



Office of Communications

U.S. Citizenship
and Immigration
Services

USCIS Update

May 6, 2008

USCIS ISSUES REVISED GUIDANCE ON CHILD STATUS PROTECTION ACT (CSPA)

WASHINGTON—U.S. Citizenship and Immigration Services today issued guidance that will modify its earlier interpretation of the Child Status Protection Act ([CSPA](#)) which permits applicants for certain immigration benefits to retain classification as a child even if he or she has reached the age of 21.

The guidance, effective today, changes how USCIS interprets the applicability of the CSPA to aliens who had aged out prior to the enactment of the CSPA on August 6, 2002.

Under prior policy guidance, USCIS considered an alien beneficiary of a visa petition that was approved before August 6, 2002 to be covered by the CSPA only if the beneficiary had filed an application for permanent residence (either adjustment of status or an immigrant visa) on or before August 6, 2002, and no final determination had been made on that application prior to August 6, 2002. This new policy extends CSPA coverage to aliens who had an approved visa petition prior to the enactment of CSPA but who did not have a pending application for permanent residence on the date of enactment of the CSPA.

Aliens who were ineligible under the prior policy and who subsequent to the enactment of the CSPA never filed an application for permanent residence may file an application for permanent residence to take advantage of this new interpretation. Aliens who filed an application for permanent residence after the enactment of the CSPA and who were denied solely because they had aged out may file motions to reopen or reconsider without a filing fee.

For detailed information on this issue, see the accompanying [Fact Sheet](#) with questions and answers and also review the guidance issued to USCIS field leadership at http://www.uscis.gov/files/native/documents/CSPA_30Apr08.pdf or call the National Customer Service Center at (800) 375-5283.

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