## TABLE OF CHANGESI-751 InstructionsOMB 1615-0038Expires 1/31/1312 Jun 12 ca

Instructions for I-751	CURRENT VERSION	PROPOSED VERSION
	2-column format	single column, full page format
Page 1	Instructions. Read these instructions	Delete Instructions ¶ from top margin of
Instructions	carefully to properly complete this This form is for a conditional resident	form. This form is used by a conditional
Page 1, What Is the Purpose	who obtained such status through	This form is used by a conditional resident, who obtained status through
of This Form?	marriage to petition to U.S. Citizenship	marriage to request that U.S. Citizenship
	and Immigration Services (USCIS) to	and Immigration Services (USCIS)
	remove the conditions on his or her	remove the conditions on his or her
	residence.	residence.
Page 1, Who	Who May File Form I-751? (in	Who May File Form I-751? (no
May File	screened box	<mark>screen)</mark>
Form I-751?	If you ware granted conditional resident	If you ware arouted conditional resident
	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 concurrently with you and entered the United States within 90 days of your arrival, then include the names and A-Numbers of these children in Part 5 of this form in order to have their conditional status removed. If you have dependent children who acquired conditional resident states after 90 days from the date of your adjustment or if the conditional resident parent is deceased, then those dependent children must file Form I-751 separately to have their conditional status removed.	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 A-Numbers of these children in Part 5 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 you and the spouse through whom you obtained conditional status. However, you may apply for a waiver of this joint filing requirement if:	No change.
	1. You entered the marriage in good faith, but your spouse subsequently died;	No change

Page 1 Who May File Form I-751 cont'd	2. You entered the marriage in good faith, but the marriage was later terminated due to divorce or annulment;	No change
	3. You entered the marriage in good faith and have remained married, but you have been battered or subjected to extreme cruelty by your U.S. citizen or permanent resident spouse; or	<ul> <li>3. You entered the marriage in good faith-but you have been battered or subject to extreme cruelty by your petitioning spouse; or</li> <li>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</li> </ul>
	4. The termination of your status and removal would result in extreme hardship.	5. The termination of your status and removal would result in extreme hardship.
Page 1, When Should I File	When Should I File Form I-751? (in screened box)	When Should I File Form I-751?
Form I-751?	1. Filing jointly. If you are filing this petition jointly with your spouse, you must file it during the <b>90 days</b> immediately before the second anniversary of the date you were accorded conditional resident status. This is the date your conditional residence expires.	<b>1. Filing jointly.</b> If you are filing this petition jointly with your spouse, you must file it during the <b>90 day period</b> 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.	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.
	<b>3. Effect of not filing.</b> 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	<ul> <li><b>3. Effect of not filing.</b> 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.</li> <li><b>Y</b>ou will then become removable from the United States.</li> <li><b>SPECIAL NOTE:</b> If your failure to</li> </ul>
	and request that USCIS excuse the late filing. Failure to file before the expiration	file was through no fault of your own, you may file your petition late with a

	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.	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.
Page 1 General	General Instructions (in screened box)	<b>General Instructions (remove screen)</b>
Instructions	Step 1. Fill Out Form I-751	How to Fill Out Form I-751
		Each petition must be properly signed. A photocopy of a signed petition or a typewritten name in place of signature is not acceptable.
	1. Type or print legibly in black ink.	1. Type or print legibly in black ink.
		(all further instructions now on page 2)
	2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.	No change
	3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "NONE."	3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave the space blank.
		Check the edition date located in the lower left corner of the form. If the edition date on your Form I-751 matches the edition date listed for Form I-751 on the online "FORMS" page, your version is current. If the edition date on the online version is more recent, download a new copy of the form and use it.
	<b>Translations.</b> 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	(Invert order of Copies and Translations paragraphs) 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

	language into English. <b>Copies.</b> 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.	a part of the record, and will not be automatically returned to you. <b>Translations.</b> 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.
Page 1 What Initial Evidence Is Required	<ul> <li>What Initial Evidence Is Required? (not screened)</li> <li>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 conditional resident children you are including in your petition. Submit copies of both front and back sides of the card.</li> <li>Exception</li> </ul>	What Initial Evidence Is Required? (insert in screened box) Permanent Resident Card No change.
	<ul><li>Those who reside overseas pursuant to military or Government orders,</li><li>1. Two passport-style photos for</li></ul>	No change. No change
Page 2 Exception, cont'd	2. Two completed fingerprint card (Form FD-258) for applicants and dependents between the ages of 14 and 79. You must indicate your Alien Registration Number (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.	2. Two completed fingerprint card (Form FD-258) for applicants and dependents age 14 to 79. You must indicate your Alien Registration Number (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, applicants are required	In order for USCIS to identify filings based on military or government orders, petitioners are required Evidence of the Relationship
	Evidence of the Relationship	Submit copies of documents indicating

