



HOW CAN AGE AFFECT MY IMMIGRATION RELIEF OPTIONS?

A summary of how age can affect immigration relief options for immigrant youth

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The U.S. immigration system treats children and young people differently than adults. It is important to understand how your age may impact your options for seeking relief or protection against deportation.

This *Community Explainer* highlights how age impacts eligibility for certain forms of immigration relief, how immigrant youth can help themselves and their family members, and how to learn more.

For immigration purposes, a **“child” is an unmarried person under 21 years of age**, but sometimes even reaching the age of 16 or 18 may change a young person’s options. Below are some immigration benefits that are impacted by age:



SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

SIJS provides a pathway to a green card for young people who have been abused, abandoned, or neglected by a parent. SIJS is only an option if you are under the age of 21 and unmarried when you apply to USCIS. To apply for SIJS, you must first go through a state-court proceeding (for example, to have a guardian appointed or a custody order made), which in many states must happen before you turn 18. This means that in many states, you must start the SIJS process before turning 18.

For additional information on SIJS, see our [SIJS Community Explainer](#).

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FAMILY-BASED PETITIONS

A U.S. citizen or lawful permanent resident parent may petition for their child (unmarried and under 21) to get a green card. Similarly, a child may be included on a family petition filed for their parent, but only if the child is unmarried and under 21.

Children and youth immigrating through family-based categories often turn 21 and “age out” of their eligibility for a visa, and there are complicated rules about how this impacts the case. After turning 21, some children may be re-classified in a new category and may have to wait even longer to immigrate, while others will lose their ability to immigrate altogether.

For additional information on family-based petitions see our [**Community Alert: Immigrating as a Child & the Child Status Protection Act.**](#)

VIOLENCE AGAINST WOMEN ACT (VAWA)

The VAWA self-petition is a path to permanent residency for certain people of any gender who have been abused by their US citizen or lawful permanent resident spouse, parent, or child. You can go through the VAWA process without your abuser’s knowledge or participation. If you are under 21 and unmarried, you may be included in a parent’s VAWA self-petition, or you may apply for VAWA independently as the child of an abuser (some youth in this category can apply for VAWA protection up until age 25). Like in family-based petitions (above), there are complicated rules about how your process might change if you turn 21 while it is pending.

For additional information on VAWA, see our [**Who is Eligible for VAWA? Community Explainer.**](#)

U NONIMMIGRANT STATUS (U VISA)

Immigrant survivors of certain crimes who have been helpful in a criminal investigation or prosecution may qualify for a U visa which can lead to a green card. If the principal

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applicant is under 21 years of age, they may be able to include their spouse, unmarried children who are under 21, parents, and unmarried siblings under age 18 in their application. If the principal applicant is 21 years of age or older, they can only include their spouse and children (unmarried and under 21 years of age).

For additional information, see our [**Key Benefits of a U Visa Community Explainer**](#).

T NONIMMIGRANT STATUS (T VISA)

T visas are available to certain survivors of human trafficking, including certain forms of serious workplace exploitation. Like U visas, T visas can also lead to a green card.

Generally, if the principal applicant is under 21 years of age, they may be able to include their spouse, unmarried children who are under 21, parents, and unmarried siblings who are under 18 years old. If the principal applicant is 21 or over, they can only include their spouse and children (unmarried and under 21 years of age).

ASYLUM

Asylum is a form of protection for people fleeing persecution or who have a fear of persecution in their home country. A person may have their own claim for asylum and can apply for asylum at any age if they apply within one year of arriving to the United States, with limited exceptions. An asylum applicant may include as derivatives their spouse and children who are unmarried and under 21 at the time of filing.

There are also special rules for certain asylum seekers who entered the US when they were under age 18 and unaccompanied by a parent or legal guardian, including an exception to the filing deadline and special guidance for the officer deciding your case.

ACQUIRED OR DERIVATIVE CITIZENSHIP

Some youth may have become U.S. citizens automatically at birth or when their parent naturalized, through processes called **“acquisition” or “derivation” of citizenship**.

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Generally, acquisition and derivation require certain acts to occur prior to the youth's 18th birthday. If you have a parent or grandparent who is or was a U.S. citizen, it is important to **consult with a legal advocate** to see if you may have acquired or derived U.S. citizenship.

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

DACA is a program that allows certain individuals who came to the United States as children and meet certain requirements to request consideration for “deferred action”– or temporary protection from deportation–for a period of 2 years, subject to renewal. Those granted DACA may apply for work authorization. Unfortunately, due to ongoing litigation, no new, or initial, DACA applications are being approved at this time. **Only DACA renewals are being processed.**

In addition, the Biden administration recently announced a new program that will allow certain DACA recipients who have graduated from a U.S. college or university to obtain work-based visas more easily. At the time of writing, details about the application process or eligibility have not yet been released. More guidance on this new program will be published as it becomes available.

For the latest DACA developments, see our [DACA Latest Resources](#) webpage.

PAROLE-IN-PLACE FOR CERTAIN UNDOCUMENTED FAMILY MEMBERS

In June 2024, **the President announced a new program that will grant parole-in-place to certain undocumented spouses of U.S. citizens who have lived in the U.S. for at least 10 years as of June 17, 2024.** This benefit will also extend to the children, including step-children, of qualifying undocumented spouses.

At the time of writing, details about the application process or applicant requirements, including how a child's age will impact eligibility, have not been made public. Reaching the age of 21 is likely to impact eligibility for children. More guidance on this new program will be published as it becomes available at ilrc.me/resources.



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DON'T LET AGE BE AN OBSTACLE TO OBTAINING IMMIGRATION RELIEF!

If you are an immigrant youth—and particularly if you are under 21 years of age—it is a great idea to speak to a trusted immigration lawyer as soon as possible. You can seek help from a trusted immigration legal services provider to find out what options may be available to you and your family:

- 📌 You can visit ilrc.me/gethelp to find free or low-cost immigration legal services in your area.
- 📌 If you are a student, faculty, or staff at [California Community Colleges](#), you can find **free immigration legal services**, either on your campus or virtually, as well as filing fee support for certain requests, at findyourally.com. For students, faculty, or staff at any [California State University](#), you can find **free immigration legal services** at findyourally.com/csu.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for **FREE** immigration legal services!

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