No. 25-842

In the Supreme Court of the United States

TAMER S. WASSILY, PETITIONER

v.

TODD BLANCHE, ACTING ATTORNEY GENERAL

BYRON E. VELASQUEZ ARREAGA, PETITIONER

v.

TODD BLANCHE, ACTING ATTORNEY GENERAL

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR THE RESPONDENT

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QUESTION PRESENTED

Whether an alien who was granted asylum, but whose asylum status was later terminated, may adjust under 8 U.S.C. 1159(b) to the status of an alien lawfully admitted for permanent residence.

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BRIEF FOR THE RESPONDENT

OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-30a) is reported at 150 F.4th 100. In the case of Tamer Wassily, the relevant decisions of the Board of Immigration Appeals (Pet. App. 33a-36a) and immigration judge (Pet. App. 37a-58a), are unreported, as are prior decisions of the Board of Immigration Appeals and immigration judge (Pet. App. 59a-108a). A prior decision of the court of appeals is available at 523 Fed. Appx. 783. In the case of Byron Velasquez Arreaga, the relevant decisions of the Board of Immigration Appeals (Pet. App. 109a-115a) and immigration judge (Pet. App. 128a-134a, 135a-140a) are unreported, as are prior orders of the court of appeals and the Board of Immigration Appeals (Pet. App. 116a, 121a-127a).

JURISDICTION

The judgment of the court of appeals was entered on August 7, 2025. Petitions for rehearing en banc were denied on October 14, 2025 (Pet. App. 31a-32a). The petition for a writ of certiorari was filed on January 12, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. Asylum is a form of discretionary relief under the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.* See 8 U.S.C. 1158. As a general matter, asylum protects an alien from removal, creates a path to lawful permanent residence and U.S. citizenship, enables the alien to work, and enables the alien's family members to seek lawful immigration status derivatively. See 8 U.S.C. 1158-1159.

Under the INA, an alien generally must satisfy three criteria to obtain asylum: First, the alien must show that he qualifies as a "refugee"—*i.e.*, that he is outside his country of nationality and is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution based on a protected trait. See 8 U.S.C. 1101(a)(42), 1158(b)(1)(A). Second, the alien must show that he does not fall within a disqualifying exception. See 8 U.S.C. 1158(a)(2) and (b)(2). Third, the alien must demonstrate that he merits a favorable exercise of the discretion to grant asylum. See 8 U.S.C. 1158(b)(1)(A).

Asylum status may be terminated for various reasons, including if the alien has been "convicted by a final judgment of a particularly serious crime" and the Attorney General determines that the crime "constitutes a danger to the community of the United States." 8 U.S.C.

1158(b)(2)(A)(ii); see 8 U.S.C. 1158(c)(2); 8 C.F.R. 208.24, 1208.24.

The Secretary of Homeland Security or the Attorney General, in his discretion and subject to additional regulations, may adjust the status of "any alien granted asylum" to that of a lawful permanent resident. 8 U.S.C. 1159(b). To be eligible for adjustment of status under the statute, the alien must (1) apply for adjustment of status, (2) have at least one year of physical presence in the United States after being granted asylum, (3) continue to be a refugee or a spouse or child of a refugee, (4) not be firmly resettled in any foreign country, and (5) be admissible as an immigrant or qualify for a waiver of inadmissibility described in 8 U.S.C. 1159(c). 8 U.S.C. 1159(b); see 8 C.F.R. 209.2, 1209.2. Section 1159(c), in turn, provides that certain grounds of inadmissibility are inapplicable and authorizes the Secretary or Attorney General to waive certain other portions of 8 U.S.C. 1182 for humanitarian purposes, to assure family unity, or when in the public interest. 8 U.S.C. 1159(c).

