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Child Status Protection Act in Employment-Based Petitions

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Submitted by Chief Editor on Jul 25th 2017

I wanted to understand how Child Status Protection Act (CSPA) works in the case of employment based green card (EB-2) of the parent. My priority date is of 2012 under EB2, I-140 approved. Can CSPA be used to calculate child age when my EB2 priority date becomes current? Wondering what options I have when priority date becomes current and child age is 21+

ANSWER:

Audio FAQ On: Child Status Protection Act in employment-based petitions

^[2]

Audio Transcript

Child Status Protection Act (CSPA), in employment-based petitions will allow you to take advantage of the time your I-140 is pending. So if your I-140 was pending for 8 months your child can file I-485 with you if the dates become current until 21 years, plus 8 months. Hence whatever time your I-140 was pending that time becomes an additional grace period for the child to file I-485 with you. The only advantage you will get is the dependency of the I-140. Other than that, there is no advantage. More... ^[2]

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Green Card:

CSPA ^[3]

Employment Based Green Cards ^[4]

Form I-140 ^[5]

Form I-485 ^[6]

FAQ Transcript:

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [7] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [8]

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Links:

- [1] <https://immigration.com/faq/cspa-employment-based-green-cards-form-i-140-form-i-485/child-status-protection-act-employment>
- [2] http://www.immigration.com/sites/default/files/June29_audio_recording.mp3
- [3] <https://immigration.com/greencard/green-card/cspa>
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