



## Fact Sheet

# FAMILY-BASED CONDITIONAL PERMANENT RESIDENT JOINT FILING

## HOW DO I KNOW IF I HAVE CONDITIONS ON MY PERMANENT RESIDENT STATUS?

If you obtained your permanent resident status through marriage to a U.S. citizen or lawful permanent resident (LPR) and had been married less than 2 years when you were admitted to the United States on an immigrant visa or when you adjusted your status in the U.S., your status was granted on a conditional basis. You must file Form I-751, Petition to Remove Conditions on Residence, to remove the conditions.

## WHY FILE **FORM I-751** TO REMOVE THE CONDITIONS ON MY PERMANENT RESIDENT STATUS?

Congress enacted the [Immigration Marriage Fraud Amendments of 1986](#) (IMFA) to discourage fraudulent marriages to obtain permanent residence in the United States. We will review the marriage bona fides, and if we determine the marriage was entered into in good faith, and you meet the eligibility threshold, we will remove the conditions on your permanent resident status. Removing these conditions will allow you to continue on your immigration journey toward naturalization.

## WHAT IS THE DIFFERENCE BETWEEN A JOINT SPOUSE FILING AND A WAIVER?

You may file a joint [Form I-751](#) if:

- You are still married to the same U.S. citizen or lawful permanent resident (petitioning spouse).
- You are a child and cannot be included on your parent's Form I-751 and your parent is still married to their petitioning spouse.

There may be instances where you are unable to file a joint petition, including:

- Your spouse (or stepparent) is deceased;
- You (or your parent) have divorced or annulled the marriage, but the marriage was entered into in good faith;
- You (or your parent) entered into a good faith marriage, but you were battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident spouse; or
- The termination of your status and removal would result in extreme hardship.

For additional information see [USCIS Fact Sheet: Family-Based Conditional Permanent Resident Individual and Waiver Filing Requests](#).

## WHEN SHOULD I FILE MY I-751?

You must file to remove the conditions 90 days before your conditional Permanent Resident Card (Green Card) expires, by filing Form I-751. If you are filing your petition jointly with your spouse, you cannot file more than 90 days before your card expires. You can find the Filing Date Calculator on the [When to File Your Petition to Remove Conditions](#) page. You can file a Form I-751 waiver request at any time before a final order of exclusion, deportation or removal. For more information see the [USCIS Fact Sheet: Family-Based Conditional Permanent Resident - Individual and Waiver Filing Requests](#).

## HOW MUCH DOES IT COST TO FILE MY I-751?

You can find the filing fee for Form I-751 on our [Fee Schedule](#) page. If you are unable to pay the fee, you may be eligible for a fee waiver. You can find additional information on filing a fee waiver by visiting our [I-912, Request for Fee Waiver](#) page.

## WHEN DOES A CONDITIONAL PERMANENT RESIDENT CHILD NEED TO FILE A SEPARATE I-751 APPLICATION?

A conditional permanent resident (CPR) child can be included on your I-751 application if the child obtained CPR status on the same day as you obtained CPR status, or within 90 days after. A CPR child needing to file a separate form can do so at any time, even before the 90-day period before the second anniversary of obtaining CPR status, as long as the child is not subject to a final order of removal. Examples for individual filing include:

- A child who obtained CPR status more than 90 days after the CPR parent;
- The CPR parent died before filing the Form I-751; or
- Any other circumstances preventing the child from being included in the Form I-751 of the parent or stepparent.

If your child is filing a separate Form I-751, you should fill out Part 5 on your Form I-751 about each of your children and answer “no” to the question “Is your child applying with you?” for children filing separately.

## WHAT IF THE U.S. CITIZEN (OR PERMANENT RESIDENT) SPOUSE DIED WHILE THE FORM I-751 WAS PENDING?

If you entered the qualifying marriage in good faith, but are now a widow or widower, both you and your CPR children can amend pending I-751 petitions to an individual filing request. You must provide a copy of the civilly registered death certificate and an English translation by a certified translator if the document is in any language other than English.

## **WHAT HAPPENS TO THE DERIVATIVE CHILDREN IF THE CONDITIONAL PERMANENT RESIDENT PARENT DIED BEFORE THEY WERE ELIGIBLE TO FILE THE I-751?**

If the stepparent is willing to file the Form I-751 as a joint filing, they are still eligible to file together. The derivative child may also file a waiver on the Form I-751 without the stepparent if they are eligible for the waiver being requested.

