



Information for Conditional Permanent Residents Seeking to Change the Basis of Form I-751 From a Waiver Based on Battery or Extreme Cruelty to a Joint Petition

If you filed a Petition to Remove Conditions on Residence (Form I-751) requesting a waiver of the joint filing requirement due to battery or extreme cruelty, your voluntary withdrawal of that Form I-751 will terminate the confidentiality protections of [8 U.S.C 1367\(a\)](#) listed below:

8 U.S.C. 1367(a)(1): This provision protects you from having a negative immigration decision made against you using information provided solely by your abuser or a member of your abuser's household. This includes decisions made by the Department of Homeland Security, the Department of Justice, or the Department of State.

8 U.S.C. 1367(a)(2): This provision protects you from having any information about you given to anyone outside of the Department of Homeland Security, the Department of Justice, or the Department of State, unless an exception under [8 U.S.C 1367\(b\)](#) applies.

Your withdrawal of your Form I-751 requesting a waiver of the joint filing requirement due to battery or extreme cruelty, in order to pursue a joint petition, means that you have decided to not pursue immigration relief as a victim of abuse. Because you are choosing to pursue the removal of conditions on your residence jointly with your spouse or stepparent, the provisions of 8 U.S.C. 1367 stated above will no longer apply to you. This is required so that USCIS can communicate with both you and your spouse or stepparent about the joint petition. It will also allow USCIS to rely on evidence and testimony from both you and your spouse or stepparent to adjudicate the joint petition you intend to file or have already filed.

Please note that in addition to the information you submit on your joint petition, USCIS may use any information you previously provided in your waiver filing, even though you are withdrawing that filing, to adjudicate your joint petition. USCIS may ask you questions in an interview where your spouse or stepparent is present or request information in writing about the previous waiver filing.

Withdrawing your waiver filing will not impact your ability to file a new waiver petition or change the filing basis of your joint petition to a waiver petition based on battery or extreme cruelty in the future.