



U.S. Department of Justice
Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

*425 I Street NW
Washington, DC 20536*

January 7, 2002

MEMORANDUM FOR MICHAEL A. PEARSON,
EXECUTIVE ASSOCIATE COMMISSIONER,
OFFICE OF FIELD OPERATIONS

FROM: Stuart Anderson /s/
Executive Associate Commissioner
Office of Policy and Planning

SUBJECT: Removal of Conditional Resident Status if Conditional Resident is the Spouse of
an Individual Serving Abroad in the U.S. Armed Forces as Part of Operation
Enduring Freedom

Purpose

The purpose of this memorandum is to provide guidance to the field concerning the adjudication of Form I-751, Petition to Remove Conditions on Residence, when the conditional resident is married to a member of the United States Armed Forces (service member) who is serving abroad as part of Operation Enduring Freedom.

When Service Member's Deployment Abroad is Imminent

All Forms I-751 that are filed jointly by service members affected by Operation Enduring Freedom and their conditional resident (CR) spouses should be adjudicated expeditiously. When a Service office is advised that a service member will be assigned overseas as part of Operation Enduring Freedom, and a Form I-751 has already been filed by such service member, every effort should be made to complete adjudication of the Form I-751 prior to the service member's deployment. If the Form I-751 cannot be approved prior to the service member's deployment, the petition should be placed on "overseas hold" in the Marriage Fraud Amendment System (MFAS) pending the service member's return from abroad. The CR should be advised of this action, and directed to contact the Service office having jurisdiction over their place of residence when the spouse returns from abroad so that the adjudication of the Form I-751 can be completed.

Subject: Removal of Conditional Resident Status if Conditional Resident is the Spouse of an Individual Serving Abroad in the U.S. Armed Forces as Part of Operation Enduring Freedom

When Service Member is Already Deployed Abroad

If the service member has already been assigned to Operation Enduring Freedom, and the CR's two-year conditional residency is due to expire, the Service shall accept the Form I-751 signed only by the CR if accompanied by evidence of the service member's military assignment (i.e., a photocopy of the service member's travel orders, a letter from the commanding officer, or other appropriate documentation signed by responsible military personnel). If the Form I-751 can be approved without an interview of the CR and his or her spouse, the Service Center shall do so following standard operating procedures. If, however, the documentation submitted in support of the Form I-751 does not warrant approval without interview, the Service Center shall schedule the case for interview and place the case on "overseas hold" in MFAS. The CR shall be advised of this action, and directed to contact the Service office having jurisdiction over their place of residence so that the interview can be completed when the spouse returns from military duty.

When Service Member is a CR

If the service member who has been assigned to Operation Enduring Freedom is a CR and his or her two-year conditional residency is due to expire, the Service shall accept a Form I-751 signed only by the CR's spouse if accompanied by evidence of the CR's military assignment. The Service Center shall place the case on "overseas hold" in MFAS. The CR's spouse shall be advised of this action, and directed to submit a jointly completed Form I-751, signed by both the CR's spouse and the CR, when the CR returns from military duty. The CR will not be required to pay a second filing fee upon return from military duty.

CR's Status During Pendency of Form I-751

In the event that the Form I-751 cannot be approved, and the CR's spouse is serving abroad as part of Operation Enduring Freedom, or the CR is serving abroad as part of Operation Enduring Freedom, the validity of the CR's Form I-551, Permanent Resident Card, shall be extended in one-year increments. The first extension of the Form I-551's validity is indicated on the Form I-797 receipt notice. If the service member has not returned from serving abroad within the one-year extension, local Service offices should revalidate the extension of the Form I-551 in six-month increments, following standard operating procedures. If there is doubt regarding the service member's continued overseas assignment, the Service may request verification from appropriate military personnel.

Please direct any questions concerning these issues to Residence & Status Branch, Office of Adjudications, (202) 514-4754.