

US immigration officials target elderly Indians holding Green Cards as Trump administration tightens scrutiny

Synopsis

Indian green card holders are facing more scrutiny from US Customs at airports, including detentions and pressured surrenders of their green cards. Legal experts advise not surrendering green cards under pressure and to be prepared with documents to prove ties to the US. They emphasize that green cards can only be revoked by an immigration judge.



Indian [green card](#) holders are increasingly facing secondary inspections and overnight detentions by [US Customs and Border Protection](#) (CBP) officers at American airports. According to TOI's Lubna Kably, [immigration](#) attorneys have reported a growing trend of CBP officials questioning elderly Indians who spend winter months in India and pressuring them to voluntarily surrender their green cards by signing Form I-407.

Under the [US Immigration](#) and Nationality Act (INA), a lawful permanent resident (LPR), or green card holder, returning to the US after an absence of more than 180 days is treated as seeking "re-admission" and becomes subject to grounds of inadmissibility. Although green card abandonment is typically considered when someone stays outside the US for more than a year, attorneys are now seeing increased scrutiny even for shorter absences.

Ashwin Sharma, an immigration attorney based in Florida, said, "I have personally handled cases recently where the CBP has targeted elderly Indian green card holders, particularly grandparents who happen to have spent a bit longer outside

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card). And the moment they have tried to push back, they have been met with threats of detention or 'removal' by the CBP officers who have been emboldened by [Trump](#) to see themselves as judge, jury, and executioner."

Kripa Upadhyay, a Seattle-based immigration attorney, emphasized that green card holders should not surrender their cards under pressure. “Generally, an individual’s green card cannot be revoked by the border unless the person ‘voluntarily’ surrenders (by signing Form I-407). If a green card holder has spent more than 365 days out of the US they are deemed to have ‘abandoned’ their residence. Even if this is the allegation, the green card holder has the right to challenge this in court but they lose this right if they ‘voluntarily’ surrender at the airport!” she said.

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Snehal Batra, managing attorney at NPZ Law Group, said, “Only an immigration judge can take away a green card, so individuals should not sign this form. Unfortunately, people do not realise this because they are afraid, confused or do not understand what they are signing due to language barriers. This is a particular problem for our elderly green card holders who spend winter months in India and may not have sufficient evidence to prove maintenance of permanent resident status. Through documentation such as ownership of property, tax returns and employment one can overcome a presumption of abandonment.”


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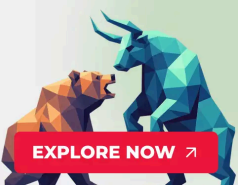
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She cited a recent case where a person, despite never staying more than 180 days outside the US, was stopped for secondary inspection due to frequent travels to India. "He was lucky this time and was admitted into the country but warned by CBP to give up his green card if he was not living in the US on a permanent basis," Batra added.

Rajiv S Khanna, an immigration attorney based in Arlington, pointed out, "One of the common scenarios that I have provided consultations on is when green card holders are not living in the US. They may visit every few months and consider that to be sufficient. That is legally incorrect. Maintaining a green card requires establishing and maintaining a permanent home in the US. Anything short of that can be grounds for 'lifting the green card' for abandonment."

Jesse Bless, another immigration attorney, noted that "Lawful permanent residents who are outside the US for more than a year (without a re-entry permit) are getting a notice to appear in removal proceedings."

Greg Siskin, co-founder of Siskin Susser, recalled, "During the previous Trump administration, there were sky marshals who were passing forms out on planes asking people to surrender their green cards and people were calling and texting from the planes asking what to do. People need to not surrender their cards. But they must be prepared to sit for a while in secondary inspection. It is possible a CBP officer could even detain a person overnight. But a person is entitled to a hearing in front of a judge and most judges are not going to be happy about these cases going in front of them so I suspect CBP will cave in if a person is adamant about not surrendering."

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Attorneys advise green card holders to be aware of their rights and to carry supporting documents that prove their ties to the US to avoid complications during re-entry.

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