

Instructions for I-751, Petition to Remove Conditions on Residence

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

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.

Who May File This Form I-751.

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:

1. You entered the marriage in good faith, but your spouse subsequently died;
2. You entered the marriage in good faith, but the marriage was later terminated due to divorce or annulment;
3. 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
4. The termination of your status and removal would result in extreme hardship.

Conditional Resident Children.

In Part 5 of the form, 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.

When Should I File the Form I-751.

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.

General Instructions.

Step 1. Fill Out the Form I-751

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "NONE."

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

What Initial Evidence Is Required?

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.

Exception:

Those who reside overseas pursuant to military or government orders, including conditional resident dependents residing overseas and listed under Part 5 of the form, must submit the following items with Form I-751:

1. Two passport-style photos for applicants and dependents, regardless of age.

- Two completed fingerprint cards (Form FD-258) for applicants and dependents between the ages of 14 and 79. You must indicate your Alien Registration Number (A#) on the fingerprint card and ensure that the completed cards are not bent, folded, or creased. The fingerprint cards must be prepared by a U.S. Embassy or U.S. Consulate, USCIS Office, or U.S. Military Installation.

In order for USCIS to identify filings based on military or government orders, applicants are required to indicate on top of Form I-751, "**ACTIVE MILITARY** or **GOVERNMENT ORDERS**", and submit a copy of their current military or government orders.

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 following examples:

- 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.

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:

1. An original or court-certified copy of your sentencing record for each incident, and evidence that you completed your sentence, specifically:
 - A. An original or certified copy of your probation or parole record, or
 - B. Evidence that you completed an alternative sentencing program, or rehabilitative program set aside, sealed, expunged or otherwise removed from your record, submit:
2. An original or court-certified copy of the court order vacating, setting aside, sealing expunging or otherwise removing the arrest or conviction, or
3. 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.

Where to File.

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 Filing Fee.

The filing fee for a Form is **\$465.00.**

An additional biometric fee of **\$80.00** is required when filing this Form I-751. After you submit Form I-751, USCIS will notify you about when and where to go for biometric services.

You may submit one check or money order for both the application and biometric fees, for a total of **\$545.00.**

Use the following guidelines when you prepare your check or money order for the Form I-751 and the biometric service fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam.**
 - B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**
 - C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

How to Check If the Fees Are Correct.

The form and biometric fees on this form are 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 fees are correct by following one of the steps below:

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

NOTE: If your Form I-751 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

**U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134**

For commercial overnight or fast freight services only, mail to:

**U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744**

Processing Information.

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

Initial Processing. Once the application 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 application.

Requests for More Information. 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 copy. We will return these originals when they are no longer needed.

Decision. The decision on the Form I-751 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information.

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

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. 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.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-751, we will deny the Form I-751 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

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 for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-751.

Paperwork Reduction Act.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 3 hours and 20 minutes per response, including the time for reviewing instructions, completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0038. **Do not mail your application to this address.**