



Fact Sheet

FAMILY-BASED CONDITIONAL PERMANENT RESIDENT - INDIVIDUAL AND WAIVER FILING REQUESTS

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. After you have resided in the United States as a conditional permanent resident (CPR), you must file Form I-751, Petition to Remove Conditions on Residence, to remove the conditions during the 90-day period before the second anniversary of your receiving your status as a conditional permanent resident, unless you are filing as an individual or requesting a waiver.

WHAT IF I AM A CONDITIONAL PERMANENT RESIDENT, BUT NO LONGER MEET THE JOINT FILING REQUIREMENTS?

If you are a CPR and are unable to meet the joint filing requirements (filing the Form I-751 with the petitioning spouse or stepparent), you may request a waiver of the joint filing requirement. You can make this request (using [Form I-751](#)) any time before the second anniversary of your receiving status as a CPR (you do not need to wait until the 90-day period begins), but the request must be made before a final order of exclusion, deportation, or removal.

WHAT WAIVERS ARE AVAILABLE FOR THE JOINT FILING REQUIREMENT?

There may be instances where you are unable to file a joint petition as described in the table below.

Basis for Filing Petition	Filing Type
<p>The CPR spouse entered into the qualifying marriage in good faith but is now a widow or widower. See INA 216(c)(1)(A). See 8 CFR 216.4(a)(1).</p> <p>The CPR child's parent entered into the qualifying marriage in good faith, but the CPR child's stepparent has died.</p>	Individual filing request
<p>The CPR spouse entered into the qualifying marriage in good faith, but the marriage ended through divorce or annulment. See INA 216(c)(4)(B). See 8 CFR 216.5(a)(1)(ii).</p> <p>The CPR child's parent entered into a qualifying marriage in good faith, but the marriage ended through divorce or annulment.</p>	Good faith (divorce) waiver

Basis for Filing Petition	Filing Type
<p>The CPR spouse entered into the qualifying marriage in good faith, but during the marriage the petitioning spouse battered or subjected the CPR spouse or the CPR spouse's child to extreme cruelty. See INA 216(c)(4)(C). See 8 CFR 216.5(a)(1)(iii).</p> <p>The CPR child cannot be included on the CPR parent's battery or extreme cruelty waiver request, and the CPR child's parent entered into the qualifying marriage in good faith, but during the marriage the petitioning spouse battered or subjected the CPR spouse to extreme cruelty.</p> <p>The CPR child's parent entered into the qualifying marriage in good faith, but during the marriage the petitioning stepparent or the CPR parent battered or subjected the CPR child to extreme cruelty. See INA 216(c)(4)(C). See 8 CFR 216.5(a)(1)(iii).</p>	Battery or extreme cruelty (abuse) waiver
Termination of the CPR's permanent resident status and removal from the United States would cause extreme hardship. See INA 216(c)(4)(A) . See 8 CFR 216.5(a)(1)(i) .	Extreme hardship waiver

IF I AM ELIGIBLE FOR MORE THAN ONE TYPE OF WAIVER, WHICH DO I SELECT?

You should indicate all applicable reasons for requesting a waiver on the Form I-751. Generally, after you have filed as an individual request or requested a waiver, you may change or add another waiver filing basis by making the request in writing to the USCIS office that issued the receipt notice or sent the most recent correspondence. You may also make this request during an interview. However, in cases involving changes to or from a filing basis involving battery or extreme cruelty, you must follow certain procedures. In certain cases, you may not amend the filing basis but instead must file a new Form I-751.

HOW DO I KNOW IF I SHOULD FILE UNDER THE BATTERY OR EXTREME CRUELTY (ABUSE) WAIVER?

In general, you should mark all the boxes that may apply, and we will adjudicate the petition based upon the evidence and documentation provided. We protect the confidentiality of any information concerning an abused CPR spouse or child, including information regarding the whereabouts of the abused spouse or child or whether the abused spouse or child has filed a waiver based on battery or extreme cruelty. For your protection, if you file under the battery or extreme cruelty waiver (classifications e and f) the protections under [8 U.S.C. 1367](#) and other statutory provisions as victims of abuse, may result in limited access to your immigration filing information.

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. If you are the spouse or child submitting a waiver of the joint filing requirement based on battery or extreme cruelty, you are not required to pay the filing fee.

AM I ABLE TO CHANGE MY BATTERY OR EXTREME CRUELTY WAIVER FILING TO A JOINT FILING WITH MY U.S. CITIZEN OR LPR SPOUSE?

We cannot change the basis of a waiver based on battery or extreme cruelty to a joint filing for a CPR and the petitioning spouse or stepparent, because the spouse or stepparent must sign the joint petition with the CPR. In these cases, you or your child must submit a request to withdraw the I-751 waiver based on battery or extreme cruelty and file the new joint I-751 petition together with the appropriate fee or fee waiver request. You (or the child CPR filing the request) will be required to attend an in-person interview to confirm withdrawal of the waiver.

WHEN CAN I REQUEST A WAIVER BASED ON BATTERY OR EXTREME CRUELTY?

You may request a waiver based on battery or extreme cruelty at any time after you are granted CPR status and may file the waiver at any time before you are subject to a final order of exclusion, deportation, or removal. Your present marital status or living situation is not relevant to the filing of the waiver. You may still be married to your abusive spouse, or your CPR children may still be living with their abusive parent. You may also be divorced, separated, or still residing with the petitioning spouse.

WHAT IF MY U.S. CITIZEN OR LPR SPOUSE AND I ARE NO LONGER LIVING TOGETHER AND HAVE FILED FOR DIVORCE?

The Form 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 of the termination of a marriage, we may send a Request for Evidence for documentation of the final divorce decree or annulment and bona fides of the marriage. 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 a good faith (divorce) waiver.

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