



## U.S. PERMANENT RESIDENCE FACT SHEET

Congratulations! Your application for adjustment of status to U.S. Permanent Residence has been approved. Your U.S. Permanent Resident Card or “Green Card” allows you to live and work anywhere in the United States on a permanent basis. Additional rights include the ability to:

- Apply to become a U.S. citizen once you are eligible.
- Request visas for your spouse and unmarried children to live in the United States.
- Get Social Security, Supplemental Security Income and Medicare benefits, if you are eligible.
- Leave and return to the United States without having to apply for a visa at a U.S. consulate.

Along with these and other rights, you must now pay federal, state and local income taxes based on your worldwide income. Other obligations include registering with the Selective Service (U.S. Armed Forces) if you are a male between ages 18 and 26. U.S. Permanent Residents are also required to notify the United States Citizenship and Immigration Services (USCIS) within 10 days of any change of address.

Please carefully read this fact sheet for a summary of the logistics surrounding the issuance of your card as well as a more detailed discussion of your rights and responsibilities as a U.S. Permanent Resident.

### How long will it take to get your U.S. Permanent Resident Card or Green Card?

In most cases, the card arrives within two to three weeks of the approval of your case. If you do not receive your card within three months, you should call the USCIS at 1-800-375-5283 to inquire about the status of the card.

### What does the Green Card look like?

The format of the Green Card was changed in 2010 to incorporate several new security features. State-of-the-art technology prevents counterfeiting, obstructs tampering and facilitates quick and accurate authentication of the card. Features include holographic images, a laser engraved fingerprint and embedded radio frequency identification technology. Below is the front and back of a sample Green Card for your reference. If your Green Card is lost or stolen, you may replace it by filing a I-90 form online at [www.uscis.gov](http://www.uscis.gov). Upon the filing of an I-90 form, the USCIS deactivates your old card.



### How do you travel abroad if you have not yet received your U.S. Permanent Resident Card?

If you need to travel abroad before your Green Card arrives, you should make an appointment for a temporary I-551 stamp with the local field office of the USCIS through the InfoPass system at <http://infopass.uscis.gov/>. The issuance of the I-551 stamp by a USCIS officer is discretionary. In some cases, the I-551 stamp is treated as a routine process that does not require any special documentation other than proof of international travel plans. However, some USCIS officers will not issue an I-551 stamp unless there is a family or business emergency that requires travel, so you should be prepared to bring evidence of the urgency of your trip to the InfoPass appointment. I-551 stamp extensions can be issued by the local USCIS office via InfoPass appointment if necessary.

## What is the effect of moving before the Green Card arrives?

The postal service will not forward mail containing a Green Card. Instead, the Green Card will be returned to the USCIS and eventually destroyed. If you anticipate having to change your address while the Green Card is being produced, you should complete the following two steps.

1. Call 1-800-375-5283 and inform the USCIS representative of your address change.
2. Mail a completed Form AR-11, Change of Address, to USCIS at the appropriate address, or complete Form AR-11 online (see information below).

## What to do if you move after obtaining your Green Card?

Section 265 of the Immigration and Nationality Act (INA) requires non-citizens to notify the Attorney General in writing of a change of address within 10 days of the change on Form AR-11, Change of Address. USCIS has confirmed that this requirement applies to all nonimmigrants in the United States as well as to all permanent residents. This obligation continues until you become a U.S. citizen.

Under the current USCIS guidelines, all non-U.S. citizens are required to (1) report the change of address to USCIS within 10 days of the change by submitting Form AR-11 and (2) update the new address for every application and petition that is pending with USCIS referencing the receipt number of each pending case. You may obtain the form from the USCIS website at <http://www.uscis.gov/files/form/ar-11.pdf>. Each family member must also file a separate AR-11. We advise that you make a copy of the signed form and send it to USCIS by Certified Mail or Federal Express to show proof of delivery.

Alternatively, you may file the form online to report the address change and to update the address for pending cases at <https://egov.uscis.gov/crisgwi/go?action=coa>. If you complete the form online, please make sure to follow the online instructions and ensure that the address is updated for every pending case. Once the AR-11 form is completed online, you will receive confirmation by e-mail. You should print the page with the confirmation number as proof of filing.

