

TRAVELING ABROAD MAY REQUIRE EXTENSION OF GREEN CARD

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Memo: Immigrant experience

Source: EDWIN GARCIA AND JESSIE MANGALIMAN

This column, which normally appears every other Wednesday, makes a special appearance today to make room for expanded primary election coverage Wednesday.

Q: I applied for replacement of my green card in March 2003 and received a one-year extension on the old card. What should I do if I have to travel abroad after March 2004, but have not received my new card?

Heinrich Hunziker, Saratoga

A: **San Jose immigration attorney Cary Pham** says you should go to the Citizenship and Immigration Services district office in San Jose and explain the situation; if you must travel abroad on an emergency basis, you should be able to get another extension. But Pham also suggests you apply for a re-entry permit, to lessen your chances of getting hassled by authorities upon your return.

Q: The 1996 immigration reform act says if you were in the United States illegally, at any time, you could face a three- or 10-year re-entry bar. But what if one entered illegally and then was granted asylum? Does the law still apply? And now I plan to travel overseas for vacation, using my refugee travel document. Do you think I will have problems on my arrival?

Paramvir

San Jose

A: Per the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), an asylum applicant's identity will be checked against all appropriate records or databases maintained by the Justice Department and State Department to determine if there are any grounds that would make the alien inadmissible, deportable or ineligible for asylum, **Pham said**. If the asylum application had been approved and if you applied/received the refugee travel document pursuant to INA (208)(c)(1)(C), then the three- and 10-year inadmissible bars would not prevent readmission to the United States after traveling abroad, **Pham said**. However, you must make sure that the refugee travel document is valid to cover the length of the trip. In addition, **Pham said**, you should not travel to the country that was the basis of the asylum claim.

Q: My family has been approved for an I-360 petition for religious workers, but we need more information about the visa procedure before traveling.

Rosa Aquije

A: The I-360 covers two main types of religious workers: ordained ministers of religion and non-ordained religious workers. Non-ordained religious workers must be approved for permanent residence before Oct.

1, 2008. There is no deadline for ordained ministers of religion. Once the I-360 is approved, if the applicants are eligible, they may file for adjustment of status to permanent residence, said Walnut Creek immigration attorney James Wolf.

Each family member will need to file a separate application for residency. A work permit and international travel permit is issued to each eligible applicant about three to six months after filing the application for adjustment of status, Wolf said.

The main form for the process to seek residency is the I-485. Immigration workshop: The U.S. Citizenship and

Immigration Services will host a workshop March 16 titled, "The Form N-400 and Naturalization." Immigration agency employees will make a brief presentation and then take questions from the public. The workshop, which is free and in English, takes place from 1 to 3 p.m. at the San Jose CIS office, 1887 Monterey Road. If you plan to attend, call the reservation line, (408) 918-3986 and clearly spell your name on the recording.