

Policy Alert**SUBJECT: Family-Based Conditional Permanent Residents**

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

The update clarifies what noncitizens must do to change the basis of filing in cases of waivers based on battery or extreme cruelty. It also clarifies that if a noncitizen's conditional permanent resident status is terminated for failing to timely file Form I-751, they may be eligible to adjust permanent resident status on a new basis. This is true even if USCIS issues a notice of termination of conditional permanent resident status before the noncitizen files [Form I-485, Application to Register Permanent Residence or Adjust Status](#).

Under the Immigration Marriage Fraud Amendments of 1986, a noncitizen obtains permanent resident status on a conditional basis for two years if:

- They obtain permanent resident status based on marriage; and
- That marriage began less than two years before they obtain that status.

To remove the conditions on their permanent resident status, conditional permanent residents generally must file Form I-751 within the 90-day period before the two-year anniversary of when they obtained conditional permanent resident status.

The new guidance, 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.
- 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).