



August 8, 2025

PA-2025-15

Policy Alert

SUBJECT: Revising Age Calculation Under the Child Status Protection Act

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify when an immigrant visa becomes available for the purpose of calculating Child Status Protection Act (CSPA) age in certain situations.¹

Background

The CSPA permits certain alien beneficiaries to be deemed a “child” for immigration purposes.² For the family or employment-based preference or diversity immigrant categories, the CSPA provides a method to calculate the age of certain alien beneficiaries based on the date an immigrant visa becomes available.³ To benefit from the calculation, an alien must seek to acquire lawful permanent resident (LPR) status within 1 year of when an immigrant visa becomes available.⁴

For purposes of determining visa availability, USCIS consults the U.S. Department of State (DOS) Visa Bulletin.⁵ Until October 2015, DOS published only one chart in the Visa Bulletin that allowed USCIS officers to assess when a visa was available for allocation and issuance. That Visa Bulletin chart in effect corresponded to what is currently the “Final Action Date” chart. In October 2015, DOS began publishing two charts in the DOS Visa Bulletin consisting of a “Dates for Filing” chart (which notifies alien beneficiaries when they may assemble and submit required documents to the DOS National Visa Center (NVC)) and a “Final Action Dates” chart (which informs when a visa is authorized for issuance).

Between the enactment of the CSPA in 2002 and October 2015, it was understood that an immigrant visa “bec[ame] available” for the CSPA age calculation based on the chart published in the Visa Bulletin now known as the Final Action Dates chart. On May 23, 2018, following the publication of the two charts in the Visa Bulletin, USCIS issued policy guidance clarifying that it continued to only consider a visa available for the CSPA age calculation based on the Final Action Dates chart.⁶

¹ See [Pub. L. 107-208](#) (August 6, 2002). See [INA 203\(h\)\(1\)\(A\)](#).

² See [INA 101\(b\)\(1\)](#) (defines child as an unmarried person under 21 years of age).

³ See [INA 203\(h\)](#).

⁴ See [INA 203\(h\)](#).

⁵ See [8 CFR 245.1\(g\)](#).

⁶ See [Child Status Protection Act](#), PA-2018-05, issued May 23, 2018.

On February 14, 2023, USCIS issued updated policy guidance that a visa becomes available to calculate CSPA age for adjustment of status applicants at the same time USCIS considers a visa immediately available for accepting and processing the adjustment of status application.⁷ When USCIS determined there were more immigrant visas available for a fiscal year than there were known applicants for such visas, and USCIS designated the Dates for Filing chart of the DOS Visa Bulletin⁸ to determine eligibility for filing adjustment of status applications, then USCIS used the Dates for Filing chart when calculating the alien's CSPA age. When USCIS designated the Final Action Dates chart of the DOS Visa Bulletin when filing the adjustment of status application, then USCIS used the Final Action Dates when calculating the alien's CSPA age.⁹

However, the February 14, 2023 update meant that USCIS and DOS were interpreting INA 203(h) inconsistently, which has resulted in inconsistent treatment of aliens who apply for adjustment of status in the United States and aliens who apply for an immigrant visa with DOS abroad. Even after implementing the October 2015 changes to the Visa Bulletin, DOS has considered the Final Action Dates chart of the DOS Visa Bulletin as the only dates that should be used to calculate the CSPA age for aliens who apply for an immigrant visa.¹⁰ Therefore, an alien filing for adjustment of status in the United States may be considered a child for immigration purposes under CSPA when USCIS designates the earlier dates in the Dates for Filing chart, while an alien who must apply for an immigrant visa outside the United States may not be considered a child under CSPA if his or her calculated CSPA age is 21 or older when a visa becomes available according to the later dates in the Final Action Dates chart.

By returning to the Final Action Dates chart for purposes of the CSPA calculation, DHS ensures a uniform interpretation of INA 203(h) across government agencies and establishes parity for CSPA age calculation for aliens who apply for adjustment of status and immigrant visas. USCIS is therefore updating policy guidance that a visa becomes available for purposes of CSPA calculation based on the Final Action Dates chart of the DOS Visa Bulletin.¹¹

USCIS is cognizant that the February 14, 2023 policy may have engendered certain reliance interests, and USCIS has assessed the impact of this policy change on aliens, including aliens with a pending adjustment of status application.¹² Therefore, USCIS continues to apply the February 14, 2023 policy only to aliens whose adjustment of status applications are pending with USCIS before August 15, 2025.

Furthermore, if an alien demonstrates extraordinary circumstances for not applying for adjustment of status during the period of the former policy before August 15, 2025 where a visa was available for CSPA age calculations at the same time a visa was immediately available for an alien to apply for adjustment of status, USCIS will calculate the alien's age under the former policy. An alien who

⁷ See [Age Calculation under Child Status Protection Act](#), PA-2023-02, issued February 14, 2023.

⁸ See the DOS [Visa Bulletin](#).

⁹ See [Age Calculation under Child Status Protection Act](#), PA-2023-02, issued February 14, 2023

¹⁰ For more information on DOS's CSPA policy, see [9 FAM 502.1](#).

¹¹ See Appendix: Update on Visa Availability and CSPA Age Calculation [[7 USCIS-PM A.7, Appendices Tab](#)]. USCIS is also withdrawing any policy guidance associated with the February 14, 2023 policy change, including the guidance on extraordinary circumstances due to the February 14, 2023 policy change.

¹² See Appendix: Update on Visa Availability and CSPA Age Calculation [[7 USCIS-PM A.7, Appendices Tab](#)].

claims extraordinary circumstances must also demonstrate that the delay of filing the adjustment of status application was reasonable under the circumstances.

This guidance, contained in Volume 7 of the Policy Manual, is effective August 15, 2025 and applies to requests filed on or after the effective date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

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Policy Highlights

- Explains that USCIS considers a visa available for purposes of CSPA age calculation under INA 203(h) when a visa is authorized for issuance to an adjustment of status application according to the Final Action Dates chart of the DOS Visa Bulletin.
- Clarifies that USCIS considers an alien to have satisfied the “sought to acquire” requirement if he or she demonstrates extraordinary circumstances for failing to seek LPR status within 1 year of when a visa becomes available.

Summary of Changes

Affected Section: Volume 7 > Part A > Chapter 7, Child Status Protection Act

- Revises Section F (Family and Employment-Based Preference and Diversity Immigrant), Section G (Sought to Acquire), and Section H (Extraordinary Circumstances) in their entirety.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

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](#)].