

Legal Action Center Welcomes Ninth Circuit's Decision on Child Status Protection Act

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An en banc panel of the Ninth Circuit Court of Appeals ruled in favor of young adults who, due to long delays caused by visa backlogs, lost the opportunity to obtain their green cards before they turned 21. In accordance with arguments made in an amicus brief submitted by the Legal Action Center and the National Immigrant Justice Center, the court [held](#) [1] that Congress specifically remedied this problem in the Child Status Protection Act (CSPA) of 2002, by allowing children who were listed on their parents' visa petitions, but who turned 21 before a visa became available, to retain the earlier filing date of their parents' visa petitions when new visa petitions are filed for them as adults. As the court explained, "This ensures that visas are available quickly, rather than requiring the now-adult aliens to wait many more years in a new visa line."

The court's ruling overturned a precedent decision of the Board of Immigration Appeals, *Matter of Wang*, 25 I. & N. Dec. 28 (BIA 2009), which interpreted the law as benefiting only one visa category of "aged-out" children.

The court issued its decision in two cases, one of which is a national class action. The petitioners in the two cases were represented by Reeves and Associates and the Law Offices of Carl Shusterman.

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