2. Petitioners are two aliens who were previously granted asylum, had their asylum status terminated after convictions for particularly serious crimes, and were later found ineligible for adjustment of status because of their asylum terminations.

a. Petitioner Tamer Wassily, a native and citizen of Egypt, entered the United States on a tourist visa in 1993. Pet. App. 3a. He remained here after the expiration of his authorized period of admission and was granted asylum by an immigration judge (IJ) in 2000. *Ibid.* In 2004, he was convicted of stalking in the third degree and child endangerment, in violation of New York state law. *Ibid.* Based on those convictions, the Department of Homeland Security (DHS) moved to re-

open his removal proceedings and terminate his asylum status. *Ibid.* In the reopened proceedings, the IJ concluded that Wassily's stalking conviction was for a "particularly serious crime," terminated the prior grant of asylum, and denied his renewed applications for asylum and related protection. *Id.* at 69a-107a. The Board of Immigration Appeals (Board) dismissed Wassily's administrative appeal. *Id.* at 62a-68a.

He petitioned for review by the court of appeals, which granted the petition and remanded to allow the agency to reconsider whether Wassily had been convicted of a particularly serious crime. 523 Fed. Appx. 783. On remand, the IJ again determined that the stalking offense constituted a "particularly serious crime," and that Wassily's asylum status was properly terminated. Pet. App. 37a-50a. But the IJ also concluded that Wassily remains eligible to adjust to lawful-permanent-resident status under 8 U.S.C. 1159(b), despite the prior termination of his asylum status, and the IJ proceeded to exercise discretion to grant both a waiver of inadmissibility and adjustment. Pet. App. 51a-58a.

On the government's appeal, the Board vacated the IJ's decision. Pet. App. 33a-36a. In doing so, it relied on *In re T-C-A-*, 28 I. & N. Dec. 472 (B.I.A. 2022), in which it held that the best reading of Section 1159(b) is that it allows only an alien who currently possesses asylum status to adjust to lawful-permanent-resident status. See Pet. App. 35a. Because Wassily's asylum status had been terminated, the Board vacated the IJ's decision as to adjustment of status and ordered Wassily removed. *Id.* at 36a.

Wassily then filed a petition for review with the Second Circuit.

b. Petitioner Byron Velasquez Arreaga, a native and citizen of Guatemala, unlawfully entered the United States in 1995 and was granted asylum the following year. Pet. App. 6a. Velasquez Arreaga then compiled a lengthy criminal history, including, as relevant here, a 2015 conviction for driving while intoxicated and a 2018 conviction for aggravated driving while intoxicated, both under New York state law. *Ibid.*

The 2018 conviction prompted DHS to move to terminate Velasquez Arreaga's asylum status and institute removal proceedings against him. Pet. App. 6a. Concluding that the 2015 and 2018 convictions were, individually and together, "particularly serious crimes," an IJ terminated Velasquez Arreaga's asylum status. *Id.* at 6a-7a. Velasquez Arreaga then indicated his intent to seek adjustment of status, but DHS filed a motion to pretermit that application, arguing that he was statutorily ineligible because of the termination of his asylum status. *Id.* at 7a. The IJ granted DHS's motion, agreeing that only aliens with current asylum status are eligible to adjust under 8 U.S.C. 1159(b). Pet. App. 135a-140a. The Board adopted the IJ's decision regarding adjustment of status. *Id.* at 121a-127a. After a petition for review and remand by the Second Circuit on the collateral question of whether and when the 2018 conviction became final, see *id.* at 116a, the Board ultimately dismissed Velasquez Arreaga's appeal, *id.* at 109a-115a.

Velasquez Arreaga filed a petition for review with the Second Circuit, which was consolidated with Wassily's for purposes of argument and decision. See Pet. App. 2a. The only issue he raised was whether an alien whose asylum status has been terminated nonetheless retains eligibility to seek adjustment of status under Section 1159(b). See *id.* at 11a.

3. a. The court of appeals denied both petitions in a consolidated decision, holding that Section 1159(b) "allows only noncitizens with current asylum status to adjust to lawful permanent resident status." Pet. App. 11a; see *id.* at 1a-30a.

