



August 21, 2020

PA-2020-12

## Policy Alert

**SUBJECT:** Clarifying Procedures for Terminating Asylum Status in Relation to Consideration of an Application for Adjustment of Status

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to update and clarify the procedures USCIS officers follow when termination of asylum status is considered in relation to adjudicating an asylum-based adjustment of status application.

### Background

Asylum may be granted to those who meet the definition of a refugee and are physically present in the United States when seeking asylum status.<sup>1</sup> However, a grant of asylum does not convey a right to remain permanently in the United States. The law provides certain grounds for termination of asylum status, such as when the alien no longer meets the definition of a refugee.<sup>2</sup> An officer adjudicating an asylee's adjustment of status application may identify a basis for terminating asylum status. This update provides more detailed guidance on the process by which USCIS terminates asylum status in relation to the consideration of an adjustment of status application. The guidance, contained in Volume 7 of the Policy Manual, is controlling and supersedes any prior guidance on the topic.

### Policy Highlights

- Clarifies current termination procedures, including that USCIS may terminate asylum status if USCIS or legacy Immigration and Naturalization Services granted asylum status, and outlines how officers should handle termination cases for aliens residing in the Ninth Circuit.<sup>3</sup>

### Citation

Volume 7: Adjustment of Status, Part M, Asylee Adjustment, Chapter 6, Termination of Status and Notice to Appear Considerations [[7 USCIS-PM M.6](#)].

---

<sup>1</sup> See [INA 208\(b\)\(1\)\(A\)](#).

<sup>2</sup> See [INA 208\(c\)\(2\)](#). See USCIS Policy Manual, Volume 7, Adjustment of Status, Part M, Asylee Adjustment, Chapter 6, Termination of Status and Notice to Appear Considerations, Section A, Basis [[7 USCIS-PM M.6\(A\)](#)].

<sup>3</sup> The Ninth Circuit Court of Appeals determined that USCIS cannot terminate asylum. See *Nijjar v. Holder*, 689 F.3d 1077 (9th Cir. 2012).