



The statutory provision governing conditional permanent resident status provides in pertinent part as follows:

Treatment of period for purposes of naturalization. For purposes of title III [naturalization provisions], in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

8 U.S.C. § 1186b(e). The corresponding regulation provides in pertinent part as follows:

. . . . Unless otherwise specified, the rights, privileges, responsibilities and duties which apply to all other lawful permanent residents apply equally to conditional permanent residents, including but not limited to the right to apply for naturalization (if otherwise eligible). . . .

8 C.F.R § 216.1.

Under these provisions, plaintiff contends, periods of time spent in conditional permanent resident status count toward the five-year residency requirement, and conditional permanent residents are expressly authorized to apply for naturalization. Plaintiff notes that the law requires only that a conditional permanent resident petition for the removal of his conditional status; nowhere does it require the actual removal of conditions as a prerequisite for naturalization. Consequently, plaintiff argues, since he has