

**PERMANENT RESIDENTS COMMUTING TO
THE UNITED STATES**

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DEFINITION OF AN “COMMUTER RESIDENT”

- **General Rule:** Permanent Residents must live in the United States on a permanent basis to maintain status
- **Commuter status is an exception to this general rule**
 - Allows Permanent Residents to protect immigrant status while living permanently Mexico or Canada but working regularly in the United States



HOW DOES ONE BECOME AN “COMMUTER RESIDENT”?

- To qualify as a commuter, the permanent resident must have regular and stable employment in the United States
 - Note: A Permanent Resident cannot qualify for commuter status if he/she is retired or unemployed
- **The Procedure:**
 1. Apply for a modified Permanent Resident Card on Form I-90 which will reflect commuter status (C2)
 2. Submit proof of regular employment in the United States
 3. Provide filing fee of \$540
 4. Pick up new card at Port of Entry designated on Form I-90
 5. Submit Form I-178 to CBP every six months along with proof of regular employment

THE PROS

- **Allows individual to protect permanent resident status without maintaining a physical residence in the United States**
 - Reduces inquiries at the Port of Entry
- **Allows for the submission of an accurate SENTRI application reflecting physical address in Mexico**
- **Allows the individual to continue to accumulate employment credits which are required for Social Security benefits eligibility**
 - 40 quarters of employment in the United States

THE CONS

- **Not eligible for Naturalization while in commuter resident status**
- **Not eligible to petition immigration benefits for relatives while in commuter resident status**
- **If the commuter is out of regular employment for 6 months, he or she automatically loses Permanent Resident status**
 - **Exceptions:**
 - **Circumstances beyond Commuter Resident's control (such as illness) or**
 - **Has 90 days of cumulative employment in the last 12 months**

HOW TO RETURN TO REGULAR PERMANENT RESIDENT STATUS

- File new I-90 form to replace commuter resident (C2) card with Permanent Resident Card (C1)
- Submit evidence of residence in the United States
 - Lease or utility bills
- Pay fee of \$540
- New card will be mailed to address in the United States

POTENTIAL ISSUES

- Only benefits which require a physical residence in the United States are impacted
- Does registration as a Commuter Resident decrease border wait times?
 - Potential for less questioning at Port of Entry
- Possible suggestions –
 - CBP designated lane for commuter residents at the San Ysidro and Otay Mesa Ports of Entry
- Should U.S. employers encourage employees to register as commuters if they are living in Mexico?
 - At a minimum, employees should understand the program, it's benefits and limitations.