

USCIS Form I-918A Petition for Qualifying Family Members of U-1 Nonimmigrant Recipients: Analysis of Derivative Eligibility, Procedural Requirements, and Filing Considerations

Generated by: Legal AI Assistant
Facilitated by: The Law Offices of Fernando Hidalgo, Inc.
February 3, 2026

(c) 2026 The Law Offices of Fernando Hidalgo, Inc.. Generated by a Legal AI Assistant. Facilitated by The Law Offices of Fernando Hidalgo, Inc.. All rights reserved.

FINDINGS

USCIS FORM I-918A PETITION FOR QUALIFYING FAMILY MEMBERS OF U-1 NONIMMIGRANT RECIPIENTS: COMPREHENSIVE ANALYSIS OF DERIVATIVE ELIGIBILITY, PROCEDURAL REQUIREMENTS, AND STRATEGIC FILING CONSIDERATIONS

The Form I-918A (Petition for Qualifying Family Member of U-1 Recipient) represents a critical mechanism within the U nonimmigrant visa framework that extends immigration protection to family members of crime victims who themselves have obtained or are pursuing U-1 nonimmigrant status. This report examines the substantive eligibility requirements, procedural sequencing options, admissibility determinations, age-out protections, and strategic considerations that practitioners and immigrant families must navigate when seeking to include qualifying relatives in U visa applications. The analysis reflects current law as of February 2026, drawing upon statutory provisions, regulatory guidance, published Board of Immigration Appeals decisions, USCIS policy memoranda, Ninth Circuit precedent controlling in Northern California, and recent administrative guidance affecting derivative U visa petitions nationwide.

Statutory and Regulatory Framework Governing Derivative U Nonimmigrant Status

The authority for derivative U nonimmigrant status derives from INA § 101(a)(15)(U)(ii) and its implementing regulations at 8 CFR § 214.14(f), which establish the categories of qualifying family members and the eligibility requirements they must satisfy.[1][25][40] The statutory framework distinguishes between two scenarios based on the principal applicant's age at the time of filing the Form I-918 petition for U-1 nonimmigrant status. When the principal applicant is under 21 years of age at the time of filing, the qualifying family members include the principal's spouse, unmarried children under 21 years of age, parents, and unmarried siblings under 18 years of age.[1][32][33] By contrast, when the principal applicant is 21 years of age or older, only the spouse and unmarried children under 21 years of age qualify as eligible derivatives.[1][5][32][33] This age-based distinction reflects Congress's intent to provide expanded family reunification protections for younger victims of qualifying criminal activity who may be more dependent on parental and sibling support structures.

The regulatory framework implements these statutory provisions through detailed adjudication requirements found in 8 CFR § 214.14(f), which specifies the procedural mechanisms for filing Form I-918A petitions, the evidentiary requirements supporting derivative claims, and the standards USCIS must apply in determining eligibility.[25][40] Critically, the regulations establish that a qualifying family member must satisfy several conditions: the family relationship must exist at the time the principal files the Form I-918 petition, the relationship must continue to exist at the time the Form I-918A petition is adjudicated, and the relationship must remain intact at the time the qualifying family member is admitted to the United States.[25][40] These temporal requirements create specific filing deadlines and relationship maintenance obligations that directly affect strategic planning when submitting derivative petitions.

The regulatory framework also incorporates the age-out protections established through the Violence Against Women Act (VAWA) of 2013 and codified at INA § 214(p)(7).[1][3] These protections fundamentally restructured the analysis of derivative eligibility by "freezing" the age of qualifying family members as of the date the principal files the Form I-918 petition.[1][3] The operation and scope of these protections constitute one of the most significant-and frequently misapplied-elements of derivative I-918A practice and warrant detailed examination.

Classification Categories and Relationship-Specific Eligibility Requirements

U nonimmigrant derivative status operates through five distinct classification codes, each corresponding to a specific family relationship: U-1 (principal victim), U-2 (spouse of principal), U-3 (unmarried child under 21), U-4 (parent of principal under 21), and U-5 (unmarried sibling under 18 of principal under 21).[1][32][33][35][45] Understanding the specific requirements for each derivative category is essential for practitioners because eligibility turns on precise relationship definitions, age requirements, and marital status determinations that cannot be circumvented or modified through equitable estoppel or other flexible doctrines.

The U-2 derivative spouse category encompasses the spouse of a U-1 principal applicant, regardless of the principal's age at the time of filing.[1][33][35] The spouse must demonstrate a legally valid marriage that was entered into in good faith-not for the purpose of obtaining an immigration benefit.[2][14] This good-faith requirement distinguishes U visa spousal relationships from other immigration contexts and reflects the statute's protective intent toward crime victims rather than facilitation of immigration fraud. Importantly, following the Ninth Circuit's landmark decision in *Medina Tovar v. Zuchowski*, 980 F.3d 566 (9th Cir. 2020), after-acquired spouses-those who marry the principal after the I-918 petition is filed but before it is adjudicated-now qualify for derivative status under both U and T visa provisions nationwide.[39][42] This development significantly expands spousal eligibility and permits practitioners to include spouses who were married after the principal's petition filing, provided the marriage occurs before final adjudication of the principal's I-918 petition.

