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# Reentry Permit and N-470

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Submitted by Guest on Apr 16th 2018

Any lawful permanent resident (LPR) or a conditional resident (CR) must present an admission document like special immigrant visa (obtained at consulate abroad), green card or reentry permit upon entry to the U.S. after their temporary trip abroad. In the absence of such document he/she is considered inadmissible. If the LPR or CR seeks admission to the U.S. after more than one year since her departure from USA, the green card may not be sufficient to allow them back into the United States.

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Generally, a reentry permit issued to an LPR is valid for two years from the date of issuance. However, if the applicant has been outside the U.S. for more than four of the last five years since becoming an LPR, the permit will be limited to one year.

An exception exists where a permit with a validity of two years may be issued to

(a) a LPR whose travel is on the order of a U.S. Government, other than exclusion, deportation, removal or rescission order

(b) a LPR employed by a public international organization of which the United States is a member by treaty or statute

(c) a LPR who is a professional athlete and regularly competes in the United States and worldwide.

A reentry permit issued to a conditional resident shall be valid for two years from the date of issuance or to the date the conditional resident must apply for removal of the conditions on his or her status, whichever dates comes first. A reentry permit may not be extended.

Furthermore, a reentry permit may not be issued if the applicant has already been issued such a document and it is still valid, unless the prior document has been returned to the USCIS or the applicant demonstrates that it was lost or a notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where the applicant intends to go.

A reentry permit does not relieve the holder of the permit of any of the requirements of U.S. immigration laws. An alien who may not return to the U.S. within the two-year reentry validity period should seek a special immigrant visa at the U.S. consulate in order to return to the United States.

Possession of a reentry permit does not guarantee the alien's readmission to the U.S. It also does not prevent the Port of Entry officials from inquiring as to whether the permit holder abandoned his permanent residency. The alien still must be admissible when applying for readmission to the U.S. Note: Duration of an alien's absence especially a lengthy absence may be relevant to his/her admissibility into the U.S. Even though a green card holder (LPR) may have the reentry permit, the failure to pay U.S. income taxes as a "resident" of the U.S. during the absence usually shows an intention contrary to that required of a green card holder.

An LPR who is interested in applying for naturalization should note that applying for a reentry permit does not negate the effect of a lengthy absence on his/her ability to meet the requirement for naturalization.

### **Preserving Residence for Naturalization/Eligibility for Extended Absence Benefits (N-470)**

A permanent resident (LPR) may be able to preserve residency (lawful permanent resident status), which he/she previously gained for naturalization purposes, even though he or she may be residing outside the United States for longer than one year by filing **Form N-470** [2]. In such case, the time spent abroad may be counted towards the residency requirement for naturalization purpose or to meet the eligibility for extended absence benefits.

Filing N-470 does not relieve an LPR from obtaining a reentry permit in advance of trips outside USA for one year or more, nor does it relieve the LPR from the physical presence requirement needed for naturalization purpose. In most cases, before filing N-470, the LPR must have been physically present and residing in the U.S. for an uninterrupted period (without any absences whatsoever even if such absences are brief and are necessary for the LPR to prepare for his or her foreign assignment) for at least one year after becoming an LPR. Also, N-470 must be filed before the LPR have been absent from the U.S. for a continuous period of one year with appropriate evidence of eligibility that may include letters or affidavits from the concerned employer/organization. Approval of N-470 will be only for the employment and conditions stated in it. Any changes of employment must be approved by a new application.

Typically, persons employed in specific jobs of U.S. government; private sector; and religious organizations file N-470. Whether a U.S. corporation can qualify its employees for extended

absence naturalization benefits depends on the ?nationality? of the company (US company must be 50% owned by U.S. nationals or foreign subsidiary must be 50% owned by a U.S. company). Some U.S. owned joint ventures and consortia therefore, do not qualify. If no single U.S. Company owns more than 50% of the foreign subsidiary even though U.S. companies hold the majority of the subsidiary?s shares, subsidiary?s employees do not qualify for extended absence naturalization benefits.

The reason of the absence due to employment abroad may vary. It may be due to employment taken up on behalf of U.S. government (even under contract and includes members of U.S. Armed Services); carrying scientific research on behalf of an American research institution; engaging in development of foreign trade and commerce on behalf of a U.S. firm/corporation (includes subsidiary also); protecting property rights outside of U.S. of an American firm/corporation engaged in development of foreign trade and commerce of U.S.; public international organization of which U.S. is a member; and in the capacity of a clergyman or clergywoman, missionary, brother, nun or sister of a denomination or mission having a bona fide organization in the United States.

The Form N-470 must be filed before the person departs from the United States except religious workers who may apply before or after departure, or after return to the United States. The religious workers are not required to have lived in the United States for a specific period of time prior to the filing of N-470. Similar exception is granted to alien members of the U.S. Armed Forces. In such cases the LPR employee who filed N-470 is considered physically present in the US during such employment abroad and does not need a reentry permit.

An N-470 applicant may extend the benefit of preserving residency to his or her spouse and dependent children who are all members of the same household and have lived with the main applicant while abroad. An LPR who have claimed nonresident status under the income tax laws may be or become ineligible for preserving the continuous residency.

### **Citizenship and Naturalization:**

[Form N-470](#) [3]

### **Immigration Law :**

[Reentry Permit](#) [4]

### **Green Card:**

[Reentry Permit](#) [5]

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### **Links:**

[1] <https://immigration.com/greencard/reentry-permit/reentry-permit-and-n-470>

[2] <https://www.uscis.gov/n-470>

[3] <https://immigration.com/citizenship/citizenship-and-naturalization/form-n-470>

[4] <https://immigration.com/law/immigration-law/reentry-permit>

[5] <https://immigration.com/greencard/green-card/reentry-permit>