

May 26, 2016

### **What is a Returning Resident Visa?**

**Question:** *A few years ago my daughter filed for me and I migrated to the U.S. I got my green card but did not naturalize as a U.S. citizen. Three years ago I came back to Jamaica to stay with my other daughter but got sick and couldn't travel for a while. Now I want to go back to the U.S. I have heard I should apply for a 'returning resident' visa. What is that?*

A permanent resident (lawful permanent resident or LPR) or conditional resident (CR) who has remained outside the United States for longer than one year, or beyond the validity period of a Re-entry Permit, will require a new immigrant visa to enter the United States and resume permanent residence. A provision exists under U.S. visa law for the issuance of a returning resident special immigrant visa to an LPR who remained outside the United States due to circumstances beyond his/her control. If you are an LPR who was unable to return to the United States within the travel validity period of the green card (1 year) or the validity of the Re-entry Permit (2 years), you may be eligible and can apply at the Embassy for a Returning Resident (SB-1) immigrant visa.

If your application for returning resident status is approved, this eliminates the requirement that a new immigrant visa petition be filed on your behalf with the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS). You will need to be interviewed for both your application for returning resident status, and usually later for the immigrant visa. An SB-1 applicant is required to establish eligibility for an immigrant visa and have a medical examination. Therefore, this involves paying both visa processing fees and medical fees. If you wish to apply for a Returning Resident (SB-1) immigrant visa, you should contact the Embassy in advance of your intended travel (at least three months in advance, if possible) to permit sufficient time for visa processing.

To qualify for returning resident status, you will need to prove to the consular officer that you:

- Had the status of a lawful permanent resident at the time of departure from the United States;
- Departed from the United States with the intention of returning and have not abandoned this intention; and
- Are returning to the United States from a temporary visit abroad and, if the stay abroad was protracted, this was caused by reasons beyond your control and for which you were not responsible.

You should submit the following forms and documents:

- A completed Application to Determine Returning Resident Status, [Form DS-117](#)
- Your Permanent Resident Card, Form I-551
- Your Re-entry Permit, if available

and also submit supporting documents that show the following:

- Dates of travel outside of the United States (Examples: airline tickets, passport stamps, etc.)
- Proof of your ties to the United States and your intention to return (Examples: tax returns, and evidence of economic, family, and social ties to the United States)
- Proof that your protracted stay outside of the United States was for reasons beyond your control (Examples: medical incapacitation, employment with a U.S. company, etc.)

A consular officer will review your application and supporting documents to determine whether you meet the criteria for Returning Resident (SB-1) status. If you do, you must then be eligible for the immigrant visa in all other respects in order to be issued a Returning Resident (SB-1) immigrant visa. The Embassy will provide you with specific instructions for the remainder of the processing for your Returning Resident (SB-1) immigrant visa.

If, after reviewing your Application to Determine Returning Resident Status, Form DS-117, and supporting documents, the consular officer determines that you do not meet the criteria for a Returning Resident (SB-1) immigrant visa on the grounds that you have abandoned or relinquished your residence in the United States, it may or may not be possible to obtain a nonimmigrant visa depending on whether you have established a residence abroad to which you will return. If you cannot submit convincing evidence of compelling ties abroad, you may have to apply for an immigrant visa on the same basis and under the same category by which you immigrated originally.

Links to the required forms and information on the current fees can be found at through our website and at the U.S. Department of State's website at <https://travel.state.gov/content/visas/en/immigrate/returning-residents.html>

*You can find more information about how to travel to the US on the embassy's website at [kingston.usembassy.gov](http://kingston.usembassy.gov) and the website of our authorized service provider at [usvisa-info.com](http://usvisa-info.com). Keep on top of embassy news on our Facebook page, [facebook.com/pages/USEmbassy-Jamaica](https://www.facebook.com/USEmbassy-Jamaica), and by following @USEmbassyJA on Twitter. We also answer general visa questions on our Facebook and Twitter pages.*

*You may also send your questions to: [editorial@jamaicaobserver.com](mailto:editorial@jamaicaobserver.com) to be forwarded to the embassy.*

**Reminder: Your appointment time is your arrival time, NOT your interview time. Do not show up earlier than your appointment time.**