



PREVENTIVE LAW SERIES
**LAWFUL PERMANENT
RESIDENT**



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Legal Assistance Department
Region Legal Service Office Southwest

In order for a foreign citizen who immigrates to the United States to become a U.S. citizen he or she first has to become a Lawful Permanent Resident (LPR). The U.S. Customs and Immigration Service (USCIS) provides a Permanent Resident Card, also known as a "Green Card," to document LPR status. Once received, an immigrant's LPR status does not expire and that person can continue to live and work in the United States for the rest of his or her life. LPR status, however, does not entitle an individual to all the rights of U.S. citizenship. In addition, an LPR could potentially be removed from the United States, unlike a U.S. citizen.

ELIGIBILITY

There are a number of ways that an immigrant can qualify to become an LPR. Some of those ways are:

1. Obtain approval through an I-130 family-based visa petition or approval through an I-140 employment-based visa petition;
2. Obtain admission to the U.S. through a K-visa as a fiancée of a U.S. citizen and subsequent marriage to that person within 90 days.
3. Obtain certain asylum status;
4. Obtain adjustment of status as a Cuban citizen or a Nicaraguan citizen under the Nicaraguan and Cuban Adjustment Act (NACARA);
5. Obtain an approved registry application if you have continuous residence in the U.S. since 1972.

You should consult an attorney or immigration specialist to see if you eligible for LPR status through these or other circumstances. There are also many forms and some of them are complicated. **Always consult an attorney or immigration specialist for advice about what and where to file.**

BASIC PATH TO LAWFUL PERMANENT RESIDENT STATUS

1. The U.S. citizen relative (sponsor) files a *Petition for an Alien Relative (USCIS Form I-130)*, together with proof of the relationship to the foreign national relative (e.g. marriage certificate) and other required supporting documentation such as photos, birth certificate of the foreign national relative, and the current USCIS filing fee. Once the petition is approved (usually 90-120 days from filing) the petitioner is considered to have an approved immigrant petition. Normally, a person must apply for a visa and then wait, sometimes years, until a visa becomes available. In the case of marriage to a U.S. citizen (and other limited circumstances such as an unmarried minor child), there is no waiting period for a visa.
2. If the foreign national (beneficiary) is outside of the U.S. when an immigrant visa number becomes available, he or she must then go to the U.S. consulate servicing the area in which he or she resides to complete the processing.
3. If the beneficiary is already in the U.S., he or she can apply to change the status to that of a lawful permanent resident by filing an *Application to Register Permanent Residence or Adjust Status (USCIS form I-485)* along with an *Affidavit of Support* from your sponsor (**USCIS form I-864**) and proof of current status (such as the **USCIS form I-130** approval notice). A copy of your sponsor's tax returns for the last 3

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years, and proof of employment (either a current pay stub or letter of employment stating job title, number of hours and salary) must accompany the *Affidavit of Support*. In addition, a *Biographic Data Sheet (USCIS form G-325A)*, a *Medical Examination Sheet (USCIS form I-693)*, and two color photos taken within 30 days of filing have to be filed, fingerprints have to be taken, and the correct filing fees and additional fee for fingerprinting have to be paid. A civil surgeon who has been designated by USCIS must conduct the medical examination for the *Medical Examination Sheet*. To obtain names and telephone numbers of the designated civil surgeon in your area, go to the USCIS website at www.uscis.gov. If the foreign citizen relative wants to seek employment while the case is processed, an *Authorization for Employment Form (USCIS form I-765)* has to be filed. Other forms and proof may be required depending on the circumstances. **For immediate relatives, these forms may be submitted at the same time as the form I-130.**

4. Once filed, the application to become an LPR may take anywhere from 24 to 36 months or more to be approved (depending on what part of the country you are in).

Caution: Between the date you file for adjustment of status and the date it gets approved, you do NOT have a green card and are NOT an LPR. The USCIS considers your status “pending.” As such, you MUST have advance permission to travel outside the United States. This is accomplished by filing a simple *Application for Travel Document (USCIS form I-131)*, which is valid for one year and renewable. Even if you do not plan on traveling, file the form I-131 so that if an emergency arises and you must leave the United States, you will be prepared. If you leave without the USCIS travel documents, your petition for LPR status will either be rejected or kicked back to begin the waiting process all over again.

FILE AT THE USCIS

You must always file your USCIS documents at the correct USCIS Service Center (they are located in California, Texas, Nebraska and Vermont). **If you aren't absolutely positive, always check with the USCIS, your attorney or the USCIS website before mailing any forms to USCIS! Each form must go to a particular P.O. Box and a particular Zip Code; failure to send the form to the right place at the right Service Center will result in rejection and delays.** In addition, certain forms are only accepted at certain Service Centers.

USCIS has established a toll-free military help line, (877) CIS-4MIL, exclusively for service members and their families. USCIS customer service specialists are available to answer calls Monday through Friday from 0800 to 1630 (CST), excluding federal holidays.

RESOURCES

U.S. Citizenship and Immigration Services, www.uscis.gov

- Military Help Line: (877) CIS-4MIL
- Make an Appointment to Speak with an Immigration Officer: www.infopass.uscis.gov

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