



U.S. Citizenship
and Immigration
Services

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Removing Conditions on Permanent Residence Based on Marriage

Your permanent resident status is conditional if it is based on a marriage that was less than two years old on the day you became a permanent resident. We give you conditional permanent resident status when you are either admitted to the United States on an immigrant visa or adjust your status to that of a permanent resident.

Your status is conditional until you prove, after a specified period of time, that you did not enter the marriage to circumvent the immigration laws of the United States. To remove conditions, you must file [Form I-751, Petition to Remove Conditions on Residence](#).

You cannot file Form I-90 to renew your Permanent Resident Card (Green Card) if you are a conditional permanent resident.

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Eligibility Criteria

Generally, you must apply to remove the conditions on permanent residence with your U.S. citizen or lawful permanent resident spouse or stepparent (called “filing jointly”) if:

- You are still married to the same U.S. citizen or lawful permanent resident after two years;* or
- Your parent is still married to the same U.S. citizen spouse or lawful permanent resident after two years and you are not included in your parent’s Form I-751.

You may file Form I-751 without your U.S. citizen or lawful permanent resident spouse or stepparent if:

- The U.S. citizen or lawful permanent resident spouse or stepparent is deceased and you entered the marriage in good faith;*
- You married in good faith, but the marriage ended through divorce or annulment;*
- You married in good faith, but you or your child were battered or subjected to extreme cruelty by your U.S. citizen or permanent resident spouse ;*

- Your parent married in good faith, but you were battered or subjected to extreme cruelty by your U.S. citizen or permanent resident stepparent or parent; or
- The termination of your status and removal from the United States would result in extreme hardship.*

*If you are a conditional permanent resident spouse, you may include your conditional permanent resident children in your petition if they received their status either at the same time as, or within 90 days, of you.

Refer to the [Form I-751 Instructions \(PDF, 445.89 KB\)](#) for more specific eligibility requirements.

How to Apply to Remove the Conditions

If you are required to file jointly, you and your spouse or stepparent must apply together to remove the conditions on your residence by filing Form I-751. For information on filing, required documents and fees, visit our [Form I-751](#) page.

Before you mail us your form, use our [Fee Calculator](#) to determine the correct fee. To learn where to send your form, visit our [Direct Filing Addresses for Form I-751](#) page.

To help ensure that we accept your petition, visit our [Form Filing Tips](#) page to learn how to complete your form accurately, assemble your petition and mail your form.

When to Apply to Remove the Conditions

You must file your Form I-751 during the 90-day period immediately before your conditional residence expires if you are filing Form I-751 jointly with your U.S. citizen or lawful permanent resident spouse. The expiration date on your Green Card is also the date of your second anniversary as a conditional permanent resident. If you do not apply to remove the conditions in time, you could lose your conditional permanent resident status and potentially be removed from the country.

Use our [Filing Calculator](#) to determine your 90-day filing date.

If You File Outside of the 90-Day Period

If you fail to properly file Form I-751 within the 90-day period before your second anniversary as a conditional permanent resident, we will:

- Automatically terminate your conditional permanent resident status and will begin removal proceedings against you;
- Send you a notice telling you that you have failed to remove the conditions; and
- Send you a Notice to Appear at a hearing. At the hearing, you may review and rebut the evidence against you. You are responsible for proving that you complied with the requirements (we are not responsible for proving that you did not comply with the requirements).

If you file your Form I-751 after the 90-day period, you must include a written explanation as to why you are filing late. We will determine whether there was good cause for the failure to file your Form I-751 within the required time period.

Your Child's Conditional Green Card

If your child received conditional permanent resident status at the same time you did, or within 90 days of when you did, then you may include your child in your Form I-751. Your child must file a separate Form I-751 if they received conditional permanent resident status more than 90 days after you did.

Where to Find the Law

The [Immigration and Nationality Act \(INA\)](#) governs immigration in the United States. For the part of the law concerning conditional permanent resident status based on marriage, please see section 216 of the INA. The specific eligibility requirements and procedures for removing conditions on permanent resident status are included in the [Code of Federal Regulations \(CFR\) at 8 CFR section 216](#).

How to Get a Waiver of the Requirement to File a Joint Petition

You can apply to waive the joint filing requirement under certain circumstances.

If you are unable to apply with your spouse or stepparent to remove the conditions on your residence, you may request a waiver of the joint filing requirement at any time before, during, or after the 90-day period immediately before your conditional residence expires. You may request consideration of more than one waiver provision at a time.

You may request a waiver of the joint filing requirements if:

- Your deportation or removal would result in extreme hardship;
- You or your parent entered into the marriage in good faith, and not to circumvent immigration laws, but your spouse or stepparent subsequently died;
- You entered into your marriage in good faith, and not to circumvent immigration laws, but the marriage ended by annulment or divorce, and you were not at fault in failing to file a timely petition;
- You entered into your marriage in good faith, and not to circumvent immigration laws, but during the marriage you or your child were battered or subjected to extreme cruelty committed by your U.S. citizen or lawful permanent resident spouse, and you were not at fault in failing to file a joint petition; or

- Your parent entered into the marriage in good faith, and not to circumvent immigration laws, but during marriage you were battered or subject to extreme cruelty by your parent or your U.S. citizen or lawful permanent resident stepparent.

Refer to the [Form I-751 Instructions \(PDF, 445.89 KB\)](#) for more specific information on waivers.

If you are in Divorce Proceedings but are not yet Divorced

If you are still married, but legally separated and/or in pending divorce or annulment proceedings and you filed a waiver request, we will issue a Request for Evidence (RFE) specifically asking for a copy of the final divorce decree or annulment, if applicable.

If you are still married, but legally separated and/or in pending divorce or annulment proceedings, and you filed a Form I-751 jointly, we will issue an RFE specifically asking for a copy of the final divorce decree or annulment and a statement that you would like to have your joint filing Form I-751 treated as a waiver.

After we receive the final divorce decree or annulment within the specified time period, we will amend the petition to indicate you have established you are eligible to apply for a waiver of the joint filing requirement based on the termination of the marriage.

Work Permit

As a conditional permanent resident, you receive a Green Card valid for two years. This card proves that you have the right to live and work in the United States during the initial two-year period.

If you file Form I-751 on time, your receipt notice will extend the validity of your conditional permanent resident status for 24 months. If your Form I-751 is still pending and you need evidence of your status after the initial 24-month extension, you must call the USCIS Contact Center at 800-375-5283.

For more information about the types of documentation that you can use to show your identity and authorization to work, visit our [Acceptable Documents](#) page.

How to Check the Status of Your Petition

To check the status of your petition, enter your receipt number on our [Case Status](#) page.

Interview

We may require you to attend an interview to demonstrate eligibility to remove the conditions on your residence. If we require an interview, we will mail you an appointment notice telling you when and where to appear.

How to Appeal

If we deny your Form I-751, we will mail you a decision explaining the reason for the denial. We also may issue you a Notice to Appear (NTA) in front of an immigration judge for removal proceedings. You may request that the immigration judge review the denial of your Form I-751 during removal proceedings. During this review, DHS must prove that USCIS properly denied your Form I-751 or the facts and information you provided are not true.

If the immigration judge issues an order of removal, you have 30 days to appeal the decision. After you properly file Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge, the appeal will be referred to the [Board of Immigration Appeals](#).

Forced Marriage

If you believe you are in a forced marriage or are being forced to petition for a spouse, visit our [Forced Marriage](#) page to learn about the options available to you.

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