



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 04/30/2015

What Is the Purpose of Form I-751?

This petition 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 **lawful** permanent resident, use **Form I-751, Petition to Remove Conditions on Residence**, to file 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 5** of **Form I-751** 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 **each** file Form I-751 separately to have the conditions on their status removed.

If you are still married, **then file Form I-751 jointly with your** 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 **lawful** permanent resident spouse or by your conditional resident parent; or
5. The termination of your status and removal **from the United States** 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 United States.
3. **Effect of not filing.** If this petition is not filed, you will automatically lose your permanent resident status **two years from 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 **file** the petition that the delay was due to extraordinary circumstances beyond your control and that the length of the delay was reasonable.

General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each petition must be properly signed and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. Each petition must be accompanied by the appropriate filing fee and biometric services fee (if applicable). (See the **What Is the Filing Fee** section of these instructions).

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **What Initial Evidence Is Required** section of these instructions.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your petition. After USCIS receives your petition and ensures it is complete, we will inform you in writing, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment. If you fail to attend your biometric services appointment, USCIS may deny your petition.

Acknowledgement of Appointment at USCIS Application Support Center. Review the ASC Acknowledgement that appears in **Part 7.** of **Form I-751**. The purpose of this ASC Acknowledgement is to confirm that you have completed your petition, reviewed your responses, and affirmed that the information was provided by you and is complete, true, and correct. If someone helped you fill out your petition, that person must review the ASC Acknowledgement with you to make sure you understand it. If your spouse or another individual signed your petition, they must read, complete, and sign **Part 8**.

Copies. You may submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

How to Fill Out Form I-751

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this petition, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.
4. **USCIS ELIS Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Part 2. Biographic Information.** Provide the biographic information requested in **Part 2., Item Numbers 1. - 6.** Providing this information as part of your petition may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these instructions.

6. **Part 7. Petitioner's Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature.** Select the appropriate box to indicate that you either read this petition yourself or someone interpreted this petition for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this petition for you. You must also affirm that you have read and understand (or that an interpreter or preparer read to you, and you understand) the **Acknowledgment of Appointment at USCIS Application Support Center in Part 7.** Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
7. **Part 8. Spouse's or Individual Listed in Part 3.'s Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature (if applicable).** Select the appropriate box to indicate that you either read this petition yourself or someone interpreted this petition for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this petition for you. You must also affirm that you have read and understand (or that an interpreter or preparer read to you, and you understand) the **Acknowledgement of Appointment at USCIS Application Support Center in Part 8.** Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
8. **Part 9. Interpreter's Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 7.** to you in the same language in which you are fluent. The interpreter must sign and date the petition.
9. **Part 10. Contact Information, Statement, Certification, and Signature of the Person Preparing this Petition, If Other Than the Petitioner.** This section must contain the signature of the person who completed your petition, if other than you, the petitioner. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 9.** and **Part 10.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. Anyone who helped you prepare your petition must also certify that he or she has read the **Acknowledgment of Appointment at USCIS Application Support Center in Part 7.** to you, and that you informed him or her that you understood the ASC Acknowledgment. If the person who helped you prepare your petition is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited **Representative**, along with your petition.

We recommend that you print or save a copy of your completed petition to review in the future and for your records. We recommend that you review your copy of your completed petition before you come to your biometric services appointment at a USCIS ASC. At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your petition is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

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 5** of the petition, must submit the following items with Form I-751:

1. Two passport-style photos for **each petitioner** and **dependent**, regardless of age; **and**
2. Two completed fingerprint cards (Form FD-258) for **each petitioner** and **dependent 14** to 79 years of age. 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 U.S. 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**, 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 certificates of children born **during the time of this marriage, if any**;
2. Lease or mortgage contracts showing joint occupancy and/or ownership of your communal residence;
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 members and/or **Form DD-1172** for military family member identification cards;
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 **foreign nationals** 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, **either in the United States or abroad**, 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, **either in the United States or abroad**, 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 (for example, 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 Form I-751 is **\$505**. A biometric services fee of **\$85** is also required for petitioners between 14 and 79 years of age.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this petition. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your checks or money orders for the Form I-751 filing fee and biometric services 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 checks or money orders 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 U.S. Consulate for instructions on the method of payment.

