

## What is the Purpose of This Form?

This form is for a conditional resident who obtained such status through marriage to petition to the U.S. Citizenship and Immigration Services (USCIS) to remove the conditions on his or her residence. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

## Who May File This Petition?

If you were granted conditional resident status through marriage to a U.S. citizen or permanent resident, use this form to petition for the removal of those conditions.

If you are still married, the petition should be filed jointly by you and the spouse through whom you obtained conditional status. However, you may apply for a waiver of this joint filing requirement if:

- You entered the marriage in good faith, but your spouse subsequently died;
- You entered the marriage in good faith, but the marriage was later terminated due to divorce or annulment;
- You entered the marriage in good faith and have remained married, but have been battered or subjected to extreme cruelty by your U.S. citizen or permanent resident spouse; or
- The termination of your status and removal would result in extreme hardship.

## Conditional Resident Children.

In Part 5 of this petition, please make sure to include any conditional resident children applying with you in order to have their conditional basis removed, or they may file separately. Please remember to provide their A-number.

## What Are the General Filing Instructions?

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A." If an answer is "none," write "none." If you need extra space to answer any item, attach a sheet of paper with your name and your Alien Registration Number (A#), and indicate the number of the item to which the answer refers. You must file your petition with the required initial evidence. Your petition must be properly signed and accompanied by the correct fees. If you are under 14 years of age, your parent or guardian may sign the petition on your behalf.

**Translations.** Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.

**Copies.** If these instructions state that a copy of a document may be filed with this petition and you choose to send us the original, we may keep that original for our records.

## What Initial Evidence Is Required?

### 1. Permanent Resident Card.

You must file your petition with a copy of your Permanent Resident Card or Alien Registration Card, and a copy of the Permanent Resident or Alien Registration cards of any of your conditional resident children you are including in your petition. Submit copies of both front and back sides of the card.

### 2. Biometric Services.

Applicants will now have their photograph, fingerprints and signature taken by USCIS. When you file Form I-751, USCIS will notify you in writing of the date, time and location where you must go for the required biometric services. Failure to appear for the biometric services may result in a denial of your application.

**NOTE:** Because USCIS is now taking photographs of applicants, you no longer need to submit two passport-style photos with your petition. **Exception:** those who reside overseas pursuant to military or government orders must continue to submit passport-style photos.

### 3. Evidence of the Relationship.

Submit copies of documents indicating that the marriage upon which you were granted conditional status was entered in "good faith" and was not for the purpose of circumventing immigration laws. Submit copies of as many documents as you wish to establish this fact and to demonstrate the circumstances of the relationship from the date of the marriage to the present date, and to demonstrate any circumstances surrounding the end of the relationship, if it has ended. The documents should cover, but not limited to, the period from the date of your marriage to the filing of this petition. Examples of such documents are:

- Birth certificate(s) of child(ren) born to the marriage.
- Lease or mortgage contracts showing joint occupancy and/or ownership of your communal residence.
- Financial records showing joint ownership of assets and joint responsibility for liabilities, such as joint savings and checking accounts, joint federal and state tax returns, insurance policies that show the other spouse as the beneficiary, joint utility bills, joint installments or other loans.
- Other documents you consider relevant to establish that your marriage was not entered into in order to evade the U.S. immigration laws.

- Affidavits sworn to or affirmed by at least two people who have known both of you since your conditional residence was granted and have personal knowledge of your marriage and relationship. (Such persons may be required to testify before an immigration officer as to the information contained in the affidavit.) The original affidavit must be submitted and also contain the following information regarding the person making the affidavit: his or her full name and address; date and place of birth; relationship to you or your spouse, if any; and full information and complete details explaining how the person acquired his or her knowledge. Affidavits must be supported by other types of evidence listed above.

***If you are filing to waive the joint filing requirement due to the death of your spouse,*** also submit a copy of the death certificate with your petition.

***If you are filing to waive the joint filing requirement because your marriage has been terminated,*** also submit a copy of the divorce decree or other document terminating or annulling the marriage with your petition.

***If you are filing to waive the joint filing requirement because you and/or your conditional resident child were battered or subjected to extreme cruelty,*** also file your petition with the following:

- Evidence of the physical abuse, such as copies of reports or official records issued by police, judges, medical personnel, school officials and representatives of social service agencies, and original affidavits as described under ***Evidence of the Relationship***; or
- Evidence of the abuse, such as copies of reports or official records issued by police, courts, medical personnel, school officials, clergy, social workers and other social service agency personnel. You may also submit any legal documents relating to an order of protection against the abuser or relating to any legal steps you may have taken to end the abuse. You may also submit evidence that you sought safe haven in a battered women's shelter or similar refuge, as well as photographs evidencing your injuries.
- A copy of your divorce decree, if your marriage was terminated by divorce on grounds of physical abuse or extreme cruelty.

***If you are filing for a waiver of the joint filing requirement because the termination of your status and removal would result in "extreme hardship"***, you must submit with your petition evidence that your removal would result in hardship significantly greater than the hardship encountered by other aliens who are removed from this country after extended stays. The evidence must relate only to those factors that arose since you became a conditional resident.

