

Lawful Permanent Residency: What You Need To Know To Keep Your Status

A lawful permanent resident (LPR) is a person with status to live and work in the United States permanently. LPRs receive a photo identification document as proof of their lawful status. This document is called a permanent resident card, an I-551 card and is commonly referred to as the “green card.” LPRs over the age of 18 must carry this card with them at all times. Most LPR cards expire ten years after the date they were issued. This does not mean that your status as a permanent resident is expiring. But it does mean that you need to apply for a new LPR card.

There are various ways to get a green card, including through family, an employer, or refugee or asylee status. Certain LPRs who obtained their green card through marriage to a U.S. citizen are called conditional residents and will only receive a green card valid for two years. These LPRs need to take additional action to retain their status and should talk to a qualified immigration lawyer or Board of Appeals (BIA) accredited representative to find out what steps they need to take.

What rights do I have as a lawful permanent resident?

An LPR has the right to live and work in the U.S. LPRs may file immigrant petitions for certain family members – spouses, unmarried children under 21, and unmarried sons and daughters over 21 – to gain LPR status as well. As an LPR, you may travel to and from the U.S., but you need to apply for a reentry permit if you plan to be away from the U.S. for longer than one year.

Can I lose my permanent resident status?

Yes. LPR status is not actually permanent. There are many ways an LPR may lose this status. Certain criminal behavior, extended absences from the U.S., assisting other people to enter the U.S. unlawfully, and making false claims to U.S. citizenship can all lead to loss of LPR status. If you think any of these situations may apply to you, it is very important to get legal advice before taking any trip outside of the U.S. or submitting any application to the U.S. Citizenship and Immigration Service (USCIS).

If my LPR card will expire soon, how do I get a new one?

If your green card is expiring you should apply for a new card by submitting a Form I-90, together with the required supporting documents and application fee. Applications may be submitted by mail or online to USCIS within 6 months of the date the green card will expire. The form and address for submitting applications by mail are on the USCIS website at: www.uscis.gov/i-90. Information about electronic filing is available at: www.uscis.gov/uscis-elis/e-filing-form-i-90-using-uscis-elis. You may also request that a Form I-90 be mailed to you by calling USCIS at 1-800-870-3676.

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What if I lose my card or change my name?

If you lose your LPR card, or legally change your name after receiving your card, you can apply for a new card using Form I-90. You will need to pay an application fee. Please read the Form I-90 instructions carefully to see what supporting documents you must submit with your application.

How can I become a United States citizen?

LPRs can apply to become United States Citizens (USCs) through a process called naturalization. Most LPRs are eligible to apply for naturalization after five years in LPR status. In some situations, the period is shorter; for example, an LPR married to and residing with a USC spouse for three years may apply for naturalization after this three-year period. There are other requirements to become a citizen, including having spent certain amounts of time inside the U.S., showing you are a person of good moral character, and meeting certain knowledge and literacy requirements, which may be altered or waived in certain circumstances. Contact a qualified legal services provider to find out if you qualify to apply for citizenship.

How is being an LPR different than being a United States Citizen?

As an LPR, you cannot vote in state or federal elections or in any local election that requires U.S. citizenship. There are certain categories of employment that are only available to USCs. In addition, USCs can file immigrant petitions for more categories of family members – married sons and daughters, parents, and siblings. In certain instances, the family members of USCs can gain residency faster than family members of LPRs.

If you naturalize, your LPR children under age 18 who are residing with you will automatically become USCs. They can then apply for a certificate of citizenship or a U.S. passport.

In addition, some of the circumstances that can result in an LPR losing his or her status, such as criminal convictions and extended absences from the U.S., do not apply once a person becomes a USC. An LPR who becomes a USC will not lose his or her status for living outside the U.S. for extended periods of time (or even permanently) after becoming a USC, or for having criminal convictions after becoming a USC. For all of these reasons, it is important to speak to a qualified legal representative as soon as you have been an LPR for five years (or three years for LPRs married to USCs) to determine whether you are eligible to apply for citizenship.

Remember – immigration law is complicated and applies differently to people in different situations. When you have an immigration law question, check with a qualified immigration lawyer or a CLINIC accredited representative. Find a CLINIC Affiliate at www.cliniclegal.org/affiliates/directory.