

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
	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!!!	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.	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)

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

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