



APPLYING TO REMOVE RESTRICTIONS FROM GREEN CARD IF YOU ARE NO LONGER MARRIED OR PENDING DIVORCE



Previously Married and Battered Family Members

You can apply to waive the joint filing requirement if you are no longer married to your spouse, or if you have been battered or abused by your U.S.-citizen or lawful permanent-resident spouse or parent.

In such cases, you may apply to remove the conditions on your permanent residence at any time after you become a conditional resident, but before you are removed from the country. You must provide evidence that removal from the United States would cause you extreme hardship.

How to Get a Waiver of the Requirement to File a Joint Petition

If you are unable to apply with your spouse to remove the conditions on your residence, you may request a waiver of the joint filing requirement. You may request consideration of more than one waiver provision at a time.

You may request a waiver of the joint petitioning requirements if:

- your deportation or removal would result in extreme hardship,
- you entered into your marriage in good faith, and not to evade immigration laws, but the marriage ended by annulment or divorce, and you were not at fault in failing to file a timely petition,
- you entered into your marriage in good faith, and not to evade immigration laws, but during the marriage you or your child were battered by, or subjected to extreme cruelty committed by your U.S. citizen or permanent resident spouse, and you were not at fault in failing to file a joint petition, or
- you entered into your marriage in good faith, but your spouse subsequently died.

Note: Refer to Form I-751 for more specific information on waivers

If You Are In Divorce Proceedings But Are Not Yet Divorced

If you are still married, but legally separated and/or in pending divorce or annulment proceedings, and:

- **You filed a waiver request.** The United States Citizenship and Immigration Services (USCIS) will issue a request for evidence (RFE) specifically asking for a copy of the final divorce decree or annulment (if applicable).
- **You filed a Form I-751 petition jointly.** The USCIS will issue a request for evidence specifically asking for a copy of the final divorce decree or annulment and a statement that you would like to have your joint filing petition treated as a waiver.

Upon receipt of the final divorce decree or annulment within the specified time period, the USCIS will amend the petition, to indicate that eligibility has been established for a waiver of the joint filing requirement based on the termination of the marriage.

Further Resources

If you have immigration-related questions, you may call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 or visit the U.S. Citizenship and Immigration Services website at <https://www.uscis.gov>.

If you have any questions concerning removing restrictions to your green card, please call the Fort Benning Legal Assistance Office at 545-3281.



Office of the Staff Judge Advocate
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706-545-3281