



**Instructions for Petition to
Remove Conditions on Residence**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-751
OMB No. 1615-0038
Expires 01/31/2013

What Is the Purpose of This Form?

This form is used by a conditional resident who obtained status through marriage, to request that U.S. Citizenship and Immigration Services (USCIS) remove the conditions on his or her residence.

Who May File 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 have dependent children who acquired conditional resident status on the same day as you or within 90 days thereafter, then include the names and Alien Registration Numbers (A-Numbers) of these children in **Part 4** of this form in order to request that the conditions on their status be removed as well. If you have dependent children who did not acquire conditional resident status on the same day as you or within 90 days thereafter, or if the conditional resident parent is deceased, then those dependent children must file Form I-751 separately to have the conditions on their status removed.

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, but you have been battered or subject to extreme cruelty by your petitioning spouse; or
4. Your conditional resident parent entered the marriage in good faith, but you have been battered or subject to extreme cruelty by your parent's U.S. citizen or permanent resident spouse or by your conditional resident parent; or
5. The termination of your status and removal would result in extreme hardship.

When Should I File Form I-751?

1. **Filing jointly.** If you are filing this petition jointly with your spouse, you must file it during the **90 day period** immediately before 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 from the U.S.
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.

SPECIAL NOTE: 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 petition that the delay was due to extraordinary circumstances beyond your control and that the length of the delay was reasonable.

General Instructions

Each petition must be properly signed. A photocopy of a signed petition or a typewritten name in place of signature is not acceptable.

Each petition must be accompanied by the appropriate filing fee. (See section of these instructions entitled "**What Is the Filing Fee?**")

How to Fill Out 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, write your name, A-Number (if any) at the top of the sheet of paper, indicate the Part and Item number to which your answer refers, and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.

Biometric Services Appointment. After receiving your petition and ensuring completeness, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your petition.

Copies. Unless specifically required that an original document be filed with the petition, a legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, and will not automatically be returned to you.

Translations. Any document containing a foreign language submitted to USCIS must be accompanied by a full English language translation that 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.

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 your conditional resident children that 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 4** of the form, must submit the following items with Form I-751:

1. Two passport-style photos for petitioners and dependents, regardless of age.
2. Two completed fingerprint cards (Form FD-258) for petitioners and dependents age 14 to 79. You must indicate your A-Number 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 consulate, USCIS Office, or U.S. Military Installation.

In order for USCIS to identify filings based on military or government orders, petitioners 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 can 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 include but not be limited to, the following examples:

1. Birth certificate(s) of child(ren) born to the marriage;
2. Lease or mortgage contracts showing joint occupancy and/or ownership of your communal residence;

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3. Financial records showing joint ownership of assets and joint responsibility for liabilities, such as joint savings and checking accounts with transaction history, complete joint Federal and State tax returns, insurance policies that show the other spouse as the beneficiary, joint utility bills, or joint installment or other loans. If applicable, submit copies of military Leave and Earnings Statements showing receipt of Basic Allowance for Quarters (BAQ) with family member(s) and/or form DD-1172 for military family member identification card(s);
 4. Other documents that you consider relevant to establish that your marriage was not entered for the purpose of evading U.S. immigration laws; and
 5. 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, submit a copy of the death certificate with your petition, along with evidence of the relationship.

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

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, submit:

1. 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 shelter for the abused or similar refuge, as well as photographs evidencing your injuries; and
2. 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 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. For a discussion of extreme hardship, please visit this Web site: <http://www.uscis.gov/ilink/docView/FR/HTML/FR/0-0-0-1/0-0-0-42380/0-0-0-44857/0-0-0-47481/0-0-0-47683.html>

If you are a child filing separately from your parent, submit 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.
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. If no record is available, 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** and/or points on your driver's license.

What Is the Filing Fee?

The filing fee for a Form I-751 is **\$505**.

An additional biometric services fee of **\$85** is required when filing Form I-751. After you submit Form I-751, USCIS will notify you about when and where to go for biometric services.

Each conditional resident dependent, eligible to be included on the principal petitioner's Form I-751 and listed under **Part 4** of Form I-751, is required to submit an additional biometric services fee of **\$85**, including dependents residing overseas pursuant to military or Government orders, regardless of age.

Use the following guidelines when you prepare your check or money order for the Form I-751 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**.
NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."
3. If you live outside the United States, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

Notice to Those Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, USCIS may try to make the transfer up to two times.