## **WHAT IF I WAS CLASSIFIED AS A CPR WHEN I ENTERED THE UNITED STATES OR ADJUSTED STATUS EVEN THOUGH MY MARRIAGE WAS MORE THAN 2 YEARS AGO?**

If you were married for more than 2 years at the time you entered the U.S. or adjusted status and you (or your child) were granted conditional legal permanent resident status, you may have been misclassified. If you believe that you or your children were misclassified as conditional legal permanent residents due to a DHS error, you should file an Application to Replace Permanent Resident Card ([Form I-90](#)) according to the form instructions and the [G-1055, Fee Schedule](#). If you have already filed Form I-751, and you were admitted or adjusted based upon a marriage that occurred more than 2 years before that admission or adjustment of status, USCIS will update the class of admission code when the I-751 is adjudicated.

## **WHAT IF THE U.S. CITIZEN (OR PERMANENT RESIDENT) PETITIONER AND THE NON-CITIZEN SPOUSE ARE SEPARATED OR FILE FOR DIVORCE?**

The I-751 can continue to be a jointly filed petition and we will continue to process the petition until the marriage is legally terminated through annulment or divorce, or the U.S. citizen or LPR petitioner withdraws support. If we become aware a marriage has been terminated, we may send a Request for Evidence for documentation of the final divorce decree or annulment. Once a marriage is terminated, you should notify USCIS. We can no longer process the I-751 as a joint filing; however, we may provide you with an opportunity to amend your filing to an individual filing.

## **WHAT ARE THE SPECIAL FILING PERIODS FOR U.S. MILITARY MEMBERS WHO ARE DEPLOYED AND FOR U.S. FEDERAL GOVERNMENT EMPLOYEES WORKING ABROAD?**

If the CPR, petitioning spouse or stepparent is stationed or deployed overseas as a result of official military or government orders, the requisite 90-day filing window before the 2-year anniversary of obtaining CPR status does not begin until the individual on official orders returns to the United States or is no longer on active duty. However, you may file the Form I-751 during the active-duty service or official order period, or after the 90-day period starts, and USCIS may waive the interview deadline or the requirement for an interview after reviewing the evidence submitted, the nature of deployment, and bona fides of the marriage. If you file Form I-751 while overseas on U.S. military or U.S. federal government orders, you can complete the biometric requirements by submitting a properly completed FD-258 fingerprint card and 2 passport photographs.

## WHAT HAPPENS IF I DON'T FILE TO REMOVE THE CONDITIONS BEFORE MY GREEN CARD EXPIRES?

- The general filing requirement for Form I-751 is to file within the 90-day period immediately before the second anniversary of having obtained permanent resident status.
- If you do not file a Form I-751, this could result in the automatic termination of your permanent resident status in the United States. However, certain CPRs may be eligible for naturalization without filing a petition or having the conditions removed if applying on the basis of marriage to a U.S. citizen employed abroad, or qualifying military service. See [www.uscis.gov/policy-manual/volume-12-part-g-chapter-5](http://www.uscis.gov/policy-manual/volume-12-part-g-chapter-5)
- 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, providing you don't have a final order of removal. We may excuse the failure to file before the expiration date if you demonstrate when you file the petition that the delay was due to good cause and extenuating circumstances.

## HOW CAN I CONTACT USCIS ABOUT MY PENDING I-751 IF I NEED TO SUBMIT EVIDENCE OR AMEND MY FILING TO AN INDIVIDUAL FILING OR WAIVER REQUEST?

Filers of an I-751 can create an account in [myUSCIS](#) on the [sign-up webpage](#). Even if you filed your form through the mail, you can link your receipt number to your myUSCIS account.

If you have an online-filed case number (beginning with "IOE") or have linked your case, the myUSCIS account allows you to:

- Submit signed amendment requests, including waivers (amendments and waivers can also be made during an interview);
- Upload responses to Requests for Evidence (RFE);
- Upload documents; and
- View your case status and history.

If your case begins with anything other than "IOE," you can create a myUSCIS account and link your case or send correspondence to the USCIS office that issued the receipt notice or the most recent I-751 correspondence.

For further assistance you may [request an appointment](#) online or you may call the Contact Center at 800-375-5283 (TTY 800-767-1833, VRS 877-709-5797) to request an in-person appointment.

For information about filing Form I-751 visit the [I-751, Petition to Remove Conditions on Residence](#) webpage.