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# Returning Resident Visas (SB-1)

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Submitted by Chief Editor on Dec 3rd 2013

What is Returning Resident Visas (SB-1)?

### **ANSWER:**

#### **About Returning Resident Visas (SB-1)**

A permanent resident (called lawful permanent resident or LPR) or conditional resident (CR) who has remained outside the U.S. for longer than one year, or beyond the validity period of a Re-entry Permit, will require a new immigrant visa to enter the U.S. and resume permanent residence. A provision exists under U.S. visa law for the issuance of a returning resident special immigrant visa to an LPR who remained outside the U.S. due to circumstances beyond his/her control. This webpage is about Returning Resident Visas. If you are an LPR unable to return to the U.S. within the travel validity period of the green card (1 year) or the validity of the Re-entry Permit (2 years), you may be eligible and can apply at the nearest U.S. Embassy or Consulate for a Returning Resident (SB-1) immigrant visa.

If your application for returning resident status is approved, this eliminates the requirement that an immigrant visa petition be filed on your behalf with the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS). You will need to be interviewed for both your application for returning resident status, and usually later for the immigrant visa. An SB-1 applicant is required to establish eligibility for an immigrant visa and have a medical examination. Therefore, this involves paying both visa processing fees and medical fees.

**Spouse or Child of a Member of the U.S. Armed Forces or Civilian Employee of the U.S. Government Stationed Abroad** - If you are the spouse or child of a member of the U.S. Armed Forces or of a civilian employee of the U.S. Government stationed abroad on official orders, you may use your Permanent Resident Card, Form I-551, to enter the U.S. even if it has expired. Therefore, you would not need a Returning Resident (SB-1) immigrant visa, as long as you:

Have not abandoned your LPR status; and

Your spouse or parent is returning to the U.S.

### **Step 1 - Qualifying for Returning Resident Status**

Under provisions of immigration law, to qualify for returning resident status, you will need to prove to the Consular Officer that you:

Had the status of a lawful permanent resident at the time of departure from the U.S.;

Departed from the U.S. with the intention of returning and have not abandoned this intention;  
and

Are returning to the U.S. from a temporary visit abroad and, if the stay abroad was protracted, this was caused by reasons beyond your control and for which you were not responsible.

### **Applying for a Returning Resident Visa**

If you wish to apply for a Returning Resident (SB-1) immigrant visa, you should contact the nearest U.S. Embassy or Consulate in advance of your intended travel (at least three months in advance, if possible) to permit sufficient time for visa processing. As part of the visa application process, an interview at the U.S. Embassy or Consulate is required. Review **country-specific instructions and information by reviewing the U.S. Embassy or Consulate website** <sup>[2]</sup> where you will apply.

### **Required Documentation**

When applying for a Returning Resident (SB-1) immigrant visa, you should submit the following forms and documents to the U.S. Embassy or Consulate where you will apply:

A completed Application to Determine Returning Resident Status, Form DS-117

Your Permanent Resident Card, Form I-551

Your Re-entry Permit, if available

You must also submit supporting documents that show the following:

Dates of travel outside of the U.S. (Examples: airline tickets, passport stamps, etc.)

Proof of your ties to the U.S. and your intention to return (Examples: tax returns, and evidence of economic, family, and social ties to the U.S.)

Proof that your protracted stay outside of the U.S. was for reasons beyond your control (Examples: medical incapacitation, employment with a U.S. company, etc.)

A Consular Officer will review your application and supporting documents to determine whether you meet the criteria for Returning Resident (SB-1) status. If you do, you must be eligible for the immigrant visa in all other respects in order to be issued a Returning Resident (SB-1) immigrant visa.

### **Required Fees**

The following are the required fees:

Application for Determining Returning Resident Status, Form DS-117. Select Fees for current Department of State fees.

Additionally, if you are approved for Returning Resident (SB-1) status, the following fees will be required based on the immigrant visa processing explained below:

Form DS-230 application processing and security surcharge fees

Medical exam and vaccination fees

## **Step 2 ? Immigrant Visa Application and Documentation**

The Embassy or Consulate will provide you with specific instructions for the remainder of the processing for your Returning Resident (SB-1) immigrant visa. While exact instructions may vary by Embassy or Consulate, these instructions will include:

Before your interview:

Instructions for your medical examination, including a list of required vaccinations

Instructions for your interview, including the following documentation to bring:

Form DS-260, Online Immigrant Visa Application [3]

Original passport;

Two photographs, meeting Photograph Requirements [4]

A list of civil documents to bring to your immigrant visa interview, as requested by the Embassy or Consulate

Review country-specific instructions and further information by reviewing the U.S. Embassy or Consulate website where you will apply [2].

## **If Your Application to Determine Returning Resident Status is Not Approved**

If, after reviewing your Application to Determine Returning Resident Status, Form DS-117, and supporting documents, the Consular Officer determines that you do not meet the criteria for a Returning Resident (SB-1) immigrant visa on the grounds that you have abandoned or relinquished your residence in the U.S., it may or may not be possible to obtain a nonimmigrant visa depending on whether you have established a residence abroad to which you will return. If you cannot submit convincing evidence of compelling ties abroad, you may have to apply for an immigrant visa on the same basis and under the same category by which you immigrated originally.

## **About International Travel and Permanent Residents**

As a permanent resident, before you depart the U.S. for temporary travel abroad and then seek to return to the U.S., you should review important information on the U.S. Citizenship and Immigration Services (USCIS) and the U.S. Customs and Border Protection (CBP)

websites. Learn about [Travel Documents](#) [5], including Re-Entry Permits and [Form I-131, Application for Travel Document](#) [6], on the USCIS website. For information for permanent residents returning to the U.S. from travel abroad, review the [CBP website](#) [7].

**Returning Legal Permanent Residents Who Obtained Such Status Based on Asylum Status** - Asylum applicants, asylees, and lawful permanent residents who obtained such status based on their asylum status are subject to special rules with regard to traveling outside the U.S. For more information on obtaining proper documentation before you depart the U.S., see [Benefits and Responsibilities of Asylees on the USCIS website](#) [8].

**For Videos on SB-1 please visit these links:**

<http://www.immigration.com/media/n-470/maintaining-your-green-card> [9]

<http://www.immigration.com/media/form-i-131/requirements-naturalization-...> [10]

**Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [11] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [12]**

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**Links:**

[1] <https://immigration.com/faq/returning-resident-permit/returning-resident-visas-sb-1>

[2] <http://www.usembassy.gov/>

[3] [http://travel.state.gov/visa/immigrants/info/info\\_5164.html](http://travel.state.gov/visa/immigrants/info/info_5164.html)

[4] [http://travel.state.gov/visa/visaphotoreq/visaphotoreq\\_5334.html](http://travel.state.gov/visa/visaphotoreq/visaphotoreq_5334.html)

[5] <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=4c790a5659083>

[6] <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=b11747a55773d0>

[7] <http://cbp.gov/xp/cgov/travel/vacation/>

[8] <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=2d2e4b5bbfb732>

[9] <http://www.immigration.com/media/n-470/maintaining-your-green-card>

[10] <http://www.immigration.com/media/form-i-131/requirements-naturalization-usa-forms-i-131n-470>

[11] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[12] <http://www.immigration.com>

[13] <https://immigration.com/JavaScript%3Aavoid%280%29%3B>