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December 31, 2008

## **MEMORANDUM**

Congratulations on your admission to lawful permanent residence! We are pleased to provide the following information incident to your new status.

1. **DOCUMENTATION** -- Within the next several weeks you should receive your permanent "green card" (I-551) in the mail.

Unfortunately delays often occur in the delivery of the "green card." Please rest assured that the actual "green card" is not that same as possession of lawful permanent resident status. Failure to receive the card only indicates a breakdown in the processing system. It does not normally indicate any problem with your status.

2. **INCOME TAXES** -- Lawful Permanent residents are subject to United States income tax on **all** income, no matter where its earned. It cannot be over emphasized that any income which you may realize outside the U.S. is subject to U.S. Income Tax. Under certain circumstances, such income might be exempt from U.S. taxation, **provided** the income is reported on a timely return and the exemption is claimed. Please note that failure to report income and pay taxes thereon can subject you to fines and/or imprisonment. It can also jeopardize any future citizenship application. If you desire more detailed tax information, we recommend that you consult with an attorney or accountant who specializes in international taxation.

3. **TRAVEL DOCUMENTS** -- For travel abroad, you are required to use the passport from your home country. Your "green card" (or temporary stamp in your passport) serves as a visa to return to the United States.

4. **RETENTION OF STATUS** -- You are now entitled to live and reside permanently in the United States. However, a "green card" does not give you the right to live **outside** of the United States with privilege of being able to come back. It is possible to inadvertently abandon your permanent status.

In order to retain your status, you must, whenever you are outside the United States, retain an intent to return to the United States. You must always think of

the United States as home and not establish permanent residence elsewhere. Your main "tie" must be to the United States.

Inasmuch as the United States Government is incapable of reading minds, the law has developed objective indicia of intent in order to determine your "ties" to the United States.

The first indicia is time spent outside of the United States. Contrary to a popular belief, it is not sufficient to spend one week per year in the U.S. in order to retain your permanent resident status. In fact, if such a pattern should be spotted at a U.S. port of entry, it can result in an exclusion hearing.

If you intend to remain outside of the U.S. for more than six months on any one trip, or spend over one-half of your time outside the U.S., it is essential that you consult with our office.

The other indicia can consist of filing U.S. income tax returns, ownership of property in the U.S., family in the U.S. and many other factors. To summarize, it is best that your affairs be conducted consistent with an intention that the U.S. is your primary place of residence.

5. **CITIZENSHIP** - Possession of a green card is a general pre-requisite to obtaining U.S. Citizenship. In order to become a U.S. citizen, you will have to show that you have been held lawful permanent resident status for a period of 5 years (3 years if married to and living with a U.S. citizen for the 3 year period) (the "***Physical Residency Period***"). At least one half of the Physical Residency Period must have been spent physically present in the United States. An absence of over one year outside the United States breaks continuity of the Physical Residency Period. You will have to show good moral character during the entire Physical Residency Period. In addition to maintaining the Residency Period, you will have to show a basic understanding of the English language and knowledge of the U.S. Government and institutions.

6. **CRIMINAL OFFENSES** -- If you should be charged with any criminal offense, a conviction thereof can have adverse immigration consequences. It has been known to happen that a green card holder will plead guilty to a minor offense to avoid the financial expense of a vigorous defense. Thereafter, it is discovered that the plea has caused unintended adverse immigration consequences. These consequences can include deportation or denial of U.S. citizenship.

In order to wage the "war on drugs," U.S. immigration law is particularly strict regarding drugs and firearms offenses. It is important to note that conviction of *any* law or ordinance relating to firearms (guns) is a ground of deportation. This is true even if the firearms violation is not related to drugs. For example, conviction of a concealed pistol in violation of a city ordinance against concealed weapons will be a deportable offense even if the sole purpose of possessing the pistol was for self-defense.

If you should be should be arrested or charged with any offense, please contact our office.

7. **EMPLOYMENT** -- As a lawful permanent resident, you are generally free to reside and work anywhere in the U.S. However, if you obtained your status based upon an offer of employment, failure to enter into that employment after entry can have *irreversible* adverse consequences in the future in regards to your immigration or citizenship status. If for any reason whatsoever, you obtained your "green card" based upon an offer of employment and then fail to enter into that employment, please contact our office immediately.

8. **RELATIVE IMMIGRATION** -- At this time you can petition for the immigration of your spouse or unmarried sons and daughters of any age via the second family preference. Given the current visa backlogs and the fact that the petition filing date establishes a priority date, it is to your advantage to file as soon as possible. If you have a spouse or child (under 21 years of age) as of the date you obtain permanent resident status, they can apply for permanent residence status now without the necessity of filing a petition on their behalf. Upon obtaining U.S. citizenship (but not before) you can also petition for your parents, brothers and sisters. If you obtained your green card through marriage, a spousal petition within five years for a *new* spouse will be subject to inquiry in regards to the *prior* marriage by which you obtained permanent residence.

9. **SELECTIVE SERVICE REGISTRATION (MILITARY CONSCRIPTION)** -- At this time, the United States does not have any program of compulsory military service. However, all male resident aliens between ages 18 and 25 years old *must* register with Selective Service. This can be done at any post office and takes but a few minutes. Failure to register is a criminal offense and can later result in a denial of naturalization.

This memorandum is based upon the questions most often asked us. If you should have any other questions, please do not hesitate to call us.