

The Supreme Court - June 7, 2021

Today, the Supreme Court of the United States issued the following decision:

Sanchez v. Mayorkas, No. 20-315: The immigration laws provide a path under 8 U.S.C. §1255 for a “nonimmigrant” – a foreign national lawfully present in the United States on a designated, temporary basis – to obtain an “[a]djustment of status” to become a lawful permanent resident (“LPR”). Petitioner Jose Santos Sanchez applied for LPR status under §1255. Sanchez originally entered the United States unlawfully from El Salvador, but was later granted Temporary Protected Status (“TPS”) after the Government designated El Salvador for the TPS program based on its unsafe conditions following a series of earthquakes in that country. The agency denied Sanchez’ LPR application on the basis that under §1255, a nonimmigrant’s eligibility for an adjustment to permanent status depends upon an “admission” into the United States, which is defined as “lawful entry,” and Sanchez had entered the United States unlawfully. The District Court instead found for Sanchez, pointing to the statute providing that a TPS recipient “shall be considered as” having “lawful status as a nonimmigrant.” The Third Circuit, in turn, reversed. Today, the Court affirmed, holding that the TPS program gives foreign nationals nonimmigrant status, but it does not admit them, and that as a result, the conferral of TPS does not make an unlawful entrant eligible under §1255 for adjustment to LPR status. Justice Kagan issued the Court’s unanimous opinion.

View the Court’s [decision](#).

Today, the Supreme Court of the United States granted certiorari in the following case:

FBI v. Fazaga, No. 20-828: Whether Section 1806(f) of the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. §1801 *et seq.*, displaces the state-secrets privilege and authorizes a district court to resolve, *in camera* and *ex parte*, the merits of a lawsuit challenging the lawfulness of government surveillance by considering the privileged evidence.

Related Capabilities

- Appellate
- Immigration

