

PREFACE

This book emerged from a series of articles I wrote on an area of the law that continues to confound and annoy practitioners and government officials, in addition to those attempting to seek immigration benefits for their family members. It didn't have to be this way. Had Congress chosen to employ a consistent method for defining the term "child" with respect to age calculation, and then chosen to describe that in clear and intelligible language, we wouldn't have needed this book and most of the agency memos, articles, and listservs that have resulted. Had the federal agencies that implemented the Child Status Protection Act (CSPA) elected to interpret the law in a magnanimous manner, rather than in the more narrow and restrictive one they chose, we would not have needed some of the resulting litigation and agency backpedaling. Almost 12 years after the law was implemented, the Supreme Court, deciding 5 to 4, finally resolved one of the most ambiguous and hotly contested provisions of the CSPA. We continue to wait for U.S. Citizenship and Immigration Services to promulgate regulations that will interpret and clarify many of the still-unsettled issues.

I have tried to compile the collective wisdom of other practitioners who have examined, written, and litigated in this area. I also have tried to share their advice and practical tips. In addition to explaining the law, my intent is to point out areas that remain subject to different interpretations or possible challenge. I dedicate this book to all of you who have called or emailed seeking my advice, or shared information on the CSPA.

Charles Wheeler
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