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# USCIS Issues Guidance on Adjustment of Status by Aliens Whose Conditional Permanent Residence Has Been Terminated

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Submitted by Chief Editor on Nov 22nd 2019

USCIS issued a [policy guidance \(PDF, 382 KB\)](#) <sup>[2]</sup> explaining how USCIS applies *Matter of Stockwell* and clarifying when USCIS may adjust the status of an alien whose Conditional Permanent Resident (CPR) status has been terminated. An immigration judge does not need to affirm the termination of CPR status before the alien can file a new adjustment of status application.

An alien with CPR status obtains lawful permanent resident status either based on marriage to a U.S. citizen or lawful permanent resident (if the marriage is less than two years at the time the alien adjusts status or is admitted for lawful permanent resident status) or based on an immigrant investor (EB-5) visa.

An alien with CPR status is generally ineligible to adjust their status on a new basis under the provisions of section 245(a) of the Immigration and Nationality Act. However, USCIS may adjust an alien's status if their CPR status has been terminated and:

- The alien has a new basis for adjustment of status;
- The alien is otherwise eligible to adjust status; and
- USCIS has jurisdiction over the adjustment of status application.

Time spent in the prior CPR status does not count toward the residency requirements for naturalization.

This guidance applies to adjustment of status applications filed with USCIS on or after Nov. 21, 2019.

### **Team Notes:**

#### **Agency:**

[USCIS](#) <sup>[3]</sup>

#### **Green Card:**

[Adjustment of Status](#) <sup>[4]</sup>

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### **Links:**

- [1] <https://immigration.com/news/adjustment-status/uscis-issues-guidance-adjustment-status-aliens-whose-conditional-permanent>
- [2] <https://www.uscis.gov/sites/default/files/policymanual/updates/20191121-CPRs-Stockwell.pdf>
- [3] <https://immigration.com/agencies/agency/dhs/uscis>
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