Page 2 Exception cont'd	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:	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: No change.
	<ol> <li>Birth certificate(s) of child(ren) born to the marriage.</li> <li>Lease or mortgage contracts</li> <li>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.</li> </ol>	No change. 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) w/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	The remainder moved to page 3 of the new instructions No change
	<ul> <li>was not entered into in order to evade the U.S. immigration laws; and</li> <li>5. Affidavits sworn to or affirmed by at least two people who have</li> </ul>	No change
	<b>5.</b> Affidavits sworn to or affirmed by at	No change

Page 2 Exception cont'd	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.	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.	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:	No change
	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 having in a battered women's shelter or similar refuge, as well as photographs evidencing your injuries; and	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 having in a battered women's 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.	2. A copy of your divorce decree, if you are divorced, 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,"	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 <mark>",</mark>
	If you are a child filing separately	No change.

Page 2 Exception Cont'd	Criminal History	No change. Continued to page 4 of the new instructions
Page 3 Where to File	Where to File?	Relocated to follow What is the Filing Fee, located on page 4 of the new instructions
Page 3 What Is the Filing Fee?		Located on page 4 of the new form instructions
8	What Is the Filing Fee?	What Is the Filing Fee?
	The filing fee for a Form I-751 is \$505.	The filing fee for a Form I-751 is \$505.
		New Language
		You may be eligible for a fee waiver for Form I-751 under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, please complete Form I-912, Request for Fee Waiver, or a written request, and submit it with any required evidence of your inability to pay the form fee with this form. You can review the fee waiver guidance at www.uscis.gov.
	An additional biometric fee of \$85 is required when filing form I-751. USCIS will notify you about when and where to go for biometric services.	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.
	You may submit one check or money order for both the application and biometric fees, for a total of \$590.	Delete.
	NOTE: Each conditional resident dependent, eligible to be included on the principal applicant's Form I-751 and listed under Part 5 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.	Each conditional resident dependent, eligible to be included on the principal petitioner's Form I-751 and listed under Part 5 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. You are required to pay the \$85 biometric services fee even if you have previously paid the fee as part of a separate filing for this or another form.

Page 3Use the following guidelines when you	No change
What is the prepare your check or money order for the	-
Filing Fee?Form I-751 and the biometric service fee:	
cont'd1. The check or money order must be drown on a bank or other financial institution located in the United States and must be payable in U.S. currency; and	No change.
<ul> <li>2. Make the check or money order payable to U.S. Department of Homeland Security, unless:</li> <li>A. If you live in Guam, make it payable to Treasurer, Guam.</li> <li>B. If you live in the U.S. Virgin Islands, make it payable to Commissioner of Finance of the Virgin Islands.</li> <li>C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.</li> </ul>	<ol> <li>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."</li> <li>(Delete A. and B. renumber C. to 3.)</li> <li>If you live outside the United States, Guam, the Commonwealth of Northern Mariana Islands, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.</li> <li>(Insert the following new language:)</li> <li>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.</li> <li>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 completed because of insufficient funds, USCIS may try to make the transfer up to two times.</li> </ol>

Page 4.	How to Check If the Fees Are Correct?	How to Check If the Fees Are
How to Check	How to Check II the Fees Are Correct:	Correct?
if the Fees Are Correct? cont'd	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 of the steps below:	The form and biometric 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 of the steps below:
	1. Visit our Web site at <u>www.uscis.gov</u> , select "FORMS," and check the appropriate fee;	1. Visit our Web site at <u>www.uscis.gov</u> , select "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	Delete
	3. Telephone our National Customer Service Center at 1-800-375-5283 and ask for the fee information.	2. Telephone our National Customer Service Center at 1-800-375-5283 and ask for the fee information.
	<b>NOTE:</b> 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.	Delete.
Page 3 Where to File?	Where to File?	Where to File? moved to page 4 of the new instructions
		(Insert the following new paragraph)
		Please see our Web site at
		www.uscis.gov or call our National Customer Service Center at 1-800-375-
		5283 for the most current information
		about where to file this benefit request.
Page 4	Address Changes (in screened box)	(Moved to page 5 of the new
Address		instructions)
Changes	If you have changed your address, you must inform USCIS	Address Changes (in screened box)
		No change.
		(Insert the following new paragraph in