The court of appeals concluded that the "more natural reading" of the statutory phrase "'the status of any alien granted asylum' is that a noncitizen must presently be granted asylum to adjust to lawful permanent resident status." Pet. App. 12a. The court agreed with an earlier decision of the Fourth Circuit holding that "'the ordinary meaning of "status" signals a present condition'—in particular, a legal condition." *Ibid.* (quoting *Cela* v. *Garland*, 75 F.4th 355, 364 (4th Cir. 2023), cert. denied, 144 S. Ct. 2657 (2024)). If present status were not important, the court observed, there would have been no reason for Congress to use the term "status" at all. *Ibid.* The court found additional support for its interpretation in the fact that the statute "consistently uses 'granted' to refer to then-existing asylum status." *Id.* at 13a-14a (citing 8 U.S.C. 1158(c)). And the court noted that the general statutory framework contemplates that an alien claiming persecution first obtains a grant of asylum status, followed by the grant of adjustment of status, culminating in the grant of citizenship via naturalization—all in a continuous process through successive, currently held statuses. See *ibid.*

The court of appeals explained that its reading is "buttressed by the Immigration Act of 1990." Pet. App. 16a. That Act included a provision (codified as part of a note after Section 1159), entitled "Adjustment of Certain Former Asylees," which directed that the adjustment provisions in Section 1159(b) "shall also apply" to an alien "who was granted asylum before the date of the

enactment of this Act (*regardless of whether or not such asylum has been terminated* under [8 U.S.C. 1158(b)])" and "who is no longer a refugee because of a change in circumstances in a foreign state." *Id.* at 16a-17a (quoting and adding emphasis to Immigration Act of 1990, Pub. L. No. 101-649, § 104(d)(1)(A) and (B), 104 Stat. 4978, 4985). The court concluded that the "express articulation of this exception" indicates a general rule that the termination of asylum status forecloses eligibility for adjustment under Section 1159(b). *Id.* at 17a.

The court of appeals rejected petitioners' invocation of other provisions of 8 U.S.C. 1159 that "use varying language to require that a noncitizen seeking adjustment to lawful permanent resident status maintain some other current condition." Pet. App. 14a. The court explained that those other provisions "cast no doubt" on Section 1159(b)'s clear language requiring "current asylum status." *Id.* at 15a.

The court of appeals also rejected petitioners' reliance on Section 1159(c), which permits the Secretary or Attorney General to waive the requirement of admissibility in certain circumstances. Pet. App. 15a-16a. Petitioners asserted that, because the grounds of inadmissibility overlap with those for terminating asylum status, the waiver provision would have most effect in the context of aliens whose asylum status had been terminated. See *id.* at 15a-16a. But the court reasoned that the overlap is not total, so the waiver provision continues to have force. *Id.* at 16a. In any event, "an IJ can defer ruling on a motion to terminate a noncitizen's asylum status pending an application for adjustment," thereby allowing consideration of whether waiver is warranted even where asylum could be terminated. *Ibid.*

b. Judge Robinson dissented. Pet. App. 19a-30a. Although she considered this "a difficult case," *id.* at 19a, she concluded that Section 1159(b) should not be limited to current asylees in light of Congress's use of the term "*any* alien granted asylum," *id.* at 20a (emphasis added), the other provisions requiring continuing status, *id.* at 21a-24a, and what she viewed as an "incongruous result" for the waiver provision, *id.* at 29a.

c. Both petitioners sought rehearing en banc, which the court of appeals summarily denied. Pet. App. 31a-32a.

DISCUSSION

Petitioners contend (Pet. 15-25) that the court of appeals erred when it determined that 8 U.S.C. 1159(b) bars aliens whose asylum status has been terminated from adjusting their status to that of a lawful permanent resident. That contention lacks merit. But the courts of appeals are divided on the issue, and this case would be a suitable vehicle for resolving the disagreement on an important and recurring legal question.

1. Section 1159(b) permits the Secretary of Homeland Security or the Attorney General to "adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum," when certain conditions are met. 8 U.S.C. 1159(b). As the court of appeals correctly held, that statutory language authorizes adjustment of status only for an alien who currently has asylum status.

a. Section 1159(b)'s reference to an alien "granted asylum" functions as an adjective describing the present status the alien must possess. See Pet. App. 11a-12a; *Cela* v. *Garland*, 75 F.4th 355, 364 (4th Cir. 2023), cert. denied, 144 S. Ct. 2657 (2024); see also *Henson* v. *Santander Consumer USA Inc.*, 582 U.S. 79, 84 (2017)

