

PRACTICE ADVISORY<sup>1</sup>

Updated February 2015

## THE CHILD STATUS PROTECTION ACT

By Mary Kenney

The Child Status Protection Act (CSPA)<sup>2</sup> was enacted to provide relief to children who “age-out”—that is, turn 21 and lose their preferential immigration status as a “child”—as a result of either visa backlogs or delays by the U.S. Citizenship and Immigration Services (USCIS) 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.<sup>3</sup> The CSPA does not change this definition, but instead changes the point at which the child’s age is calculated.

Prior to the CSPA, a child who turned 21 before the relevant application for immigration benefits was decided would age-out. As the result of agency delays and visa backlogs, many children aged out before their cases were complete. For cases to which it pertains, the CSPA now freezes the age of the child at an earlier date in the process, and the frozen age—rather than the child’s biological age—is used to determine eligibility for certain immigration benefits. In this way the CSPA preserves the status of “child” for many individuals who otherwise would age out.

The CSPA’s method of calculating a person’s age varies depending on the type of immigration benefit that is sought. The CSPA applies to:

- Derivative beneficiaries of asylum and refugee applications;
- Children of U.S. citizens;
- Children of lawful permanent residents (LPRs); and
- Children named as derivative beneficiaries of family and employment-based visa petitions, and diversity visa applications.

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<sup>2</sup> Pub. L. No. 107-208 (Aug. 6, 2002).

<sup>3</sup> INA §101(b)(1). To be considered a “child,” the individual also must be unmarried at the relevant time. *Id.*; see also INA §101(a)(39). The CSPA did not change this requirement.

# Sample Letter For Child Status Protection Act

**Ira J. Kurzban**



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

**Fiance and Marriage Visas** Ilona Bray, 2022-08-05 The book that s helped thousands of couples live in the U S together You re engaged or married to a U S citizen or permanent resident and all you want is the right to be together in the United States Should be simple right It s not The pile of application forms can be overwhelming the bureaucracy isn t helpful and delays are inevitable This book will help you succeed Discover the fastest and best application strategy Avoid common and serious mistakes Prepare for meetings with officials Prove your marriage is real not a fraud Deal with the two year testing period for new marriages The 11th edition covers the latest higher income requirements easing of Trump era regulations that put more immigrants at risk of being denied visas as a likely public charge and a new COVID vaccine requirement It also provides handy checklists and illustrative sample forms Use this book if you are living in the United States or overseas and your fianc is a U S citizen your spouse is a U S citizen or your spouse is a U S permanent resident Ilona Bray began practicing immigration law because of her concern with international human rights issues She is the author of *Becoming a U S Citizen* and *U S Immigration Made Easy* both published by Nolo Check out her immigration related postings on Nolo s blog

*How to Get a Green Card* Ilona Bray, 2024-05-28 An all in one immigration guide for spouses fianc s and other family of U S citizens as well as victims of crime in the United States people fearing persecution in their home countries and others seeking information on whether they qualify for a green card and how to successfully apply for it **Journal of the House of Representatives of the United States** United States. Congress. House, 2012 Some vols include supplemental journals of such proceedings of the sessions as during the time they were depending were ordered to be kept secret and respecting which the injunction of secrecy was afterwards taken off by the order of the House *Immigration Practice - 15th Edition* Robert C. Divine, 2014-06-01 Immigration Practice guides readers through all aspects of immigration law in one volume complete with over 3 000 footnote citations to the wide range of statutes regulations court and administrative cases policy memos operations instructions agency interpretive letters and internet sites that a lawyer needs for complete understanding of a particular problem No other source merges the practical with commentary and analysis so helpfully The book explains in understandable language and meaningful and dependable detail the substantive issues and the practical procedures a lawyer needs to handle a specific immigration matter complete with checklists of forms supporting evidence and other strategies needed for application petition packages The book has unparalleled coherence integration and consistency Liberally cross references to other sections in the book where related topics are discussed because so many topics are interrelated Line by line instructions on how to complete the most commonly used forms to avoid embarrassing mistakes Lists the contents of packages to file with government agencies forms and fees detailed support letters and other supporting evidence Explanations of potentially applicable visa options organized according to the attributes of the foreign national and the employer rather than classifications in alphabetical order so that practitioners can make sense of options in light of the client

