



December 12, 2023

PA-2023-33

Policy Alert

SUBJECT: Family-Based Conditional Permanent Residents

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) regarding family-based conditional permanent residents (CPRs).¹

Background

Congress enacted the Immigration Marriage Fraud Amendments of 1986 (IMFA) to discourage the use of fraudulent marriages to obtain permanent residence.² In accordance with IMFA, 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.³

To remove the conditions on permanent resident status, 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.⁴

This guidance, contained in Volume 6 of the Policy Manual, is effective immediately and applies prospectively to applications filed on or after December 12, 2023. On that date, this policy update will supersede the guidance found in Chapter 25.1 of the Adjudicator's Field Manual (AFM), related AFM appendices, and related policy memoranda. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Consolidates and updates guidance on eligibility, filing, and adjudication of Form I-751, including joint petitions, individual filing requests, and waivers.
- Provides additional guidance on the steps required to change the basis for filing, including for cases involving waivers based on battery or extreme cruelty.

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

² See Immigration Marriage Fraud Amendments of 1986, [Pub. L. 99-639](#), 100 Stat. 3537 (November 10, 1986).

³ See Section 2(A) of the Immigration Marriage Fraud Amendments of 1986, [Pub. L. 99-639](#), 100 Stat. 3537 (November 10, 1986) (“Conditional Basis for Permanent Resident Status Based on Recent Marriage”). See [INA 216\(a\)\(1\)](#).

⁴ See [INA 216\(c\)](#). See [8 CFR 216.4](#).

- Clarifies that a noncitizen whose CPR status was terminated for failure to timely file a Form I-751 may adjust status to permanent residence on a new basis, regardless of whether or not USCIS issued a notice of termination of CPR status before the noncitizen filed an Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) on a new basis.

Summary of Changes

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

- Adds content to previously reserved chapters 1, 2, 4, 5, 6, and 7, and adds content to previously reserved sections A, B, C, D, E, F, H, and I in chapter 3.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 6: Immigrants, Part I, Family-Based Conditional Permanent Residents [[6 USCIS-PM I](#)] (Chapters 1-7).