

# Derivative Children

## DERIVATIVE CHILDREN

Derivative Child In <u>The United States</u>	U Not Yet Filed & Child Not 21	Under 21 At Time Of Filing But Turned 21 While App Pending	Under 21 At Time Of Approval But Turning 21 Before The 3 Years
	<b>FILE NOW Mail application as soon as possible, even if no I-918B Certification yet Request VSC NOT to deny, flagging age-out issue as reason for filing. Do not wait VSC's VAWA unit does not receive Friday mail until Monday!!!</b>	<b>DO NOT ADJUST THE PRINCIPAL BEFORE THE DERIVATIVE IS APPROVED Ask for an extension citing U extensions Memo for principals p.3 Request deferred action and EAD under 8 CFR §274a.12(c)(14) unless in removal proceedings.</b>	<b>FILE EXTENSION OF U on form II 539. Can be filed 6 months before but VSC will not start adjudicating until 90 days of expiration Request deferred action and EAD under 8 CFR § 274a.12(c)(14) File to adjust principal once derivative accrues 3 years in continuous presence, request EAD for principal based on 8 CFR §274a.12(c)(9)</b>

Derivative Child  Not In United States	<b>ABOUT TO TURN 21 U NOT YET FILED</b>	<b>UNDER 21 AT TIME OF APPROVAL BUT TURNED 21 WHILE APPLICATION PENDING</b>	<b>UNDER 21 AT TIME OF APPROVAL BUT TURNING 21 BEFORE 3 YEARS CONTINUOUS PRESENCE</b>
	<b>FILE IMMEDIATELY TO PRESERVE DATE</b> <b>Explore alternative remedies such as family relative petition, humanitarian parole, asylum</b>	<b>DO NOT ADJUST PRINCIPAL</b> Ask for an extension citing U extensions memo p. 3 <b>If denied, file an appeal to preserve potential eligibility after age-out memorandum</b>	<b>PROCESS DERIVATIVE INTO US IMMEDIATELY</b> <i>AFTER</i> derivative in US <b>proceed with extension and EAD request based on deferred action, 8 CFR § 274a.12(c)(14)</b>

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