

Immigration Law Answers Blog

Posted at 5:06 AM on July 7, 2009 by Robert A. Kraft

What Is Conditional Residence, and How Do I Remove Conditions?

Foreign nationals may obtain their green cards by marriage through a U.S. citizen or lawful permanent resident (LPR). If the marriage is less than two years old at the time residence is granted, the foreign national will receive conditional resident status. The actual conditional residence card will have a two year validity date. Individuals who obtained their resident status based on a marriage less than two years are required to file Form I-751 Petition to Remove Conditions 90 days prior to the expiration date on the conditional residence card. Once the conditions are removed, the conditional resident status becomes permanent.

The petition to remove conditions should be accompanied with evidence establishing the validity of the marriage since being granted conditional resident status. Supporting documentation of a valid marriage may include:

- Birth certificates of children,
- a copy of the rent/apartment lease,
- mortgage payments,
- joint filing of tax returns,
- utility bills evidencing both names,
- copies of pictures,
- itineraries or boarding passes,
- insurance coverage listing both names,
- joint bank accounts,
- driver's licenses evidencing both names,
- letters from family regarding knowledge of the marriage (including envelopes with postmarks),
- receipts for items purchased together (ie: furniture),
- cards written to both for a holiday, birthday, anniversary.

Other documents accompanying the Form I-751 include:

- A copy of the conditional residence card,
- Two passport style photos for the applicant,

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- A certified copy of any arrest record and disposition of the case (for individuals who have been arrested or detained), Downloaded at JDSUPRA™
<http://www.jdsupra.com/post/documentViewer.aspx?fid=31b16806-62a2-4d40-b6ed-735dd76d7947>
- A money order payable to the U.S. Department of Homeland Security in the amount of \$545 for filing fees.

Kraft & Associates will answer your questions on conditional resident status and permanent residence. Call us at 214-999-9999.

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