



AMERICAN IMMIGRATION LAW FOUNDATION

UPDATED PRACTICE ADVISORY ON THE CHILD STATUS PROTECTION ACT

Practice Advisory¹

By Mary A. Kenney²
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 21.³ 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.

¹ Copyright (c) 2004, 2008 American Immigration Law Foundation. See www.ailef.org/copyrights 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.

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

³ 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

Clifford Lane



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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its guidance from the AFM to the PM this publication will contain those portions of the AFM that USCIS indicates are superseded in an AFM archive Available separately but also included with Immigration Law and Procedure Business Immigration Module Updated four times a year This eBook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 *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 fiancé 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, 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 *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 *Journal of the House of Representatives of the United States* United States. Congress. House, United States. Congress. Senate, 1969 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 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 **Congressional Record** United States. Congress, 2000 The Congressional Record is the official record of the

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Table of Contents Sample Letter For Child Status Protection Act

1. Understanding the eBook Sample Letter For Child Status Protection Act
 - The Rise of Digital Reading Sample Letter For Child Status Protection Act
 - Advantages of eBooks Over Traditional Books
2. Identifying Sample Letter For Child Status Protection Act
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Sample Letter For Child Status Protection Act
 - User-Friendly Interface
4. Exploring eBook Recommendations from Sample Letter For Child Status Protection Act
 - Personalized Recommendations
 - Sample Letter For Child Status Protection Act User Reviews and Ratings
 - Sample Letter For Child Status Protection Act and Bestseller Lists
5. Accessing Sample Letter For Child Status Protection Act Free and Paid eBooks
 - Sample Letter For Child Status Protection Act Public Domain eBooks
 - Sample Letter For Child Status Protection Act eBook Subscription Services
 - Sample Letter For Child Status Protection Act Budget-Friendly Options
6. Navigating Sample Letter For Child Status Protection Act eBook Formats

- ePub, PDF, MOBI, and More
- Sample Letter For Child Status Protection Act Compatibility with Devices
- Sample Letter For Child Status Protection Act Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Sample Letter For Child Status Protection Act
 - Highlighting and Note-Taking Sample Letter For Child Status Protection Act
 - Interactive Elements Sample Letter For Child Status Protection Act
- 8. Staying Engaged with Sample Letter For Child Status Protection Act
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Sample Letter For Child Status Protection Act
- 9. Balancing eBooks and Physical Books Sample Letter For Child Status Protection Act
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Sample Letter For Child Status Protection Act
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Sample Letter For Child Status Protection Act
 - Setting Reading Goals Sample Letter For Child Status Protection Act
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Sample Letter For Child Status Protection Act
 - Fact-Checking eBook Content of Sample Letter For Child Status Protection Act
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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