

Purpose Of This Form.

This form is for a conditional resident who obtained such status through marriage to apply to remove the conditions on his or her residence. Who May file. If you were granted conditional resident status through marriage to a U.S. citizen or permanent resident, use this form to petition for the removal of those conditions. Your petition should be filed jointly by you and the spouse through whom you obtained conditional status if you are still married. However, you can apply for a waiver of this joint filing requirement on this form if:

- .you entered into the marriage in good faith, but your spouse subsequently died;
- .you entered into the marriage in good faith, but the marriage was later terminated due to divorce or annulment;
- .you entered into the marriage in good faith, and remain married, but have been battered or subjected to extreme mental cruelty by your U.S. citizen or permanent resident spouse; or
- .the termination of your status, and deportation, would result in extreme hardship.

You may include your conditional resident children in your petition, or they can file separately.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A". If an answer is "none," write "none". If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), and indicate the number of the item to which the answer refers. You must file your petition with the required Initial Evidence. Your petition must be properly signed and accompanied by the correct fee. If you are under 14 years of age, your parent or guardian may sign the petition in your behalf.

Translations. Any foreign language document must be accompanied by a full English translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this petition, and you choose to send us the original, we may keep that original for our records.

Initial Evidence.

Alien Registration Card. You must file your petition with a copy of your alien registration card, and with a copy of the alien registration card of any of your conditional resident children you are including in your petition.

Evidence of the relationship. Submit copies of documents indicating that the marriage upon which you were granted conditional status was entered into in "good faith", and was not for the purpose of circumventing immigration laws. You should submit copies of as many documents as you wish to establish this fact and to demonstrate the circumstances of the relationship from the date of the marriage to date, and to demonstrate any circumstances surrounding the end of the relationship, if it has ended. The documents should cover as much of the period since your marriage as possible. Examples of such documents are:

- Birth certificate(s) of child(ren) born to the marriage.
- Lease or mortgage contracts showing joint occupancy and/ or ownership of your communal residence.
- Financial records showing joint ownership of assets and joint responsibility for liabilities, such as joint savings and checking accounts, joint federal and state tax returns, insurance policies which show the other as the beneficiary, joint utility bills, joint installment or other loans.
- Other documents you consider relevant to establish that your marriage was not entered into in order to evade the immigration laws of the United States.
- Affidavits sworn to or affirmed by at least 2 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 it must 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 either types of evidence listed above.

If you are filing to waive the joint filing requirement due to the death of your spouse, also submit a copy of the death certificate with your petition.

If you are filing to waive the joint filing requirement because your marriage has been terminated, also submit a copy of the divorce decree or other document terminating or annulling the marriage with your petition.

If you are filing to waive the joint filing requirement because you and/or your conditional resident child were battered or subjected to extreme mental cruelty, also file your petition with the following:

- Evidence of the physical abuse, such as copies of reports or official records issued by police, judges, medical personnel, school officials, and representatives of social service agencies, and original affidavits as described under Evidence of the Relationship; or
- Evidence of the extreme mental cruelty, and an original evaluation by a professional recognized by the Service as an expert in the field. These experts include clinical social workers, psychologists and psychiatrists. A clinical social worker who is not licensed only because the State in which he or she practices does not provide for licensing is considered a licensed professional recognized by the Service if he or she is included by the National Association of Social Workers or is certified by the American Board of Examiners in Clinical Social Work. Each evaluation must contain the professional's full name, professional address and license number. It must also identify the licensing, certifying or registering authority.
- A copy of your divorce decree if your marriage was terminated by divorce on grounds of physical abuse or mental cruelty.

If you are filing for a waiver of the joint filing requirement because the termination of your status, and deportation would result in "extreme hardship", you must also file your petition with evidence your deportation would result in hardship significantly greater than the hardship encountered by other aliens who are deported from this country after extended stays. The evidence must relate only to those factors which arose since you became a conditional resident.

If you are a child filing separately from your parent, also file your petition with a full explanation as to why you are filing separately, along with copies of any supporting documentation.

When To file.

Filing jointly. If you are filing this petition jointly with your spouse, you must file it during the 90 days immediately before the second anniversary of the date you were accorded conditional resident status. This is the date your conditional residence expires. However, if you and your spouse are outside the United States on orders of the U.S. Government during the period in which the petition must be filed, you may file it within 90 days of your return to the U.S.

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 deported.

Effect Of Not Filing. If this petition is not filed, you will automatically lose your permanent resident status as of the second anniversary of the date on which you were granted this status. You will then become deportable from the United States. 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 INS excuse the late filing. Failure to file before the expiration date may be excused if you demonstrate when you file the application that the delay was due to extraordinary circumstances beyond your control and that the length of the delay was reasonable.

Effect of Filing. Filing this petition extends your conditional residence for six months. You will receive a filing receipt which you should carry with your alien registration card (Form I-551). If you travel outside the U.S. during this period, you may present your card and the filing receipt to be readmitted.

Where To File.

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, or West Virginia, mail your petition to: USINS Eastern Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your petition to: USINS Southern Service Center, P.O. Box 152122, Dept. A, Irving, TX 75015-2122.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail your petition to: USINS Western Service Center, P.O. Box 30111, Laguna Niguel, CA 92607-0111.

If you live in elsewhere in the U.S., mail your petition to: USINS Northern Service Center, 100 Centennial Mall North, Room B-26, Lincoln, NE 68508.

Fee. The fee for this petition is \$75.00. The fee must be submitted in the exact amount. It cannot be refunded. **DO NOT MAIL CASH.**

All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Immigration and Naturalization Service, except that:

- If you live in Guam, and are filing this petition in Guam, make your check or money order payable to the "Treasurer, Guam".
- If you are living in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands".

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Processing Information.

Acceptance. Any petition that is not signed, or is not accompanied by the correct fee, will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. A petition is not considered properly filed until accepted by the Service.

Initial processing. Once a petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at an INS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. You will be advised in writing of the decision on your petition.

Penalties. If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice. We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit you are filing for. Our legal right to ask for this information is in 8 USC 1184, 1255 and 1258. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

All the information provided on this form, including addresses, are protected by the Privacy Act and the Freedom of Information Act. This information will not be released in any form whatsoever to a third party, other than another government

agency, who requests it without a court order, or without your written consent, or, in the case of a child, the written consent of the parent or legal guardian who filed the form on the child's behalf.

Paperwork Reduction Act Notice. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) 15 minutes to learn about the law and form; (2) 15 minutes to complete the form; and (3) 50 minutes to assemble and file the petition; for a total estimated average of 1 hour and 20 minutes per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to both the Immigration and Naturalization Service, 425 I Street, N.W., Room 5304, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0145 Washington, D.C. 20503.