***If you are a child filing separately from your parent,*** also submit your petition with a full explanation as to why you are filing separately, along with copies of any supporting documentation.

#### **4. Criminal History.**

If you have ever been arrested or detained by any law enforcement officer for any reason, and no charges were filed, submit:

- An original official statement by the arresting agency or applicable court order confirming that no charges were filed.

If you have ever been arrested or detained by any law enforcement officer for any reason, and charges were filed, or if charges were filed against you without an arrest, submit:

- An original or court-certified copy of the complete arrest record and/or disposition for each incident, (e.g. dismissal order, conviction record or acquittal order).

If you have ever been convicted or placed in an alternative sentencing program or rehabilitative program (such as a drug treatment or community service program), submit:

- An original or court-certified copy of your sentencing record for each incident, and
- Evidence that you completed your sentence, specifically:
  - An original or certified copy of your probation or parole record, or
  - Evidence that you completed an alternative sentencing program, or rehabilitative program set aside, sealed, expunged or otherwise removed from your record, submit:
- An original or court-certified copy of the court order vacating, setting aside, sealing expunging or otherwise removing the arrest or conviction, or
- An original statement from the court that no record exists of your arrest or conviction.

**NOTE:** Unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than \$500.00 and or points on your drivers license.

#### **When Should I File the Petition?**

**1. Filing jointly.** If you are filing this petition jointly with your spouse, you must file it during the **90 days** immediately before the second anniversary of the date you were accorded conditional resident status. This is the date your conditional residence expires.

**2. Filing with a request that the joint filing requirement be waived.** You may file this petition at any time after you are granted conditional resident status and before you are removed.

**3. Effect of not filing.** If this petition is not filed, you will automatically lose your permanent resident status as of the second anniversary of the date on which you were granted conditional status. You will then become removable from the United States. If your failure to file was through no fault of your own, you may file your petition late with a written explanation and request that USCIS excuse the late filing. Failure to file before the expiration date may be excused if you demonstrate when you submit the application that the delay was due to extraordinary circumstances beyond your control and that the length of the delay was reasonable.

### Where Should You File the Petition?

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia or West Virginia, mail your petition to:

**USCIS Vermont Service Center  
75 Lower Welden Street  
St. Albans, VT 05479-0001**

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail your petition to:

**USCIS Texas Service Center  
P.O. Box 850965,  
Mesquite, TX 75185-0965**

If you live in Arizona, California, Guam, Hawaii or Nevada, mail your petition to:

**USCIS California Service Center  
P.O. Box 10751  
Laguna Niguel, CA 92607-0751**

If you live elsewhere in the United States mail your petition to:

**USCIS Nebraska Service Center  
P.O. Box 87751  
Lincoln, NE 68501-7751**

**NOTE:** If you or your spouse are currently serving with or employed by the U.S. Government, either in a civilian or military capacity and assigned outside the United States, mail your petition to the USCIS Service Center having jurisdiction over your residence of record in the United States. Include a copy of the U.S. Government orders assigning you and your spouse abroad.

### What Is the Fee?

The fee for this petition is **\$205.00**.

The fee for biometric services is **\$70.00**.

You may submit one check or money order for both the petition and biometric services, for a total of \$275.00.

**NOTE:** All applicants, regardless of age, are required to submit the \$70.00 biometric services fee.

The fee must be submitted in the exact amount. It cannot be refunded. **Do not mail cash.**

All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the **U.S. Department of Homeland Security**.

Except:

- If you live in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the U.S. Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

**Do not use the initials USDHS or DHS** on your check or money order.

Checks are accepted subject to collection. An uncollected check will render the petition and any document issued invalid. A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

### How to Check If the Fee Is Correct.

The fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fee is correct by following one of the steps below:

- Visit our website at **www.uscis.gov** and scroll down to "Forms and E-Filing" to check the appropriate fee, or
- Review the Fee Schedule included in your form package, if you called us to request the form, or
- Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

### Processing Information.

**Acceptance.** Any petition that is not signed or accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. A petition is not considered properly filed until accepted by USCIS.

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**Initial processing.** Once a petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without the required initial evidence, you will not establish a basis for eligibility and we may deny your petition.

**Requests for more information or interview.** We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copies. We will return these originals when they are no longer required.

**Decision.** You will be advised in writing of the decision on your petition.

### **Penalties.**

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

### **Do You Need USCIS Forms or Information?**

To order USCIS forms, call our toll-free forms line at **1-800-870-3676**. You can also obtain USCIS forms and information on immigration laws, regulations or procedures by calling our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

### **Use InfoPass to Make an Appointment.**

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website at **www.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

### **Privacy Act Notice.**

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1184, 1255 and 1258. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your request.

All the information provided on this form, including addresses, are protected by the Privacy Act and the Freedom of Information Act. This information may be released to other government agencies. However, the information will not be released in any form whatsoever to a third party who requests it without a court order, or without your written consent. In the case of a child, the written consent must be provided by the parent or legal guardian who filed the form on the child's behalf.