in the office Comparisons and charts of attributes and procedures of such topics as nonimmigrant visa classifications procedures to permanent residence and standards of extreme hardship Citations throughout the book and collection in the extensive CD ROM Appendix to primary source materials and the most useful Internet site URLs with explanation of the increasingly helpful free databases and tools available through each one Internet Links Constantly increased and updated links to government web sites containing current contact information forms primary law sources of all types case status information and processing and substantive guides all referenced by pinpoint citations in the text See Chapter 5 explaining sources of law Appendix C and D 1 showing web links and the CD ROM in the back cover providing one click access Readers are strongly encouraged to review and use the CD ROM and to consider saving Appendix C D 1 and E 1 into their hard drives or saving the links to their internet browser favorites or bookmarks for ready reference all the time Upgraded removal related treatment significant improvements to Chapters 10 11 and 16 by attorney who has worked for immigration courts several years Supreme Court decisions effects of limited marijuana distribution offense as aggravated felony 10 6 b 1 vi tax offenses as aggravated felonies 10 6 b 1 vi rejection of comparable grounds rule for 212 c eligibility 10 6 b 1 vii modified categorical approach applies only to divisible statutes 10 6 b 2 i non retroactivity of Padilla decision 10 6 b 2 vi rejection of the statutory counterpart rule for 212 c waivers 11 5 f invalidation of the Defense of Marriage Act 14 7 a 2 i non imputation to child of firm resettlement of parents 16 4 c Lower federal court decisions concerning such issues as recognizing a beneficiary to have standing to challenge a USCIS petition denial 2 2 a 1 I reviewability of good moral character determinations and other 2 2 a 1 I court order of USCIS to speed up FOIA certain responses 4 2 CBP FOIA process 4 2 DOL case disclosure data 4 5 need to exhaust remedies under DHS TRIP to challenge inclusion on watch list 10 3 CIME crime determinations 10 6 b 1 iii effect of a single firearm sale 10 6 b 1 vi 212 h waiver eligibility in regard to post entry adjustment but not as to stand alone request 10 6 b 3 interference with police helicopter using laser light as CIME 10 6 c whether post entry adjustment is an admission for 212 h waivers 10 6 b 3 whether there is an involuntariness or duress exception to the terrorism support bar 10 6 c enforcement of I 864 financial support obligations 10 6 d 2 mandatory bond hearing after six months of detention 11 3 f ICE detainers found to lack authority 11 3 g representation in immigration court at government expense for aliens with serious mental disabilities 11 4 g stop time and petty offense exceptions relating to cancellation of removal 11 5 f revelation of the BIA s erroneous reliance for decades on nonexistent provisions of Mexican Constitution affecting legitimation issues 12 3 d 3 rejection of BIA s rule against nunc pro tunc adoption orders 14 7 b 3 invalidation of FSBPT efforts to restrict applicants from certain countries to sit for physical therapy exams 15 2 c 2 use of impeachment evidence only to terminate asylum 16 2 b asylum claims of German homeschooled and mixed motive cases 16 4 a 3 social group asylum claims 16 4 a 3 expansive implications of inconsistencies in testimony 16 4 a 4 particularly serious crimes barring asylum claims 16 4 c special asylum procedures for unaccompanied children 16 4 c adjustment eligibility of alien who

