

Proving Continuous Presence or Residence

Some immigration applications require you to show how long you have been in the United States. In these cases, you will either be asked to prove continuous residence or continuous presence. The difference between the two terms is confusing because the two ideas are pretty similar. However, the evidence you can use often applies to both continuous presence and residence.

What's the Difference?

Continuous residence means that you live or reside here. Most people who reside somewhere have a local bank account and pay local taxes. Also, their local house or apartment is their main home. You would need to prove continuous residence when applying for:

- Citizenship; or
- Cancellation of removal for lawful permanent residents.

Continuous physical presence means that you spend a significant amount of time somewhere. However, if you are what's called an alien commuter, you will not qualify for continuous physical presence. For example, if you live in Mexico, but cross the border for work in the United States, you will not meet the requirements.

You would need to prove continuous presence when applying for:

- Temporary Protected Status (TPS)
- Cancellation of removal for non lawful permanent residents; or VAWA cancellation of removal.

Acceptable Forms of Residence

Showing your green card will not be enough to prove either continuous residence or physical presence. You will need to establish that you've built your life in the United States for a certain period of time. Acceptable pieces of evidence include:

- Rent receipts
- Mortgage payments
- A printout from the Register of Deeds
- Children's birth certificates
- Marriage certificates
- Health records from a dentist or physician
- Income taxes
- Children's school records
- Pay stubs
- Utility or cell phone bills

Affidavits

Affidavits, or sworn statements from friends and family, must be very detailed and give concrete examples of your life in the United States. Simply saying that someone knows that you have been here for ten years is not enough. In fact, Immigration will be suspicious that friends and family might lie in an effort to help you. A good immigration attorney can help your family and friends write strong affidavits that support your case.

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