

May 29, 2008

MEMORANDUM FOR: Executive Directors, Field Operations
Directors, Field Operations
Director, Preclearance

FROM: (b) (6), (b) (7)(C) Executive Director /s/
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Permanent Resident Cards (PRC), Forms I-551, Without
Expiration Dates (WED); Abandonment of Residence Cases

Permanent Resident Cards (PRC), Forms I-551, Without Expiration Dates (WED)

It has come to the attention of U.S. Customs and Border Protection's (CBP) Customer Satisfaction Unit (CSU) that CBP officers (CBPOs) are erroneously requiring lawful permanent residents (LPRs) in possession of Form I-551, without expiration date (WED), to obtain a new Form I-551, with a 10-year expiration date. Though U.S. Citizenship and Immigration Services (USCIS) published a notice of proposed rulemaking in the Federal Register (FR) on August 22, 2007, concerning the forthcoming termination of the nearly 750,000 Forms I-551 WED held by LPRs, until a subsequent notice is published in the FR terminating these Forms I-551 WED, CBP officers are instructed not to take any adverse action or require LPRs in possession of these Forms I-551 WED, to obtain new Form I-551, with a 10-year expiration date.

Permanent Resident Cards are issued as evidence of the holder's authorization to live and work in the United States. Between 1979 and 1989, Forms I-551 were issued without expiration dates. In August 1989, new cards with a 10-year expiration date began being issued to LPRs. The 10-year expiration date on the Form I-551 requires LPRs to apply periodically for a new card. Renewing the card allows USCIS the opportunity to update personal information about the cardholder (photographs, signatures and fingerprints). Though having Forms I-551, with 10-year expiration date, results in better facilitation of these LPRs at CBP ports of entry, there is no requirement at this time that LPRs in possession of Form I-551 WED to obtain a new Form I-551, with 10-year expiration date. Once USCIS publishes notice of a termination date for these cards, CBP will provide additional guidance to the field regarding required actions at ports of entry.

Abandonment of Residence

The Customer Satisfaction Unit has also seen plethora of complaints concerning LPRs who complain they were coerced into signing Form I-407, entitled “Abandonment by Alien of Status as Lawful Permanent Resident.” Some complainants claimed they were “forced” to surrender their PRC, Form I-551, and LPR status because CBP officers at the ports of entry threatened to detain them until they abandoned their residency, which would have resulted in the LPR missing their onward flight. Some other complainants claimed that CBP officers had threatened to refer them for a removal hearing and to detain them until the hearing was scheduled.

CBP officers should not coerce LPRs to surrender their PRC, Form I-551, since this frequently leads to the alien seeking reinstatement of LPR status at a later date. In determining whether an LPR has abandoned his status, CBP officers should refer to Chapter 13.1 of the Inspector’s Field Manual (IFM). It provides various indicators to determine abandonment of residence including, being “. . . outside the United States for more than one year (two, if presenting a reentry permit) . . . Other indicators of possible abandonment of residence are employment abroad, immediate family members who are not permanent residents, arrival on a charter flight where most passengers are non-residents with return passage, lack of a fixed address in the United States, or frequent prolonged absences from the United States. (b) (7)(E)

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Chapter 17.10 (a) of the IFM, entitled “Abandonment of Lawful Permanent Resident Status,” specifically adds, “[t]he [CBP] officer must never coax or coerce an alien to surrender his or her alien registration document in lieu of a removal hearing.”

Attached is a muster sheet on the above topics for immediate dissemination. If you have any questions, please contact (b) (6), (b) (7)(C) Program Manager, at (b) (6), (b) (7)(C)

Attachment

For Official Use Only

AILA Doc. No. 19080105. (Posted 9/27/19)

Weekly Muster

Week of Muster: June 1, 2008

Topic: Permanent Resident Cards (PRC), Forms I-551, Without Expiration Dates (WED); Abandonment of Residence Cases

Reference Materials: 8 CFR 211; Inspector's Field Manual, Chapters 13 and 17.10

Headquarters POC: (b) (6), (b) (7)(C)

Office: Office of Field Operations,
Admissibility and Passenger Programs

Permanent Resident Cards (PRC), Forms I-551, Without Expiration Dates (WED)

- U.S. Citizenship and Immigration Services (USCIS) published a notice of proposed rulemaking in the Federal Register (FR) on August 22, 2007, concerning the forthcoming termination of the nearly 750,000 Forms I-551 WED held by LPRs.
- Until further notice CBP officers should continue to accept I-551 WED as proof of lawful permanent resident status, unless otherwise abandoned.
- Until further notice CBP officers should not lift these cards or require LPRs to file I-90's.
- When USCIS issues further notice regarding the timeline to phase out the I-551 WED, CBP will provide further guidance to the field.

Abandonment of Residence

- CBP officers should not coerce LPRs to surrender their Permanent Resident Card (PRC), Form I-551, since this frequently leads to the former alien seeking reinstatement of LPR status at a later date.
- In determining whether an LPR has abandoned their status, CBP officers should refer to Chapter 13.1 of the Inspector's Field Manual (IFM).
- Abandonment indicators include, but are not limited to:
 - Being outside the United States for more than one year;
 - Employment abroad;
 - Immediate family members who are not permanent residents;
 - Arrival on a charter flight where most passengers are non-residents with return passage;
 - Lack of a fixed address in the United States; or
 - Frequent prolonged absences from the United States.