



BUSINESS IMMIGRATION SOLUTIONS

CLIENT ALERT: INTERNATIONAL TRAVEL CONSIDERATIONS FOR LAWFUL PERMANENT RESIDENTS (LPRs) UNDER THE TRUMP ADMINISTRATION

What Green Card Holders Need to Know Before Leaving the U.S.

Overview

Lawful Permanent Residents (LPRs) have the right to live and work permanently in the United States. But permanent does not mean unconditional. While green card holders enjoy greater protections than nonimmigrants, international travel—especially extended or repeated absences—can trigger serious questions about whether you’ve maintained ties to the U.S. and still qualify as a “returning resident.”

With reports of LPRs being questioned at the border, having green cards confiscated, or being asked to sign away their status, it’s critical to understand your rights, the government’s authority, and how to protect yourself before traveling abroad.

Returning Resident vs. Arriving Alien

CBP officers are trained to determine whether an LPR is a “returning resident” or an “arriving alien.” Returning residents are generally admitted without issue. But under the Immigration and Nationality Act (INA §101(a)(13)(C)), you may be treated as an arriving alien—and potentially placed into removal proceedings—if:

- You were outside the U.S. for more than 180 consecutive days
- You abandoned or relinquished your U.S. residence
- You engaged in illegal activity after departing the U.S.
- You left the U.S. while in removal or extradition proceedings
- You committed certain criminal offenses without a waiver or cancellation
- You attempt to enter without inspection

Once classified as an arriving alien, you are subject to a higher legal threshold and must prove that you’re still eligible to be admitted. In these cases, CBP may allege that you’ve abandoned your green card status.

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Abandonment of LPR Status and Form I-407

CBP officers sometimes try to persuade LPRs to sign **Form I-407**, which is a voluntary surrender of your permanent resident status. Officers may argue that time spent abroad or lack of ties to the U.S. amounts to abandonment, but here's what the law actually says:

- **You do not lose your green card just because you've been abroad for an extended period.** Abandonment is not automatic. The government must prove abandonment by clear, unequivocal, and convincing evidence.
- **Do not sign Form I-407 unless you fully intend to give up your green card.** You can and should decline to sign if you disagree with CBP's conclusion. **There are no negative legal consequences for refusing to sign Form I-407.** If you refuse, CBP may issue a **Notice to Appear (NTA)** and refer you to an immigration judge for a formal hearing. Even if you sign the form under pressure, you can later **request a hearing** to challenge the claim of abandonment. You are still entitled to due process.
- If CBP confiscates your green card, you have the right to receive alternate documentation, such as a passport stamp, acknowledging your LPR status until your case is resolved.

Protecting Your Green Card: Reentry Permits

If you anticipate being outside the U.S. for more than 180 days—or especially more than one year—you should apply for a **Reentry Permit** (Form I-131) before departing. A reentry permit serves two key purposes:

- It demonstrates your **intent to return** and maintain U.S. residence.
- It preserves your LPR status for **up to two years** during extended travel.

A reentry permit does not guarantee readmission, but it's strong evidence that you did not abandon your U.S. residence. It can be especially helpful for individuals with long-term overseas assignments, family obligations abroad, or other legitimate reasons for extended travel.

Important: You must be physically present in the U.S. when you file Form I-131. Once issued, the permit is typically valid for two years and cannot be renewed abroad.

What Happens During Secondary Inspection

Many travelers, LPRs included, are referred to **secondary inspection**, where CBP conducts additional questioning. This is not an accusation of wrongdoing, but it can be stressful. Here's what to expect:

- You may be held for a few minutes to several hours while CBP verifies your immigration status.
- CBP can collect fingerprints, review travel history, and ask detailed questions about your trip and U.S. ties.

- You have the **right to contact your consulate** and ask to call an attorney, but CBP is **not required** to allow attorney access during this process unless you are taken into custody for criminal charges.
- You have the right to **review and decline to sign any documents** presented to you.
- If you are pressured to sign Form I-407, remember—you can legally refuse.

Electronic Devices and Social Media Searches

CBP may inspect your phone, laptop, tablet, or other electronic devices at the border—even without a warrant or any suspicion of wrongdoing. Officers can review emails, texts, documents, photos, and social media activity, including both public and private content.

- **CBP may ask you to unlock your device or provide passwords.** You are not legally required to comply, but refusal may result in delays, confiscation of your device, or—in the case of non-citizens—denial of entry.
- **CBP may retain your device for forensic examination.** There is no guaranteed timeline for return, and devices can be held for extended periods even if no wrongdoing is found.
- **Officers have requested login credentials to access private social media accounts.** This is not legally required, but declining may increase scrutiny or delay entry.

CBP is also authorized to review publicly available online activity as part of a broader vetting and national security screening process. *Content that appears politically inflammatory, anti-government, discriminatory, or suggestive of violence—even if intended as a joke, satire, or commentary—can raise red flags.* Immigration officers may misinterpret content that lacks context, and there are no clear rules limiting how political speech is weighed in the border screening process.

While lawful permanent residents cannot be denied entry solely based on protected political beliefs, flagged social media content may still lead to prolonged inspection, questioning, or an abandonment determination if broader concerns are raised. Travelers are strongly advised to **review their online presence before traveling** and remove or archive anything that could be misread or distorted.

Even though freedom of expression is protected under U.S. law, non-citizens—LPRs included—have **fewer constitutional protections at the border**, and social media activity may be used as supporting evidence in immigration enforcement actions.

When You Should Talk to an Immigration Attorney Before Travel

Not every trip abroad puts your green card at risk—but if any of the following apply, you should consult immigration counsel before leaving the U.S.:

- You have been outside the U.S. for more than 180 days or plan to be
- You have a criminal conviction or pending criminal charge
- You have had issues recently with reentry or have a history of immigration violations

- You have a pending application with USCIS or EOIR
- Your ties to the U.S. (home, job, tax filings, etc.) may appear weak or unclear

Even if travel is urgent, do not assume you'll be readmitted without issue. It is better to address potential risks in advance—while you're still on U.S. soil.

Conclusion

Lawful permanent residents have significant legal protections, but CBP scrutiny is real. Understand your obligations as an LPR. If you plan to be abroad for an extended period, secure a reentry permit in advance and maintain clear, documented ties to the U.S. Know your rights, carry proper documentation, and protect your lawful permanent residency with smart planning.

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