### **Paperwork Reduction Act Notice.**

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) 15 minutes to learn about the law and form; (2) 75 minutes to complete the form; and (3) 110 minutes to assemble and file the petition; for a total estimated average of 3 hours and 20 minutes per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, write to the U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Ave, N. W., Washington, DC 20529; OMB No. 1615-0038. **Do not mail your completed petition to this address.**

**START HERE - Please type or print in black ink.**

**For USCIS Use Only**

**Part 1. Information about you.**

Family Name (Last Name)	Given Name (First Name)	Full Middle Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Address:** (Street Number and Name)  Apt. #

C/O: (In Care Of)

City	State/Province
<input type="text"/>	<input type="text"/>

Country	Zip/Postal Code
<input type="text"/>	<input type="text"/>

**Mailing Address,** if different than above: (Street Number and Name)  Apt. #

C/O: (In Care Of)

City	State/Province
<input type="text"/>	<input type="text"/>

Country	Zip/Postal Code
<input type="text"/>	<input type="text"/>

Date of Birth (mm/dd/yyyy)	Country of Birth	Country of Citizenship
<input type="text"/>	<input type="text"/>	<input type="text"/>

Alien Registration Number (#A)	Social Security # (if any)
<input type="text"/>	<input type="text"/>

Conditional Residence Expires on (mm/dd/yyyy)	Daytime Phone # (Area/Country Codes)
<input type="text"/>	<input type="text"/>

**Part 2. Basis for petition. (Check one.)**

- a.  My conditional residence is based on my marriage to a U.S. citizen or permanent resident, and we are filing this petition together.
- b.  I am a child who entered as a conditional permanent resident and I am unable to be included in a joint petition to remove the conditional basis of an alien's permanent residence (Form I-751) filed by my parent(s).

**OR**

My conditional residence is based on my marriage to a U.S. citizen or permanent resident, but I am unable to file a joint petition and I request a waiver because: **(Check one.)**

- c.  My spouse is deceased.
- d.  I entered into the marriage in good faith but the marriage was terminated through divorce/annulment.
- e.  I am a conditional resident spouse who entered a marriage in good faith, and during the marriage I was battered by or was the subject of extreme cruelty by my U.S. citizen or permanent resident spouse or parent.
- f.  I am a conditional resident child who was battered by or subjected to extreme cruelty by my U.S. citizen or conditional resident parent(s).
- g.  The termination of my status and removal from the United States would result in an extreme hardship.

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	
<input type="checkbox"/> Petitioner Interviewed on _____	

**Remarks**

**Action Block**

**To Be Completed by**  
Attorney or Representative, if any.

Fill in box if G-28 is attached to represent the applicant.

ATTY State License #

**Part 3. Additional information about you.**

1. Other Names Used (including maiden name):

2. Date of Marriage (mm/dd/yyyy)

3. Place of Marriage

4. If your spouse is deceased, give the date of death (mm/dd/yyyy)

5. Are you in removal, deportation or rescission proceedings?

 Yes  No

6. Was a fee paid to anyone other than an attorney in connection with this petition?

 Yes  No

7. Have you ever been arrested, detained, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance (excluding traffic regulations), or committed any crime which you were not arrested in the United States or abroad?

 Yes  No

8. If you are married, is this a different marriage than the one through which conditional residence status was obtained?

 Yes  No

9. Have you resided at any other address since you became a permanent resident? (If yes, attach a list of all addresses and dates.)

 Yes  No10. Is your spouse currently serving with or employed by the U.S. government and serving outside the United States?  Yes  No

If you answered "Yes" to any of the above, provide a detailed explanation on a separate sheet(s) of paper and refer to "What Initial Evidence Is Required?" to determine what criminal history documentation to include with your petition. Place your name and Alien Registration Number (A#) at the top of each sheet and give the number of the item that refers to your response.

**Part 4. Information about the spouse or parent through whom you gained your conditional residence.**

Family Name

First Name

Middle Name

Address

Date of Birth (mm/dd/yyyy)

Social Security # (if any)

A# (if any)

**Part 5. Information about your children. List all your children. Attach other sheet(s) if necessary.**

Name (First/Middle/Last)	Date of Birth (mm/dd/yyyy)	A # (if any)	If in U.S., give address/immigration status	Living with you? <input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

**Part 6. Signature.** *Read the information on penalties in the instructions before completing this section. If you checked block "a" in Part 2, your spouse must also sign below.*

I certify, under penalty of perjury of the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct. If conditional residence was based on a marriage, I further certify that the marriage was entered in accordance with the laws of the place where the marriage took place and was not for the purpose of procuring an immigration benefit. I also authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit sought.

Signature

Print Name

Date (mm/dd/yyyy)

Signature of Spouse

Print Name

Date (mm/dd/yyyy)

**NOTE:** If you do not completely fill out this form or fail to submit any required documents listed in the instructions, you may not be found eligible for the requested benefit and this petition may be denied.

**Part 7. Signature of person preparing form, if other than above.**

I declare that I prepared this petition at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Name

Date (mm/dd/yyyy)

Firm Name and Address

Daytime Phone Number

(Area/Country Codes)

E-Mail Address

(If any)