, may apply for readmission by presenting an Alien Registration Card (also known as “green card”), and a valid Guyanese passport, to the immigration authorities at a U.S. port of entry.

Q: I am a Legal Permanent Resident of the United States, but I wish to live in Guyana. Can I continue to maintain my LPR status, while living outside the United States?

U.S. immigration law assumes that a person admitted to the United States as an immigrant will live in the United States permanently. Remaining outside the United States for longer than 365 consecutive days may result in a loss of legal permanent resident status. The one-year time limitation does not apply to the spouse or child of a member of the Armed Forces of the United States, or of a civilian employee of the U.S. Government stationed abroad on official U.S. Government orders.

A legal permanent resident who intends to remain outside the United States for more than a year should file Form I-131, Application for a Reentry Permit, with the U.S. Citizenship and Immigration Service (USCIS) at least 30 days before leaving the United States. The permit is valid for two years and may not be extended. Every alien applying for readmission must satisfy to U.S. immigration authorities that he or she is eligible in all respects for admission.

Many immigrants to the United States decide to return to their home countries to reside. If you are a U.S. legal permanent resident and have remained in Guyana for more than one year without a Re-Entry Permit, it is possible that your LPR status has lapsed. If you wish to return to the United States as an immigrant, there are certain procedures which

must be followed in order to allow your return, should you meet all the requirements for returning residents (*see below*).

Q: What happens if unforeseen circumstances arise and I cannot return to the United States within the one-year validity period?

U.S. LPR's who are unable to return to the United States within the travel validity period of the Alien Registration Card (less than a year) and have not obtained a Reentry Permit may apply for a Special Immigrant Returning Resident (SB-1) visa. To qualify as a returning resident, you must show:

1. that you were a lawful permanent resident when you departed the United States,
2. that when you departed the United States that you intended to return to the United States and that you have maintained this intent,
3. that you are returning from a temporary visit abroad and if the stay was extended, it was caused by reasons beyond your control and for which you were not responsible,
4. and that you are eligible for the immigrant visa in all other respects.

Please note that it is very difficult to qualify for the SB-1 visa. You must be able to prove that the prolonged stay abroad was beyond your control. Along with evidence to support the above requirements, you must also submit an "Application to Determine Returning Resident Status" (form DS-117) and pay a fee of U.S. \$ 400 and an additional fee of US \$400 if the SB-1 visa is approved.

Q: I obtained LPR status, but have been residing in Guyana for many years and am now out-of-status. I do not wish to live in the United States, but I would like to return there for a short visit. What type of visa do I need?

If you have given up your permanent residence in the United States, you may be eligible for a non-immigrant visa. A non-immigrant visa may or may not be possible to obtain, depending on whether you can demonstrate that you have established a residence in Guyana to which you will return at the end of a visit to the United States. In other words, you are subject to the same requirements as any other non-immigrant visa applicant and must prove that you are no longer an intending immigrant. If an applicant wishing to return to the United States cannot submit convincing evidence of compelling ties abroad, he or she may consider applying for an immigrant visa, based on a new petition filed on his or her behalf, on the same basis by which he/she originally immigrated, if that is still possible.

Please note that if you intend to travel to the United States as a non-immigrant, you must relinquish your Alien Registration Card (green card) by submitting Form I-407, Abandonment of Lawful Permanent Resident Status, in order to clarify your status. You may do this at the time of your non-immigrant visa interview.

“Ask the Consul” is a weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions each week and publish the answers in Stabroek News and on our website at http://georgetown.usembassy.gov/guyana/ask_con.html. For more information about visas please see <http://www.unitedstatesvisas.gov> or <http://georgetown.usembassy.gov/>.

Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am- 12 pm and 1 pm- 4 pm Monday through Friday) if you have questions about a specific case.