



U.S. Permanent Resident Card (Green Card) Status while Residing in Korea



<http://8tharmy.korea.army.mil/sja/clientlegalsvc/>

Although Client Legal Services does not personally handle Immigration related issues, the following information is provided regarding the status of lawful permanent residents holding a U.S. Permanent Resident Card (Green Card) who accompany their U.S. citizen spouse to Korea:

MILITARY PERSONNEL:

Command Sponsored Family Members: Lawful permanent residents (LPR's) who accompany their military spouse to Korea will not adversely affect the status of their U.S. Permanent Resident Cards, as command sponsorship protects their LPR status. The military spouse should also consider overseas or expeditious naturalization.

Non-Command Sponsored Family Members: LPR's who accompany their military spouse to Korea should apply for a re-entry permit before traveling to Korea. The re-entry permit issued will allow the LPR's to remain in Korea for up to 2 years without returning to the United States. If the military spouse is stationed in Korea for more than 2 years, the LPR has to return to the US prior to the expiration of the current re-entry permit and re-apply for a new re-entry permit while in the US. LPR's who don't apply for a re-entry permit can reside in Korea, but should not exceed 365 days. Generally, if an LPR resides outside the US for more than 6 months, Customs Board Protection (CBP) Officers at the port of entry can question the LPR at entry. If the LPR has a habit of residing outside the US and only makes short temporary visits to the US, CBP Officers can actually deny the LPR entry into the US.

CIVILIAN PERSONNEL:

DoD Employee Family Members: LPR's who are listed on their civilian spouse's orders receive the same protection as military command sponsored family members.

Contractor Family Members: LPR's do not receive any protection. In addition, LPR's will not be able to file for expeditious naturalization unless, on the date of the interview, the sponsor has at least one year remaining on their contract.

8 C.F.R. 211.1(a)(6) permits a civilian or military employee of the U.S. government traveling on official orders, as well as the spouse or child of that employee to present an I-551, whether or not it has expired for entry into the United States and/or outside the U.S. for over a year. The employee must have been outside the U.S. pursuant to official orders. The employee's spouse and/or children are entitled to present an expired I-551 when returning to the U.S. to join the employee up to four months after the employee has returned to the U.S. While transportation letter issuance is not necessary if a LPR is in possession of either an unexpired or expired I-551, airline carriers are often unaware of this provision and a transportation letter may be issued to facilitate boarding an aircraft destined to the U.S.

It is important to understand that 8 CFR 211(a)(6) does not provide this interpreted exemption to the LPR contract employee. A contract employee or spouse or child of the contract employee remains ineligible for a transportation letter if outside of the U.S. for one continuous year or more.

For answers to any additional questions you may have, please contact the U.S. Citizenship and Immigration Services South Korea Seoul Field Office at:

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextchannel=1ac900c262197210VgnVCM100000082ca60aRCRD&vgnextoid=54180a9de954d010VgnVCM10000048f3d6a1RCRD>