



November 21, 2019

PA-2019-09

Policy Alert

SUBJECT: Adjustment on New Basis After Termination of Conditional Permanent Residence

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to update and clarify when USCIS may adjust the status of an applicant whose conditional permanent resident (CPR) status was terminated.

Background

Sections [245\(d\)](#) and [245\(f\)](#) of the Immigration and Nationality Act (INA) bar an alien lawfully admitted to the United States for permanent residence on a conditional basis from adjusting status under INA 245(a). However, in *Matter of Stockwell*,¹ the Board of Immigration Appeals held that INA 245(d) does not prohibit an alien whose CPR status had been terminated from adjusting his or her status under INA 245(a). USCIS is updating its guidance to ensure consistent adjudication of Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) filed by applicants whose CPR status was terminated.

The guidance contained in Volume 7, Part B of the Policy Manual, replaces guidance found in Chapter 25.1(d) of the Adjudicator's Field Manual. The guidance contained in the Policy Manual is controlling and supersedes any related prior USCIS guidance. This policy is effective on November 21, 2019, and only applies to adjustment applications received on or after that date.

Policy Highlights

- Explains how USCIS applies *Matter of Stockwell* and clarifies when USCIS may adjust the status of an alien whose CPR status was terminated in certain circumstances.
- Clarifies that the time an alien spent in prior CPR status does not count towards his or her residency requirement for naturalization purposes.

Citation

Volume 7: Adjustment of Status, Part B, 245(a) Adjustment, Chapter 7, Other Barred Adjustment Applicants, Section G, Conditional Permanent Residents [[7 USCIS-PM B.7\(G\)](#)].

¹ See [Matter of Stockwell](#), 20 I&N Dec. 309 (BIA 1991).