

Immigrants seeking permanent green cards through marriage may have one less hurdle

By Daniel Shoer Roth
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The U.S. Citizenship and Immigration Services (USCIS) has revised one of its procedures for immigrants who got their green cards through marriage with U.S. citizens.

[Green cards issued for those immigrants](#) are normally conditional, and are only valid for two years. After that, those seeking permanent residence must prove their marriage was not intended to break the immigration laws and therefore is not [fraudulent](#).

This process, known as a petition to [Remove Conditions on Permanent Residence Based on Marriage](#), requires [Form I-751](#) and most likely an interview with a USCIS official to demonstrate eligibility to remove such conditions.

The interviews often make couples nervous because they are questioned, frequently separately, about intimate details of their lives in order to test the legitimacy of their marriages.

[A basic requirement to get a green card has changed — and it helps legal immigrants](#)

But a new [policy memorandum](#) issued by USCIS provides some guidelines that agency officials can use to decide whether to waive that interview requirement.

USCIS [announced](#) this week that [adjudicators](#) are now able to waive this important requirement if they are satisfied that:

- There is sufficient evidence about the authenticity of the marriage that proves it clearly was not entered into in order to evade immigration laws;
- There is no indication of fraud or misrepresentation in the Form I-751 or the supporting documentation;
- USCIS has already interviewed the main petitioner of Form I-751 (this is relevant for cases received after Dec. 10, 2018);

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- There are no complex facts or issues that require an interview to clarify

“When determining whether to waive an interview, the considerations listed above apply regardless of whether the Form I-751 is filed as a joint petition or as a waiver of the joint filing requirement,” the [new guideline](#) notes. “Cases involving fraud or

national security concerns must be referred to the [Fraud Detection and National Security Directorate](#) according to local procedures.”