How to Check If the Fees Are Correct?

The form and biometrics services fees on this form are current as of the edition date appearing in the lower left 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 the USCIS Web site at www.uscis.gov, select "FORMS", and check the appropriate fee; or
2. Telephone the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TDD (hearing impaired) call: **1-800-767-1833**.

Where to File?

Please see our Web site at www.uscis.gov/I-751 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TDD (hearing impaired) call: **1-800-767-1833**.

Address Changes

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

NOTE: If you checked box 1.e. or 1.f. in Part 2. Basis for Petition, you may NOT file a change of address request through the USCIS Web site or by calling the USCIS National Customer Service Center; you must contact the appropriate Service Center where you originally filed your Form I-751.

Processing Information

Acceptance. USCIS will reject any Form I-751 petition that is not signed or accompanied by the correct fee with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a petition is not considered properly filed until it is accepted by USCIS.

Initial Processing. Once USCIS accepts your Form I-751 petition, 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 required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

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 required.

At the time of any interview or other appearance at a USCIS office, USCIS may require that you provide biometric information (e.g., photographs, fingerprints) to verify your identity and update your background information.

Decision. The decision on 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 ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at **1-800-375-5283**. For TDD (hearing impaired) call: **1-800-767-1833**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, **InfoPass**. To access the system, visit the USCIS Web site. 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.

Accommodations for Individuals With Disabilities and Impairments

USCIS is committed to providing reasonable accommodations for qualified individuals with disabilities and impairments that will help them fully participate in USCIS programs and benefits.

Reasonable accommodations vary with each disability or impairment. They may involve modifications to practices or procedures. There are various types of reasonable accommodations that may be offered. Examples include:

1. If you are unable to use your hands, you may be permitted to take an immigration-related test orally rather than in writing;

2. If you are hearing-impaired, you may be provided with a sign-language interpreter at an interview or other petition related appointment; or
3. For those unable to travel to a designated USCIS location for an interview, you may be visited at your home or a hospital.

If you believe that you need USCIS to accommodate your disability and/or impairment, check the "Yes" box and then check any applicable box in **5.a. - 5.c.** that describes the nature of your disability(ies) and/or impairment(s). Also, write the type(s) of accommodation(s) you are requesting on the line(s) provided. If you are requesting a sign-language interpreter, be sure to indicate for which language. If you require more space to provide additional information within this petition, provide the information on a separate sheet of paper, and attach it to your petition.

NOTE: All domestic USCIS facilities meet the Accessibility Guidelines of the Americans with Disabilities Act, so you do not need to contact USCIS to request an accommodation for physical access to a domestic USCIS office. However, on **Part 5** of the form, you can indicate whether you use a wheelchair. This will allow USCIS to better prepare for your visit and have a wheelchair accessible interview room available for you once you enter the facility.

USCIS considers requests for reasonable accommodations on a case-by-case basis and will use its best efforts to reasonably accommodate all individuals with disabilities or impairments. Qualified individuals will not be excluded from the participation in, or be denied the benefits of, USCIS' programs solely on the basis of their disability(ies) or impairment(s). Requesting and/or receiving an accommodation will not affect your eligibility for a USCIS benefit.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-751, we will deny your 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.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this benefit application, and the associated evidence, is collected pursuant to *8 U.S.C. 1186a*.

PURPOSE: The primary purpose for providing the requested information on this benefit application is to apply to remove the conditions on your residence if you obtained status through marriage. The information you provide will be used to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your benefit request.

ROUTINE USES: The information you provide on this benefit application may be shared with other federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [**DHS/USCIS-007 - Benefits Information System** and **DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System of Records**, which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.

Pursuant to *8 U.S.C. Section 1186a(c)(4)(C)* and *8 C.F.R. Section 216.5(e)(3)(viii)*, if your application for waiver is based on claims of having been battered or subjected to extreme mental cruelty, information contained in this application and supporting documents shall not be released without a court order or the written consent of the applicant; or, in the case of a child, the written consent of the parent or legal guardian who is filing this application on the child's behalf. Also, this information may be released only to the applicant, his or her authorized representative, an officer of the Department of Justice, or any federal or State law enforcement agency. Any information provided under this part may be used for the purposes of enforcement of the Act or in any criminal proceeding.

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, and 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave., NW, Washington, DC 20529-2140, OMB No. 1615-0038. **Do not mail your completed Form I-751 to this address.**

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