



U.S. Citizenship
and Immigration
Services

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NSC Flash #6-2005

The Effect of Separation/Divorce on Pending I-751 Petitions to Remove the Conditions on Residence

The effect of separation and/or divorce on the filing and adjudication of I-751 petitions is described below according to the various scenarios that exist.

- If the petitioner and beneficiary are divorced at the time the I-751 should be filed, the beneficiary should file the I-751 (only s/he needs to sign) and mark "d" in Part 2.
- If the petitioner and beneficiary filed an I-751 petition jointly but
 - ❑ separate before a decision is made on the I-751, the beneficiary should notify the NSC that s/he is currently separated by sending a letter to PO Box 82521, Lincoln, NE 68501-2521. The case will then be relocated to the local district office for an interview.
 - ❑ get divorced while the petition is pending, the beneficiary should file a new I-751 petition with fee (only s/he needs to sign), marking "d" in Part 2. The beneficiary should also request that the Service withdraw the first petition.
- If the petitioner and beneficiary are separated at the time the I-751 should be filed, the beneficiary should file the I-751 and mark "d" in Part 2. The NSC will relocate the case to the local office for an interview.
 - ❑ If the petitioner and beneficiary are separated at the time the I-751 should be filed and the beneficiary files an I-751 as instructed above but the divorce becomes final while the I-751 is still pending, the beneficiary should file a new I-751 petition with fee (only s/he needs to sign), marking "d" in Part 2. The beneficiary should also request that the Service withdraw the first petition.

Petitioner and beneficiaries are reminded that required supporting documentation must accompany any petition.