entered without inspection and then obtained TPS 16 7 a 6 eligibility of after acquired spouse under Cuban Adjustment Act 16 7 e preempted state law provisions aimed at aliens employers and landlords 19 4 l 3 BIA decisions on such issues as what constitutes a drug trafficking crime 10 6 b 1 iv implications of child pornography conviction 10 6 b 1 vi possession of ammunition by a convicted felon 10 6 b 1 vi availability of stand alone 212 h waiver without adjustment application 10 6 b 3 service of NTA on a minor 11 3 b service of NTA and other safeguards for aliens with serious mental conditions 11 4 g approval of administrative closure of removal cases 11 5 d termination of asylum then removal and relief in proceedings 16 2 b relocation issues in asylum claims 16 4 a 3 Regulations government policy memorandums other decisions and government web site enhancements concerning such matters as differing government renderings of single name for certain persons 1 6 a 3 USCIS refusal to accept stamped signatures for attorneys on G 28 1 6 a 3 USCIS use of bar codes for forms and danger of making marginal notes on forms 1 6 a 3 USCIS use of customer completed e Request Service inquiries 2 2 a 1 F movement of all visa processing to the electronic CEAC system 2 3 a replacement of the CBP Inspectors Field Manual with the Officer s Reference Tool and the beginning effort to replace the USCIS Adjudicators Field Manual with the online Policy Manual 5 4 replacement of the paper I 94 card for air and sea entries with an automated online I 94 record 7 4 b and other sections new section on Other Redress for Adverse Results on visas and admissions 7 4 c 14 the radical implications of Matter of Arrabally and Yerrabally concerning the effects of departure under advance parole 8 7 d 2 i and 10 6 f modernization of the immigrant visa process 8 8 new Provisional Unlawful Presence Waivers within the U S using Form I 601A 10 6 f exception to false claim to U S citizenship inadmissibility if claim made before individual was age 18 10 6 g EOIR Online representative registration system 11 3 e ICE Parental Interests Directive and ICE eBOND online bonding process 11 3 f ICE non renewal of 287 f agreements 11 3 g Deferred Action for Childhood Arrivals 11 3 h 3 ICE recognition and implementation of statute allowing post removal challenges 11 8 b new USCIS Policy Manual provisions on naturalization eligibility and process including residence selective service 319 b special rules and other issues and new N 400 form and instructions Chapter 12 Government side implementation of the Supreme Court s recognition of same sex marriage various chapters exceptional circumstances allowing foreign country filing of I 130 petitions where no USCIS office is located 14 5 a implications of a withdrawn I 140 15 1 h various policy developments concerning EB 5 investors 15 2 f numerous BALCA cases and DOL positions affecting the PERM labor certification process and the publication of data about applications 15 3 updated Affirmative Asylum Procedures Manual 16 3 a USCIS memo on exceptional circumstances for failure to appear at asylum interview 16 3 a 1 iii litigation settlement agreements to share asylum officer interview notes in FOIA 16 3 a 2 concerning asylum applicant work authorization process and Clock 16 3 c and failure to appear at I 730 interview 16 3 f bundling of related L 1 petitions 17 3 b 4 i presumed L 1 visa validity for maximum reciprocity duration but sometimes more limited stays from CBP 17 3 b 7 filing I 129 petition for Canadian TN and duration of Mexican TN separate from visa validity 17 4 c 2 ii H 1B and H 2A flip flopping

administrative and congressional positions 17 4 d and 17 5 e 1 B 1 in lieu of H in effect but under review 18 3 1 2 B accreditation requirements for F 1 language training programs 18 4 d 1 cessation of CBP stamping of I 20 forms 18 4 d 3 use of electronic ELIS system for certain changes of status 18 4 d 4 new cap gap and STEM OPT extension policies 18 4 d 9 iii possible need for separate waivers for different J experiences subject to 212 e 18 5 b 2 ix revisions to M 274 Handbook for Employers for I 9 USCIS I 9 Central web site and IRS tightening of ITIN application process 19 4 b ICE policies about auditing electronically generated I 9 forms 19 4 h OCAHO reductions of ICE I 9 fines on employers 19 4 j ICE definition of technical and procedural errors subject to correction under good faith rules 19 4 j USCIS revision of E Verify MOU and new notice to workers about TNC resolution expansion of E Verify photo tool and lock out of suspect SSNs from E Verify 19 4 l 1

**Federal Register** ,2013      United States of America Immigration Guide Ramon Carrion,2004 Written and edited by attorneys this new edition presents up to date information on all employment categories and visas Includes a new chapter discussing rights to own real estate and rights to start a business plus a new glossary complete index and easy to use blank forms      Immigration & Nationality Law Handbook ,2008      **Weekly Compilation of Presidential Documents** ,1989

