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Part B - 245(a) Adjustment

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i On Aug. 13, 2026, the Board of Immigration Appeals (BIA) issued a precedent decision, [Matter of Delcarmen-Lara](#), 29 I&N Dec. 830 (BIA 2026), that overruled [Matter of Arrabally and Yerrabelly](#), 25 I&N Dec. 771 (BIA 2012).

This decision has an immediate impact for certain aliens with valid Advance Parole Documents (Form I-512L) who are considering departing from the United States. As of Aug. 13, 2026, departing the United States after obtaining an Advance Parole Document is a departure for purposes of inadmissibility under section 212(a)(9)(B)(i) of the Immigration and Nationality Act (INA). Under section 212(a)(9)(B)(i) of the INA, aliens who accrue more than 180 days of unlawful presence in the United States, depart the United States, and then again seek admission within the relevant 3- or 10-year statutory period, are inadmissible. Aliens considering a departure with an Advance Parole Document should be aware that they may be inadmissible under section 212(a)(9)(B)(i) of the INA upon their return to the United States if they have accrued more than 180 days of unlawful presence.

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Current as of August 25, 2026
