

John and Maya met during school, dated, and married after graduation from their Master's program. Maya was on **F-1** OPT status and able to work in the U.S., but this only afforded her status for a few years. John and Maya went through the process of applying for Maya's residency as the spouse of a U.S. citizen, which Maya obtained.

John and Maya were married for less than two years at the time that Maya's residency was approved, so she was granted *conditional residency* and not *permanent residency*. In this case, Maya's conditional residency card will be valid for two years from her approval date.

**What should John and Maya do next to remove the conditions on her residency, and what should they expect from immigration process?**

John and Maya should set up a meeting with an immigration attorney between four and five months prior to the expiry of Maya's conditional residency card. They will begin the process of jointly filing for form I-751, Petition to Remove Conditions on Residence, where Maya will request to remove the conditions on her residency based on her continued good-faith marriage to John. Maya can apply for the Petition to Remove Conditions on Residence as early as ninety (90) days prior to the expiry date listed on her conditional residency card.\*\*

\*\*If John and Maya fail to timely file form I-751, Petition to Remove Conditions on Residence, before the expiration of the conditional residence card, then Maya's conditional resident status could be terminated and she could be placed into removal proceedings.\*\*

John and Maya will prepare and sign form I-751, Petition to Remove Conditions on Residence, and include the supplemental documentation, which includes evidence of the on-going relationship, and the appropriate filing fees.

John and Maya timely filed form I-751, Petition to Remove Conditions on Residence.

After submittal of form I-751, Petition to Remove Conditions on Residence, John and Maya will go through the following steps:

Receive a receipt notice for form I-751. This is official notification from USCIS that they have received John and Maya's application. **As reflected in the text of the receipt notice, based on the receipt of the timely filed petition to remove conditions, Maya's conditional resident status, including her ability to live and work in the U.S. and travel internationally, will be extended for 18 months past the expiry reflected on her conditional resident card.**



Receive biometrics receipt notice. This is an official notice from USCIS requesting that Maya attend a biometrics appointment at her local Appointment Service Center. During this appointment, a USCIS officer will take her fingerprints, signature, and her picture, which will be used to ensure a thorough background check.





**Bashyam Shah** <sup>LLP</sup>  
Immigration Law Group

Receive appointment notice for Removal of Conditions. Within this appointment notice will be a list of documentation that John and Maya should bring with them to the interview, along with when and where their interview will be located. Prior to the interview, John and Maya should set up a phone call with their family immigration attorney to go over what to expect at the interview, along with what they should bring with them. **While an in-person interview for a Petition to Remove Conditions is not mandatory, the discretion to require one prior to adjudication is up to the officer reviewing the case.**



**Interview:** The big day! John and Maya attend their interview at the local office. Everything goes well and they are able to answer thoroughly the questions posed by the officer. They are approved.



**Receive permanent residency card:** Maya will receive her permanent residency card within 14 days of when the officer stated that the application had been approved.

Now that Maya has been approved for permanent residency, her permanent residency card will be valid for ten (10) years.

There are conditions to Maya maintaining her permanent residency, which include:

- Be cognizant of the frequency and length of trips outside of the U.S.
  - If Maya plans to be outside of the U.S. for at least **six continuous months**, then she will need to apply for a Re-entry Permit to be able to re-enter the U.S. as a permanent resident.
- If arrested **or cited** for anything other than a minor traffic offense, she should contact her immigration attorney immediately, because even a criminal **offense** could put Maya at risk of a removal (deportation) order.
- Ensure that she pays federal and state (where applicable) income taxes as a “resident”.