Congressional Record United States. Congress,2000 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873      U.S. Immigration Made Easy Ilona Bray,2025-03-07 Green cards visas and more What every immigrant needs to know Want to live work or travel in the United States U S Immigration Made Easy has helped tens of thousands of people get a visa green card or other immigration status You ll learn whether you and your family qualify for a short term visa permanent U S residence or protection from deportation how to obtain fill out and submit the necessary forms and documents insider strategies for dealing with bureaucratic officials delays and denials ways to overcome low income and other immigration barriers and how to select the right attorney U S Immigration Made Easy provides detailed descriptions of application processes and helps you avoid traps that might destroy your chances There s also an immigration eligibility self quiz which helps you match your background and skills to a likely category of visa or green card The 22nd edition is updated to cover legal and fee changes through January 1 2025 The book s companion page on the Nolo website will provide complementary information as further changes occur This book does not cover naturalization If you re interested in U S citizenship see Nolo s Becoming a U S Citizen      Street Children and the Asphalt Life: Street children and the future direction ,      The Immigration Act of 1990 Today ,2007      **Kurzban's Immigration Law Sourcebook** Ira J. Kurzban,2008      Primary Care of the Child With a Chronic Condition E-Book Patricia Jackson Allen,Judith A. Vessey,Naomi Schapiro,2009-06-25 Written by nurse practitioners for nurse practitioners this one of a kind resource provides the expert guidance you need to provide comprehensive primary

care to children with special needs and their families It addresses specific conditions that require alterations in standard primary care and offers practical advice on managing the major issues common to children with chronic conditions A consistent format makes it easy to locate essential information on each condition Plus valuable resources help you manage the issues and gaps in health care coverage that may hinder quality care This is the only book authored by Nurse Practitioners that focuses on managing the primary health care needs of children with chronic conditions More than 60 expert contributors provide the most current information available on specific conditions Comprehensive summary boxes at the end of all chronic conditions chapters provide at a glance access to key information Resource lists at the end of each chronic condition chapter direct you to helpful websites national organizations and additional sources of information that you can share with parents and families Updated references ensure you have access to the most current evidence based coverage of the latest research findings and management protocols Four new chapters Celiac Disease Eating Disorders Muscular Dystrophy and Obesity keep you up to date with the latest developments in treating these conditions Autism content is updated with the latest research on autism spectrum disorders including current methods of evaluation identification and management Coverage of systems of care features new information on how to help families obtain high quality and cost effective coordinated services within our complex health care system Easy to find boxes in the chronic conditions chapters summarize important information on treatment associated problems clinical manifestations and differential diagnosis

Immigration Practice ,2009      *Arctic Coastal Plain Competitive Oil and Gas Leasing Act* United States. Congress. Senate. Committee on Energy and Natural Resources,1989      *The Politics of Crises - The Crisis of Politics in Central and Eastern Europe* Fanni Tanács-Mandák,Csaba Erdős,2025-08-18 The field of political science has been significantly shaped by the crises of the last decade particularly in Central and Eastern Europe The migration crisis of 2014 2015 the COVID 19 pandemic of 2020 2021 and the ongoing conflict between Russia and Ukraine have each posed unique challenges to nation states altering the dynamics of political institutions and actors These crises have highlighted the varying responses of European national governments from the welcoming Willkommenskultur to the construction of border fences during the migration crisis to the diverse legal frameworks adopted during the pandemic The escalation of the Russian Ukrainian conflict has further complicated these dynamics prompting different governmental responses Despite these varied approaches a common thread is the necessity for political institutions to interpret and respond to crises often requiring a departure from traditional decision making processes Current research has begun to explore these responses yet there remains a gap in understanding the full impact of these crises on inter institutional relations and the recalibration of policy making within political systems      *Child Psychiatry and Child Protection Litigation* Julia Brophy,2001 Based upon a study that is the first to analyse and digest the views and practice of these clinicians after more than a decade s experience with the Children Act      *Annual Immigration and Naturalization Institute [Program]*. Immigration and Naturalization

Institute,2004     GAO Documents United States. General Accounting Office,1986 Catalog of reports decisions and opinions testimonies and speeches



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