## How long will your Green Card be valid?

A standard Green Card is issued for a period of ten years. Please note that there are special rules for permanent residents spending significant time abroad. (See next paragraph for details.) Please also note that expiration of your ten-year Green Card does not affect your status as a Permanent Resident. If your Green Card expires, you will remain a permanent resident, but your Green Card will not be a valid document for travel and work authorization. Therefore, please remember to file for a renewal of your Green Card at least six months before its expiration. When you file for a renewed Green Card, you will be entitled to a temporary passport stamp as evidence of your continued permanent resident status. Another option is to obtain U.S. citizenship before your Green Card expires.

## What to do to preserve your U.S. Permanent Resident Status?

Your U.S. Permanent Resident Status remains valid only as long you intend to reside permanently in the United States. A Green Card permits you to reenter the United States after travel abroad as long as you have been outside the United States for a period of less than one-year. If the stay abroad exceeds one-year, the Green Card is no longer a valid travel document, and you will need a special visa to re-enter the United States. You should also be aware that the government can determine that a trip abroad represents an abandonment of your permanent residence, regardless of the length of the absence. If the government believes that you have abandoned your permanent residence, you may be denied entry, or if you are in the United States, placed in to removal proceedings. Failing to file U.S. tax returns or filing as a nonresident can also adversely affect your permanent resident status. We suggest you consult a tax expert to discuss how your tax situation has changed now that you are a Permanent Resident.

If you need to be outside of the United States for more than a year due to a work transfer, family emergency, or any other reason, you should consider applying for a re-entry permit prior to your departure. Having a re-entry permit will allow you to remain outside the U.S. for up to two years without having to worry about the abandonment of your Permanent Residence status. Also, you should be aware that criminal acts can lead to removal proceedings, which in turn can result in the revocation of U.S. Permanent Residence status. In recent years, the laws have changed to make many seemingly minor offenses grounds for deportation. Please ensure that you and your family are aware that many offenses, including shoplifting, drug possession and aiding people to enter the country illegally, can have very serious consequences on U.S. Permanent Residence and may affect your ability to naturalize as a U.S. citizen in the future.

## What are the Selective Service registration obligations for a permanent resident?

Under U.S. law, all male U.S. Permanent Residents who are of draft age (between their 18th and 26th birthdays) are required to register with the Selective Service. Males of draft age can register with the Selective Service at a U.S. Post Office or see <http://www.sss.gov>. Individuals who fail to comply with this requirement can be subject to both civil and criminal penalties. A person who applies for U.S. citizenship who lived in the United States as a permanent resident during draft age must demonstrate Selective Service registration as part of the U.S. naturalization process. Failure to register with the Selective Service during draft age can be a bar to naturalization.

## When will you be eligible for naturalization?

In most cases, individuals may apply for naturalization after five years of permanent residence. Spouses of U.S. citizens enjoy a more relaxed standard of three years. There are many advantages to becoming a U.S. citizen, including ability to vote, sponsor more family members to immigrate to the United States, and travel abroad without restrictions on your absences from the United States. The United States permits dual citizenship, but you should check with the consulate of your home country whether U.S. naturalization will have any effect on your current citizenship. Please be aware that certain factors may prevent you from naturalizing, such as some criminal offenses and absences from the United States over six months.

## What procedure should you follow if you decide to relinquish your Green Card?

If you plan to depart the United States and decide to give up your U.S. Permanent Residence status, you can formally relinquish your Green Card at a U.S. consulate abroad with the filing of a form I-407. Before giving up your Green Card, you should consult with a tax specialist to determine whether giving up your status will trigger additional tax obligations. For example, when a person has held a Green Card for long period of time (the last eight years over a 15-year period), abandonment of the Green Card can cause the U.S. Internal Revenue Service to impose what is often referred to as an “exit tax” on unrealized capital gains.

## Are your rights different if you have been approved for Conditional Residence?

If you filed for Permanent Residence based on marriage to a U.S. citizen and if you were married for less than two years prior to the approval of your application, then you are considered a Conditional Resident for a period of two years. EB-5 immigrant investors are also granted two-year Conditional Resident status upon approval. The rights and obligations of Conditional Residents are identical to Permanent Residents with one significant difference. If you are a Conditional Resident you must file an application to convert to a Permanent Resident 90 days prior to the expiration of your status. Please contact our office six months prior to the expiration of your status if you would like us to assist you with the application to convert to a Permanent Resident.

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## The Immigration Practice of Sidley Austin LLP

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