



## USCIS Changes Date of CSPA Age Calculation

August 2025

U.S. Citizenship and Immigration Services (USCIS) has revised Vol 7, Part A, Chapter 7, of the [Policy Manual](#) regarding the date of age calculation under the Child Status Protection Act (CSPA). Beginning on Aug. 15, 2025, the agency will calculate the child's age when the priority date becomes current using the Visa Bulletin's Chart A, Final Action Dates, or when the petition is approved, whichever is later. The new policy interpretation will not apply to adjustment applications filed or pending before that date.

This marks a return to USCIS's original interpretation of the CSPA and aligns it with that of the Department of State (DOS). USCIS had changed its interpretation two and a half years ago with a [Feb. 14, 2023, policy memo](#) stating that the age calculation would be made when the priority date becomes current using Chart B, Dates for Filing. This had allowed children in the F-2A category and derivatives in the preference categories to lock in their age earlier than if they had to wait until Chart A became current. But DOS did not change its interpretation, and the inconsistency between the two agencies only increased the difficulty in applying this law.

The new USCIS policy change means that more children applying for adjustment of status will age out sooner than under the prior policy; some will risk losing their filing fee if they age out after filing but before their priority date becomes current using Chart A. This is because they have been allowed — at least since November 2014 — to use Chart B for adjustment filing purposes. But their adjusted age will only be calculated later when their priority date becomes current using Chart A.

This has always been true for those who are consular processing and paying the immigrant visa fee when invited by the National Visa Center (NVC). NVC usually encourages applicants to pay the fee when their priority date becomes current in Chart B. But some applicants will also lose their filing fee if they age out before their priority date becomes current using Chart A. The following is a more thorough explanation of the effects of this policy change.

### Basics of CSPA

The CSPA helps preserve the "under 21" age of many children who would otherwise have aged out preceding passage of the law on Aug. 6, 2002. For example, the law allows unmarried children of U.S. citizens to remain immediate relatives if they are under 21 when the I-130 petition is filed. It provides a more limited form of relief for the unmarried children of lawful permanent residents (LPRs) and for derivatives in the various preference categories.

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The children of LPRs must calculate their adjusted age on the date the F-2A priority date first becomes “current” according to the Visa Bulletin or on the date the petition is approved, whichever is later. Derivative children in the other preference categories follow the same formula using their priority date. The CSPA allows them to subtract the time the I-130 petition was pending before it was approved to arrive at an adjusted age. If they are under 21 using the adjusted age when the priority date is first current, they remain in either the F-2A category or as a derivative in the other categories. However, they must do one additional thing: seek to become an LPR within one year.

### **Effect of CSPA Age-Out**

The CSPA operates the same for children in the F-2A category as it does for those who are derivatives in the other preference categories. But the effect of the child’s aging out is different, as is the effect if the child is filing for adjustment of status or an immigrant visa.

### **F-2A Age-Out**

The child’s age is frozen while the petition in the F-2A category is pending. But if the priority date is not current in Chart A when the petition is approved, the child starts aging again and will continue to age until the priority date becomes current.

**Example:** Manuel, an LPR, filed an I-130 petition in the F-2A category for his 20-year-old daughter, Sophie. The petition was pending for 18 months. On the date it was approved, the F-2A priority date was current in Chart A, but Sophie had turned 22. Sophie’s adjusted age, however, was still 20 since all the time the petition was pending could be subtracted from her biological age. Sophie is still in the F-2A category, but she must seek to become an LPR within one year of the petition approval.

But if the F-2A preference category is not current, in the above example, when the petition is approved, Sophie starts aging again. The adjusted age is not calculated until the priority date is current in Chart A. If Sophie is over 21 using her adjusted age when the priority date in Chart A becomes current, she will age out and automatically convert to the F-2B category. The same is true if she were a derivative of an F-2A petition filed by Manuel on behalf of her mother: she would convert to being a principal derivative in the F-2B category. This is due to [the Supreme Court’s](#) interpretation of INA § 203(h)(3). In neither case would Manuel need to file a new petition.

If Sophie had filed an application for adjustment of status based on the priority date becoming current in Chart B, and she had aged out and converted to the F-2B category, USCIS would retain the application and adjudicate it when a visa became available. Under USCIS’s Feb. 14,

2023, interpretation of the CSPA, Sophie's adjusted age would have been locked on the date the priority date became current in Chart B, and she would not have converted to the F-2B category.

If Sophie were consular processing and had paid the immigrant visa fee after the priority date became current in Chart B, and she had aged out and converted to the F-2B category, the NVC would retain the application and complete the processing when the priority date in Chart A became current. In neither the adjustment nor consular processing case would the child lose the filing fee. The recent change in the USCIS interpretation of CSPA does not affect those consular processing.

### **Derivative Age-Out**

While the CSPA adjusted age formula applies same for those in the F-2A category as it does for derivatives in the other preference categories, derivatives in the F-1, F-3, and F-4 categories who age out after filing for adjustment of status or paying the immigrant visa fee will lose their filing fee.

**Example:** Luis, a U.S. citizen, filed an I-130 petition in the F-3 category for his married daughter, Angelica. The petition was pending for 18 months. When the priority date became current in Chart B, Angelica's son, Carlos, had turned 22. Carlos's adjusted age, however, was still 20 since all the time the petition was pending could be subtracted from his biological age. Carlos filed for adjustment of status. However, when the priority date finally became current in Chart A, Carlos had already aged out. Same result if Carlos had paid the immigrant visa with the NVC. In both cases, Carlos will lose his filing fee and his derivative immigration status.

USCIS's Feb. 14, 2023, interpretation of the CSPA had addressed this potential hardship and uncertainty by moving the date of age calculation forward to when the priority date became current using Chart B for adjustment applicants. While the agency's latest re-interpretation eliminates the inconsistency that existed with the DOS, it now puts both adjustment and immigrant visa applicants in the same predicament.

### **One-Year Filing Requirement**

The USCIS's recent change in CSPA interpretation also moves back the start of the one-year "seek to become an LPR" requirement. Instead of when the priority date becomes current in Chart B, assuming the petition is approved, it starts when the priority date becomes current in Chart A. The applicant or the I-130 petitioner can take any of the following steps within one year of the petition approval or the priority date becoming current, whichever is later:

- File an I-485, Application to Register Permanent Residence or Adjust Status;

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- File a Form I-824, Application for Action on an Approved Application or Petition;
- Pay the immigrant visa fee with the NVC;
- Pay the affidavit of support fee with the NVC; or
- File the DS-260, Immigrant Visa Electronic Application.

## **Conclusion**

USCIS's revised interpretation of the CSPA marks a significant shift in how age is calculated — locking in the child's age only when the priority date becomes current under Chart A, not Chart B. While this change will reduce adjustment eligibility for some applicants who previously benefited from earlier Chart B dates, as well as result in financial loss, it brings USCIS's policy in line with DOS's interpretation. Practitioners will once again need to revise the way they approach potential age-out and the advice they provide to clients.