9

		BF)
		NOTE: If you checked box 1.e. or 1.f. on page 2, Part 2. Basis for Petition, you may NOT file a change of address request through the USCIS Web site or by calling the National Customer Service Center; you must contact the appropriate Service Center where you originally filed your Form I-751.
Page 4	<b>Processing Information (in screened</b>	(Moved to page 5 of the new
Processing	box)	instructions)
Information Page 4	<b>Acceptance.</b> Any application that is not	Processing Information (in screened box) Acceptance. Any petition that is not
Processing Information cont'd	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.	signed will be rejected with a notice that the petition is deficient.
	Initial Processing. Once the application	No change.
	<b>Requests for More Information.</b> We	No change.
	<b>Decision.</b> The decision on Form I-751	No change.
Page 4 USCIS Forms and	USCIS Forms and Information (in screened box)	USCIS Forms and Information (in screened box)
Information		(Moved to page 6 of the new instructions)
	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, regulation and procedures by telephoning our National Customer Service Center at 1-800-375- 5283 or visiting our Internet Web site at <u>www.uscis.gov</u> . As an alternative to waiting in line	You can get USCIS forms and immigration-related information on the USCIS Web site at <u>www.uscis.gov</u> . You may order USCIS forms by calling our toll free number at <b>1-800-870-3676</b> . You may also obtain forms and information by telephoning our National Customer Service Center at 1-800-375-5283. No change.

Page 4 Accommodati ons for Individuals with Disabilities and Impairments Page 4 Penalties	Accommodations for Individuals with Disabilities and Impairments (in screened box) USCIS is committed to providing Penalties (in screened box)	Accommodations for Individuals with Disabilities and Impairments (in screened box) (Moved to page 5 of the new instructions)No change.Penalties (in screened box) (Moved to page 6 of the new instructions)
Page 5 Privacy Act Notice	If you knowingly and willfully falsify <b>Privacy Act Notice (in screened box)</b> We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which your 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.	<ul> <li>No change</li> <li>USCIS Privacy Act Statement (in screened box)</li> <li>(Moved to page 6 of the new instructions)</li> <li>Delete current copy and replace with:</li> <li>AUTHORITY: 8 U.S.C. § 1186a authorizes USCIS to collect the information and associated evidence on this benefit petition.</li> <li>PURPOSE: The primary purpose of providing the requested information 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 you seek.</li> <li>DISCLOSURE: The information you provide the requested information, and any requested evidence, may delay a final decision or result in denial of your benefit request.</li> <li>ROUTINE USES: The information you provide on this form 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 record notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-</li> </ul>

		001 - Alien File, Index, and National File Tracking, which can be found at <u>www.dhs.gov/privacy</u> ]. The information may also be made available, as appropriate, for law enforcement
		purposes or in the interest of national security.
Page 5	Paperwork Reduction Act (in screened	Paperwork Reduction Act (in screened
Paperwork Reduction Act	box)	box)
Reduction Act		(moved to page 6 of new instructions)
	An agency may not conduct or sponsor an	An agency may not conduct or sponsor
	information collection and a person is not	an information collection and a person is
	required to respond to a collection of	not required to respond to a collection of
	information unless it displays a currently	information unless it displays a currently
	valid OMB control number. The public reporting burden for this collection of	valid OMB control number. The public reporting burden for this collection of
	information is estimated at 3 hours and 20	information is estimated at 3 hours and
	minutes per response, including the time	20 minutes per response, including the
	for reviewing instructions, and completing	time for reviewing instructions, and
	and submitting the form. Send comments	completing and submitting the form.
	regarding this burden estimate or any other aspect of this collection of	Send comments regarding this burden estimate or any other aspect of this
	information, including suggestions for	collection of information, including
	reducing this burden to: U.S. Citizenship	suggestions for reducing this burden to:
	and Immigration Services, Regulatory	U.S. Citizenship and Immigration
	Products Division, Office of the	Services, Regulatory Products Division,
	Executive Secretariat, 20 Massachusetts	Office of the Executive Secretariat, 20
	Avenue, N.W., Washington, DC 20529- 2020. OMB No. 1615-0038. <b>Do not</b>	Massachusetts Avenue, N.W., Washington, DC 20529-2020. OMB
	mail your application to this address.	No. 1615-0038. <b>Do not mail your</b>
		completed Form I-751 application to
		this address.