("Past participles * * * are routinely used as adjectives to describe the present state of a thing."). The statute sets out a process by which the "status of any alien granted asylum" may be "adjust[ed] to the status" of a lawful permanent resident. 8 U.S.C. 1159(b). That phrasing contemplates the adjustment from one status to another. And the only two statuses mentioned in the statute are the status of an alien "granted asylum" and the status of a lawful permanent resident. Under the most straightforward reading, that text contemplates an adjustment from the initial status of asylee to the new status of lawful permanent resident. Pet. App. 14a. Accordingly, multiple courts of appeals have construed the statutory language in that way when applying it in other contexts. See *Ali* v. *Barr*, 951 F.3d 275, 280 (5th Cir. 2020) ("The key statutory provision at issue here says the Attorney General 'may adjust' an asylee 'to the status of an alien lawfully admitted for permanent residence' if the asylee meets certain requirements.") (quoting 8 U.S.C. 1159(b)); *Mahmood* v. *Sessions*, 849 F.3d 187, 191 (4th Cir. 2017) ("Th[e] text [of Section 1159(b)] thus contemplates two statuses—an 'alien granted asylum' and an 'alien lawfully admitted for permanent residence.'"); *Robleto-Pastora* v. *Holder*, 591 F.3d 1051, 1060 (9th Cir.) ("By its own terms, section [1159(b)] applies to *asylees* seeking to adjust status to that of [lawful permanent resident]."), cert. denied, 562 U.S. 841 (2010).

As the Second Circuit recognized, if the statute were not referring to the asylum "status" of an alien, it is unclear what work the reference to the alien's initial "status" would do. Pet. App. 12a. If Congress had intended to permit any alien previously granted asylum to be eligible to become a lawful permanent resident, there

would have been no need to refer to the alien's previous (but now lapsed) status at all. See *Duncan* v. *Walker*, 533 U.S. 167, 174 (2001) (rejecting statutory interpretation that would render a word "insignificant, if not wholly superfluous"). Indeed, when Congress did not want to condition something in the INA on the possession of a particular initial status, it has said so explicitly. In 8 U.S.C. 1158(a)(1), for example, Congress provided that "[a]ny alien who is physically present in the United States * * * irrespective of such alien's status, may apply for asylum."

Section 1158 also shows that Congress has elsewhere used the phrase "alien granted asylum" to refer to an alien's present status. Under the heading "[a]sylum status," Section 1158 provides certain benefits to "an alien granted asylum," including protection from removal to the alien's country of nationality, authorization to work in the United States, and the ability to "travel abroad with the prior consent of the Attorney General." 8 U.S.C. 1158(c)(1). But the statute expressly provides that "[a]sylum granted under [Section 1158(b)] * * * may be terminated" under certain circumstances. 8 U.S.C. 1158(c)(2). And termination of asylum status means the termination of benefits associated with that status. See 8 C.F.R. 1208.24(c) (requiring notice to alien that the termination of asylum ends employment authorization); 8 C.F.R. 1208.24(e) (providing for initiation of removal proceedings after termination, eliminating the protection from removal contemplated by 8 U.S.C. 1158(c)(1)(A) and the ability to travel abroad contemplated by 8 U.S.C. 1158(c)(1)(C)). Thus, when Section 1159(b) sets forth an additional benefit for "any alien granted asylum"—the ability to apply for adjustment of status—that is like-

wise best understood as a benefit that terminates along with asylum status.

Moreover, Congress has enacted an exception to the general rule that termination of asylum status entails ineligibility for adjustment of status. See Pet. App. 16a-18a. In the Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978, Congress addressed "Adjustment of Certain Former Asylees" by expressly providing that Section 1159(b) "shall also apply to an alien" who, among other things, "was granted asylum before the date of the enactment of this Act (*regardless of whether or not such asylum has been terminated* under [Section 1158(b)])." *Id.* § 104(d)(1)(A), 104 Stat. 4985 (emphasis added) (codified at 8 U.S.C. 1159 note). In creating that limited exception, Congress indicated that it did not view the reference in Section 1159 to an alien "granted asylum" as sufficient to include an alien who no longer had asylum status. It therefore stated that the particular exception was available even if asylum had been terminated. But Congress did not amend the general rule for adjustment of status in Section 1159(b) itself. Because Congress used that particular language only when describing the narrow exception for "certain former asylees" and not in Section 1159(b), it is appropriate to "presume[] that Congress act[ed] intentionally and purposely in the disparate inclusion or exclusion." *Russello* v. *United States*, 464 U.S. 16, 23 (1983) (citation omitted).

