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Questions and Answers

Renewing Permanent Resident Cards Without an Expiration Date

Background

U.S. Citizenship and Immigration Services published a proposed rule in the *Federal Register* today that will require approximately 750,000 lawful permanent residents carrying 'green cards' without expiration dates to apply for a new Permanent Resident Card (Form I-551). The proposal allows for a 120-day filing period for applications. The change allows USCIS to issue more secure permanent resident cards, update cardholder information, conduct background checks, and electronically store applicants' fingerprint and photographic information.

QUESTIONS AND ANSWERS:

Q: Why is this proposed replacement of Forms I-551 without an expiration date necessary?

A: Permanent Resident Cards (Forms I-551) are issued to permanent residents to serve as evidence of immigration status, registration, identity, and employment authorization; they also serve as entry documents upon return from trips outside of the United States. A card that is too old, with out-of-date photographs, cannot effectively serve these purposes.

This proposed rule is an important initiative. Once final, it would enable USCIS to update cardholder information, conduct background checks, and electronically store applicants' biometric information. It is important to remember that the cards impacted by this initiative are now between 17 and 30 years old. The new card will be a modern version with greater security, be more tamper-resistant, and will have an expiration date requiring that the card be periodically renewed.

Q: Why announce this proposed replacement of Forms I-551 without an expiration date now?

A: Replacement of the outstanding permanent resident cards without expiration dates is critical to the national security mission of USCIS. Replacement of the cards will ensure that cardholders' fingerprints and photographs are updated so as to provide better evidence of the identity of the cardholders, more modern and secure cards are placed into circulation, and the replacement cards will be more tamper-resistant. In the past, USCIS has recalled and replaced earlier versions of the Permanent Resident Card that did not contain an expiration date. It is critical that USCIS begin to remove from circulation this final version of the Permanent Resident Card containing no expiration date.

Since the replacement program is only proposed, affected individuals are not yet required to replace their cards. However, they nevertheless may choose to apply now to replace their cards. Early applications may be processed in shorter times than those filed later, given the number of permanent residents affected.

Q: How would I apply under the proposed rule?

A: The rule proposes to require permanent residents with Permanent Resident Cards without expiration dates and who have not already applied for new cards with an expiration date to apply during a 120-day filing period that would be established by a final rulemaking by filing Form I-90, along with the filing and biometric fees. Currently, the total cost is \$370 (a filing fee of \$290 for the I-90 and an \$80 biometric fee for photographs and fingerprints).

Q: Would I be able to e-file?

A: Yes, in fact we encourage it. Just go to our website at www.uscis.gov for more information about e-filing. Applicants would receive a notice to appear in person at a USCIS facility for photographs and fingerprints. (NOTE: If an applicant is physically incapable of appearing at a facility (because of advanced age or physical infirmity), USCIS may provide appropriate alternative means for obtaining such biometric information). The local USCIS office has more information on this issue.

Q: Would my card be valid until USCIS issues me a new card?

A: The rule proposes that affected cards would remain valid until USCIS announces a termination date for the cards in a notice published in the *Federal Register* following the 120-day replacement period. USCIS' intent is to ensure that each qualified permanent resident filing within the designated filing period is mailed a new card before we would terminate the older cards.

Q: Can an applicant apply for the new card before the implementation date?

A: Yes. An applicant may apply for the new card before the implementation date by filing Form I-90. Under part 2 of the application, make sure you check box "j" (annotates that you have an old edition of the permanent resident card).

Q. Would a permanent resident be required to surrender his/her original "green card" upon receipt of the new one?

A: No. As previously stated, applicants must carry evidence that they have a legal right to live and work in the United States. The "green card" offers that evidence. Since applicants normally receive permanent resident cards in a matter of weeks after their appointments, they would need to retain their older cards until the new one is received. Under the proposed rule, USCIS would announce in the *Federal Register* the date when all of the cards without an expiration date would be terminated.

Q. Would USCIS accept late filings after the 120-day filing period is closed?

A: Yes. However, USCIS would not be able to ensure applicants that a decision will be made on an application before the termination date of their current cards.

Q. Would there be any legal sanctions against a "green card" holder who fails to apply?

A: It's important to note that any permanent resident 18 years of age or older is required to carry a valid permanent resident card. Failure to do so can result in a fine or imprisonment. However, we do not anticipate taking such action at this time. Rather than emphasizing possible punitive actions that can be taken, we would encourage cardholders to consider the benefits of complying by filing timely.

Q: What's the difference between previous cards and the new card to be issued?

A: In addition to an expiration date, the new card will have an updated photo and other biometrics data. It is also more tamper resistant.

Q: Would a permanent resident be able to choose to apply for naturalization instead of applying for a new card under the proposed rule?

A: USCIS encourages eligible residents to consider applying for naturalization. Information and applications are available on our website at www.uscis.gov. While we would not be able to guarantee that a naturalization application filed now would be completed before a person's current card is invalidated, recent improvements in processing times give naturalization applicants a viable option to card replacement. However, if you would wait to apply for naturalization until the actual 120-day filing period ends, you would need to apply to replace your Form I-551 or risk that there will be a substantial gap between the time your current card becomes invalid and your application for naturalization is completed.

Q: How many permanent residents would be impacted by this initiative?

A: Given the length of time since these cards were issued, the effect of naturalization and the natural replacement of lost and stolen cards over the years, we estimate that approximately 750,000 permanent residents would be affected by this program and apply for a new card.

Q. How can I formally comment on this proposal?

A. To comment on the proposed rule, please submit written comments on or before Sept. 21, 2007 by one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Follow the instructions for submitting comments.
- **E-mail:** You may submit comments directly to USCIS by E-mail at rfs.regs@dhs.gov. Include DHS Docket No. USCIS-2005-2006 in the subject line of the message.
- **Mail or Courier:** Director, Regulatory Management Division
USCIS
111 Massachusetts Avenue, NW, 3rd Floor
Washington, D.C. 20529.

Please reference DHS Docket No. USCIS-2005-2006 in your correspondence. This address can be used for paper, disk, or CD-ROM submissions.