

presence in the U.S. without being properly admitted, Petitioner is in fact seeking admission into the United States.” Opp. at 8. Petitioner rebutted that while she is seeking valid nonimmigrant status, she is not seeking “an admission,” which is a term of art defined by the Immigration and Nationality Act that requires a lawful entry. Reply at 8-9. Petitioner avers that she is merely seeking legal status, without seeking another entry into the United States, and therefore is not “seeking admission” as required by 8 U.S.C. § 1225(b)(2). *Id.*

The recent USCIS policy alert explains that “U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual to reflect the conclusion by the U.S. Supreme Court in *Sanchez v. Mayorkas*, 141 S.Ct. 1809 (2021) that a grant of U nonimmigrant status to an alien who is in the United States is not an “admission” for purposes of adjustment of status under [8 U.S.C. § 1255(a)].” Appx. 1 at 1. Moreover, especially relevant here, that “the Supreme Court examined [8 U.S.C. § 1255(m)], noting that it allows U nonimmigrants to adjust status under its provisions “if they were *either* ‘admitted into the United States’ *or* ‘otherwise provided nonimmigrant status’” and concluding that the statutory language was a plain statement of the distinction between nonimmigrant status and admission.” *Id.* USCIS concludes that “a grant of U nonimmigrant status to an alien in the United States is not an admission for purposes of adjustment of status under INA 245(a).” *Id.*

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Accordingly, Petitioner asks that the Court take this recent authority into account in considering the Petition for a writ of habeas.

Respectfully submitted,

Date: December 17, 2025

/s/ Leah Haynes

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, along with all attachments thereto, to this Court's CM/ECF case management system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

Date: December 17, 2025

Respectfully submitted,

/s/ Leah Haynes

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