b. Petitioners' contrary arguments are unpersuasive. Petitioners contend (Pet. 18) that "granted" is backward-looking because Section 1159(b)(2) uses similar language in requiring that an alien have been "physically present in the United States for at least one year after being granted asylum," which clearly refers to a

"completed, historical event." But "granted" can just as easily be used as an adjective to denote a present condition. See *Cela*, 75 F.4th at 364. And what makes clear that Section 1159(b)(2) refers to a past event is the use of "after," which denotes the relevance of a particular date, and the auxiliary verb "being" together with "granted," making "granted" a past-tense verb and not an adjective. See Pet. App. 15a. The relevant prefatory language in Section 1159(b), by contrast, does not include the words "after" or "being."

Petitioners' focus on the "expansive meaning" of the word "any" in the phrase "any alien granted asylum" is likewise misplaced. Pet. 15-16. Though the word "any" has an expansive meaning and broadening effect, see *Patel* v. *Garland*, 596 U.S. 328, 338 (2022), "it cannot expand the reach of the noun it modifies," *City & County of San Francisco* v. *EPA*, 604 U.S. 334, 348 (2025). Here, "alien granted asylum" refers either to any alien granted asylum who currently maintains that status or to any alien who was once granted asylum regardless of his present status. "Any" ensures that all such aliens in the appropriate category are included, but it does not expand the meaning of "granted asylum" beyond its plain import, as confirmed by both grammar and context.

Petitioners emphasize (Pet. 16-18) that Section 1159(b) does not expressly state that the asylum status must still be in effect, whereas other provisions do so with respect to other statuses. See 8 U.S.C. 1159(b)(3) (applicant must "continue[] to be a refugee"); 8 U.S.C. 1159(b)(5) (applicant must be admissible "at the time of examination for adjustment of such alien"); 8 U.S.C. 1159(a) (refugee "whose admission has not been terminated" may be eligible to be regarded as lawfully admitted for permanent residence). But Section 1159(b) also

fails to state that adjustment of status is available irrespective of the alien's current status, even though Congress has elsewhere made that specification. 8 U.S.C. 1158(a); see pp. 10-11, *supra*.

Regardless, the other provisions that petitioners identify as imposing continuing requirements do not consistently use any single formulation. Congress could therefore sensibly choose to achieve a similar result in Section 1159(b) by including statutory language permitting the adjustment from the initial status of the alien "granted asylum" to the new status of lawful permanent resident. The fact that Congress imposed various distinct continuing requirements in multiple different ways, even in separate subsections of the same section, does not foreclose reading each of them as a continuing requirement. See *Department of Agric. Rural Dev. Rural Hous. Serv.* v. *Kirtz*, 601 U.S. 42, 51-52 (2024) (explaining that Congress's use of "different and arguably even more obvious terms" in other statutory provisions did not make the provision at issue "any less clear"); see also Pet. App. 14a-15a.

Nor can petitioners find support for their interpretation in Section 1159(c). That provision allows, with certain exceptions, the Secretary or the Attorney General to "waive" the requirement that aliens be admissible when they seek adjustment of status. 8 U.S.C. 1159(c). Petitioners claim that because the grounds for termination of asylum "substantially overlap with the grounds for inadmissibility," the Secretary's or the Attorney General's discretion would be effectively "stripped" if termination of asylum prevented an adjustment of status. Pet. 20-21 (brackets and citation omitted). But, as the court of appeals explained, Section 1159(c) retains significant effect under the government's reading. Pet.

App. 15a-16a. It continues to apply to aliens who lack admissibility for reasons that do not overlap with the grounds for termination. See, *e.g.*, 8 U.S.C. 1182(a)(1) (health-related grounds); 8 U.S.C. 1182(a)(3)(D) (membership in totalitarian party); 8 U.S.C. 1182(a)(9)(A) (aliens who were previously removed or departed while under an order of removal). Even with respect to an alien whose asylum status is subject to termination, a decision to terminate is itself discretionary, and an IJ could decline to terminate the alien's asylum status or could "defer ruling on a motion to terminate asylee status pending consideration of an application for adjustment under § 1159(b)." *Cela*, 75 F.4th at 364 n.10. In either circumstance, the waiver authority could continue to be exercised in appropriate cases.