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it 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 your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If USCIS cannot complete the EFT because of insufficient funds, we may try to make the transfer two additional times.

How to Check If the Fees Are Correct

Form I-751 filing fee and biometric services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that 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. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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

Fee Waiver

You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request) and submit it and any required evidence of your inability to pay the filing fee with this petition. You can review the fee waiver guidance at www.uscis.gov/feewaiver.

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 petition. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Change

You must notify USCIS of your new address within 10 days of moving from your previous residence. 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 TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: If you **selected Box 1.e. or 1.f. in Part 3.**, 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.

NOTE: Do not submit a change of address request to USCIS Lockbox facilities because **these** facilities do not process change of address requests.

Processing Information

You must have a United States address to file this petition.

Initial Processing. Once USCIS accepts your petition we will check it for completeness. If you do not completely fill out this petition, you will not establish a basis for your eligibility, and USCIS may reject or deny your petition.

Requests for More Information. We may request that you provide more information or evidence to support your petition. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your petition. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-751 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

Individuals With Disabilities and/or Impairments

USCIS is committed to providing reasonable accommodations for qualified individuals with disabilities and/or impairments that will help them fully participate in USCIS programs and **benefits**. **Reasonable** accommodations vary with each disability and/or impairment. They may involve modifications to practices or procedures. There are various types of reasonable accommodations that USCIS may offer. Examples include but are not limited to:

1. If you are deaf or hard of hearing, USCIS may provide you with a sign-language interpreter at an interview or other immigration benefit-related appointment;
2. If you are blind or have low vision, USCIS may permit you to take a test orally rather than in writing; or
3. If you are unable to travel to a designated USCIS location for an interview, USCIS may visit you at your home or a hospital.

If you believe that you need USCIS to accommodate your, your spouse's, or your children's disability and/or impairment, select "Yes" and then any applicable box in **Item Numbers 4.a. - 4.c.** that describes the nature of your disabilities and/or impairments. Also, describe the types of accommodations you are requesting on the lines provided. If you are requesting a sign-language interpreter, indicate for which language. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information**.

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, in **Part 6.** of **Form I-751**, you can indicate whether you use a wheelchair. This will allow USCIS to better prepare for your visit.

NOTE: USCIS also ensures that limited English proficient (LEP) individuals are provided meaningful access at an interview or other immigration benefit-related appointment, unless otherwise prohibited by law. LEP individuals may bring a qualified interpreter to the interview.

USCIS considers requests for reasonable accommodations on a case-by-case basis, and we will make our best efforts to reasonably accommodate your disabilities and/or impairments. USCIS will not exclude you from participating in USCIS programs or deny your petition because of your disabilities and/or impairments. Requesting and/or receiving an accommodation will not affect your eligibility for an immigration benefit.

USCIS Forms and Information

To ensure you are using the latest version of this petition, 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 calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at www.infopass.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.

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 petition, and the associated evidence, is collected under 8 U.S.C. 1186a.

PURPOSE: The primary purpose for providing the requested information on this petition is to apply to remove the conditions on your residence if you obtained status through marriage. **The Department of Homeland Security (DHS)** will use the information you provide to grant or deny the immigration benefit you are seeking.

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

ROUTINE USES: DHS may share the information you provide on this petition with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, 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 petition and supporting documents shall not be released without a court order or the written consent of the petitioner; or, in the case of a child, the written consent of the parent or legal guardian who is filing this petition on the child's behalf. Also, this information may be released only to the petitioner, 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, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. The collection of biometrics is estimated to require 1 hour and 10 minutes. 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.**