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Policy Alert

SUBJECT: Interview Waiver Criteria for Family-Based Conditional Permanent Residents

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) on interview waiver criteria for family-based conditional permanent residents (CPRs) filing petitions to remove the conditions on permanent residence.¹

Background

A noncitizen who obtains permanent resident status based on a marriage that began less than 2 years before obtaining that status receives such permanent resident status on a conditional basis for 2 years.² To remove the conditions on permanent resident status, family-based CPRs generally must file a Petition to Remove Conditions on Residence ([Form I-751](#)) within the 90-day period preceding the 2-year anniversary of obtaining CPR status.³

The INA requires a CPR to appear for an interview during the adjudication of the Petition to Remove Conditions on Residence ([Form I-751](#)) to verify the information presented in the petition before conditions are removed.⁴ The INA also provides USCIS the authority to waive the interview. On November 30, 2018, USCIS published guidance limiting the circumstances under which an interview could be waived.⁵ Interviews for cases where a CPR obtained status via consular processing could no longer be waived under that guidance.

USCIS is updating guidance for all CPR cases, including consular processed cases. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Updates interview waiver criteria by providing that USCIS officers may consider waiving an interview if, generally, the applicant meets the eligibility requirements, the record contains

¹ See [INA 216](#). See [8 CFR 216](#).

² See Section 2(a) of the Immigration Marriage Fraud Amendments of 1986, [Pub. L. 99-639](#) (November 10, 1986). See [INA 216\(a\)\(1\)](#).

³ See [INA 216\(c\)](#). See [8 CFR 216.4](#).

⁴ See [INA 216\(c\)\(1\)\(B\)](#).

⁵ See Revised Interview Waiver Guidance for Form I-751, Petition to Remove Conditions on Residence, PM-602-0168, issued November 30, 2018.

sufficient evidence, and there is no indication of fraud, misrepresentation, criminal bars, or other factors that may require an interview.

- Updates interview waiver criteria to eliminate automatic referrals for cases where a CPR obtained status via consular processing and to refer CPR cases based on risk-based criteria.

Summary of Changes

Affected Section: Volume 6 > Part I, Family-Based Conditional Permanent Residents

- Adds new Chapter 3 (Petition to Remove Conditions on Residence) with introductory text and guidance under new Section G (Interview); adds and reserves new Sections A, B, C, D, E, F, H, and I.
- Adds new [Reserved] Chapters 1, 2, 4, 5, 6, and 7.

Citation

Volume 6: Immigrants, Part I, Family-Based Conditional Permanent Residents, Chapter 3, Petition to Remove Conditions on Residence [[6 USCIS-PM I.3](#)].