Petitioners ultimately invoke (Pet. 25-26) the rule of lenity, contending that "any lingering ambiguity in a deportation statute must be construed 'in favor of the alien.'" *Id.* at 25 (quoting *INS* v. *St. Cyr*, 533 U.S. 289, 320 (2001)). That rule has no application here. Section 1159(b) is not a deportation statute, but a provision conferring benefits on a certain class of aliens. "But even assuming that the rule of lenity can be invoked in this particular civil immigration context, the rule applies only if 'after seizing everything from which aid can be derived,' there remains 'grievous ambiguity.'" *Pugin* v. *Garland*, 599 U.S. 600, 610 (2023) (citation omitted). Here, the statutory text and context leave no such ambiguity.

2. Although the court of appeals' decision in this case is correct, the decision below implicates a circuit conflict that warrants this Court's review.

The Fourth Circuit, like the Second Circuit here, has held that an alien whose asylum status has been termi-

nated is ineligible to adjust status under Section 1159(b). See *Cela*, 75 F.4th at 363-365. That court focused on the terms "status," which "signals a present condition," and "adjust," which "suggests a move from one current status to another." *Id.* at 364-365. The court reasoned that if the relevant "status" did not have to be current, Congress could have used alternative words for adjust—"verbs such as apply, petition or request." *Ibid.* The court thus concluded that an alien whose asylum status has been terminated lacks the current status that he may seek to have adjusted under Section 1159(b). *Ibid.*

In contrast, before the Board issued its precedential decision interpreting Section 1159(b), and before any other court had opined on the issue, the Fifth Circuit held that the statute permits adjustment of status after an alien's asylum status has been terminated. See *Siwe* v. *Holder*, 742 F.3d 603, 606-611 (2014). The Board's decision in that case had not "'fully address[ed]'" the alien's argument, and instead upheld the IJ's determination that the alien was ineligible for an adjustment of status without "further explain[ing] its reasoning." *Id.* at 607 & n.19. As a result, in *Siwe*, the government moved for a remand to permit the Board to address the issue in the first instance and did not develop any statutory-interpretation arguments in its brief. *Id.* at 607. Although the Fifth Circuit noted that "neither the [Board] nor any other circuit has dealt with this *precise* legal issue under analogous facts," the court declined to remand. *Ibid.* Instead, focusing on the word "granted," and reading it in the past tense, the court concluded that "[n]owhere in [Section 1159(b)] does Congress require that an alien's asylum, once granted, still must be in effect at the time he applies for adjustment of status." *Id.* at 608. The court viewed that conclusion as being

supported by the inclusion of other "continuing-status requirements" in Section 1159, and by its belief that an alternative construction "would obviate the need for the waiver mechanism set out in Section [1159(c)]." *Id.* at 608-609.

The existing circuit conflict is unlikely to dissipate without this Court's intervention. Although the Fifth Circuit decided the issue without the benefit of the Board's precedential decision or the considered analysis of the Second and Fourth Circuits, it is unlikely that the Fifth Circuit will be able to consider its precedent en banc. Under Board precedent, the Board will continue to apply *Siwe*'s holding in all cases presenting the issue within the jurisdiction of the Fifth Circuit. See *In re Anselmo*, 20 I. & N. Dec. 25, 30-32 (B.I.A. 1989). Because the government would not have the ability to petition for review of Board decisions applying that precedent, see 8 U.S.C. 1252(b)(3), the government will have few—if any—meaningful opportunities to seek en banc review in the Fifth Circuit.

3. This case is a suitable vehicle for the Court to resolve the question presented. Resolution of the question was the sole basis for the court of appeals' determination that petitioners are ineligible to seek adjustment of status under Section 1159(b), see Pet. App. 11a-18a, and the IJ decision in Wassily's case indicates that he may have succeeded in obtaining adjustment of status absent the termination of his asylum status, see *id.* at 51a-57a.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

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