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Policy Alert

SUBJECT: Age and “Sought to Acquire” Requirement under Child Status Protection Act

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) regarding the Child Status Protection Act (CSPA), to include how USCIS calculates age under certain contexts and what actions satisfy the “sought to acquire” requirement.¹

Background

Congress enacted the CSPA in 2002 to protect certain child beneficiaries from losing eligibility for immigrant visas and adjustment of status due to their aging during the immigration process and no longer qualifying as a child for immigration purposes.² The CSPA does not alter the definition of “child” under the Immigration and Nationality Act (INA). Instead, the CSPA provides methods for calculating an alien’s age for immigrant visa purposes. The resulting age is known as the alien’s “CSPA age.”

This update to Volume 7, Part A of the Policy Manual provides guidance to clarify certain elements under the CSPA,³ to include how USCIS determines and calculates age in certain contexts and other clarifying updates. The guidance contained in the Policy Manual is controlling and supersedes any related prior USCIS guidance.

Policy Highlights

- Clarifies that USCIS calculates an applicant’s CSPA age using the petition underlying the adjustment of status application.
- Provides guidance on how USCIS determines the age of derivatives of widow(er)s.
- Updates guidance on how an applicant may satisfy the “sought to acquire” requirement.

Citation: Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 7, Child Status Protection Act [[7 USCIS-PM A.7](#)].

¹ See [Pub. L. 107-208](#) (August 6, 2002).

² See [INA 101\(b\)\(1\)](#) defines “child” as “an unmarried person under twenty-one years of age.”

³ Additional guidance on how the CSPA specifically affects certain immigrant classifications will be published in the separate USCIS Policy Manual volumes and parts pertaining to those immigrant classifications.