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### UPDATED PRACTICE ADVISORY ON THE CHILD STATUS PROTECTION ACT

**Practice Advisory<sup>1</sup>**

**By Mary A. Kenney<sup>2</sup>**  
**March 8, 2004**

The Child Status Protection Act (CSPA), Pub. L. 107-208 (Aug. 6, 2002), was enacted to provide relief to children who "age-out" as a result of delays by the Citizenship and Immigration Services (CIS) in processing visa petitions and asylum and refugee applications. The Immigration and Nationality Act (INA) defines a "child" as an unmarried individual under 21 years of age. 8 U.S.C. § 1101(b)(1). The CSPA does not change this definition, but instead changes the point at which the child's age is calculated.

Prior to the CSPA, an application for permanent residency as a direct or derivative beneficiary child would be approved only if adjudicated prior to the child turning 21.<sup>3</sup> Upon turning 21, a child would "age out" and lose the preferential status of a child. As the result of agency backlogs and delays, many children aged out before their cases were complete. For cases to which it pertains, the CSPA now locks in the age of the child at an earlier date in the process, and in this way will preserve the status of "child" for many individuals who otherwise would age out.

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<sup>1</sup> Copyright (c) 2004, 2008 American Immigration Law Foundation. See [wwwAILF.org/copyright](http://wwwAILF.org/copyright) for information on reprinting this practice advisory. This Practice Advisory was originally published in December 2003. It has been updated to include recent developments in the law.

<sup>2</sup> AILF Legal Action Center would like to thank AILF Board of Trustee member Cyrus D. Mehta for his help with this practice advisory.

<sup>3</sup> The individual also must be unmarried to be considered a "child." 8 USC § 1101(b)(1). The CSPA did not change this requirement.

# Sample Letter For Child Status Protection Act

**Sarah Ignatius, Elisabeth S. Stickney**

## **Sample Letter For Child Status Protection Act:**

**Immigration Law and Procedure: USCIS Policy Manual and Adjudicator's Field Manual** Charles Gordon, Stanley Mailman, Stephen Yale-Loehr, Ronald Y. Wada, 2023-05-12 This ebook provides the user with convenient access to the USCIS Policy Manual PM and the USCIS Adjudicator's Field Manual AFM While USCIS is in the process of converting its guidance from the AFM to the PM this publication will contain those portions of the AFM that USCIS indicates are superseded in an AFM archive Available separately but also included with Immigration Law and Procedure Business Immigration Module Updated four times a year This eBook features links to Lexis Advance for further legal research options

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**How to Get a Green Card** Ilona Bray, 2022-07-26 A step by step guide to obtaining U.S. residency by various non work related means such as political asylum, the visa lottery or a family member.

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