The U-3 derivative child category applies to unmarried children under 21 years of age of any principal applicant, without regard to the principal's age at filing.[1][33][35] The definition of "child" for immigration law purposes means an unmarried individual under 21 years of age,[1] which means that marriage of a U-3 derivative automatically terminates eligibility with no possibility of "marrying out" and preserving derivative status.[1][31][32][34] Children born to a principal applicant after the principal files the Form I-918 petition are eligible as derivatives under a specific statutory exception that acknowledges the birth of biological children after filing.[25][40][41] The unmarried and under-21 requirements must be satisfied not only at the time the I-918A petition is filed but also when the petition is adjudicated and, for derivatives located abroad, when they are admitted to the United States with their U visa.[3][31][32]

The U-4 derivative parent category applies only when the principal applicant is under 21 years of age and unmarried.[1][32][33][35] A critical and frequently misunderstood aspect of the parent derivative provisions is that no "marry-out" protection exists for parents-the statute does not require that the principal applicant remain unmarried for parents to qualify as derivatives.[1][32][34] According to the statutory language, a principal applicant under 21 years of age can include parents as derivatives even if the principal has married, provided that the principal files the I-918 petition while under 21 and the parents are otherwise eligible.[1][32][34] This provision recognizes that parental eligibility should not be conditioned on the marital status of their adult child principal applicant. The relationship between parent and child must be established through standard documentary evidence, including birth certificates showing both parents' names and, in cases involving stepparents or adoptive parents, appropriate evidence of the relevant family relationship.[5][33]

The U-5 derivative sibling category applies exclusively to unmarried siblings under 18 years of age of a principal applicant who is under 21 years of age at the time the Form I-918 petition is filed.[1][32][33][35] Like child derivatives, sibling derivatives must remain unmarried throughout the U visa process; marriage terminates eligibility with no possibility of preserving status through subsequent events.[1][31][32][34] The age requirements for siblings are particularly stringent because both the sibling must be under 18 and the principal must be under 21, and both ages are established as of the principal's filing date and do not change

even if the sibling or principal subsequently ages out.[1][3][32][34]

Age-Out Protections: Scope, Timing, and Strategic Application

The age-out protections established by Congress in VAWA 2013 represent a transformative shift in derivative U visa eligibility by addressing the problem of processing delays that previously rendered aging family members ineligible despite having qualified at filing. INA § 214(p)(7) and its implementing regulations establish that "the age of the qualifying family member (derivative) is established upon the date on which the principal properly filed for that principal's U nonimmigrant status" and the protection applies "to any applicants (principal or derivative) who turn 21 (or 18) while the I-918 petition is pending." [1][3][31][32] This "freezing" mechanism means that a derivative child who turns 21 while the principal's I-918 petition is pending remains eligible as a U-3 derivative even if the I-918A petition is not filed until after the child has reached age 22 or later. [1][3][31]

However, the scope of age-out protections contains critical limitations that practitioners frequently misunderstand or misapply. The protections apply only to age-out events occurring while the principal's I-918 petition is pending-not after approval. [1][3][31][32] If a derivative turns 21 (U-3 or parent) or 18 (U-5) after the principal's I-918 is approved, the derivative is not protected and cannot subsequently file an I-918A petition. [1][3][32] This timing distinction creates significant strategic considerations for practitioners managing cases with older teenagers who risk aging out before the principal's petition receives final approval. A practitioner must determine whether the principal's I-918 will likely receive approval while the derivative is still under the applicable age threshold; if not, expedited processing or other strategic measures may be necessary to preserve eligibility.

An additional protection applies to child derivatives specifically: "If the derivative child turned 21 while their parent's I-918 was pending, they remain eligible as a derivative even if their parent does not file Form I-918A until after they turn 21." [1][3][31] This provision means that a derivative child who aged out while the parent's I-918 was pending is "age protected" and remains eligible for I-918A filing even at ages 22, 23, or beyond. [1][3][31] Conversely, "If the derivative child turned 21 after their parent's I-918 is approved, the derivative must be under 21 both when their I-918A is approved and when they are admitted to the United States with their U visa." [31] This two-prong requirement creates a temporal trap for practitioners: a derivative who turns 21 after parent approval must receive approval of the I-918A before age 21 AND must be admitted to the United States with the visa while still under 21, leaving only a narrow window for consular processing. [31]

The Ninth Circuit and USCIS have issued specific guidance addressing age-out protection scenarios. In one illustrative example, "Sandra filed her I-918 at age 16, and it was approved when she was 23. She asks you whether she can add her parents as derivatives. She can. Sandra is age-protected because she turned 21 while her I-918 was pending." [3][31] By contrast, "Imani filed her I-918 at age 14, and it was approved when she was 20. She is now 22 and wants to add her 16-year-old sister Zola as a derivative. Imani cannot add Zola as a derivative because it is unclear how USCIS would interpret the age-out protections in this case." [1][3] The distinction in these examples highlights the critical importance of the I-918 approval timing relative to the aging-out events.

For principals who are minors, distinct age-out rules apply. A principal U-1 nonimmigrant who is under 21 can continue to file for parents and unmarried siblings under 18 as derivatives even after the principal turns 21, provided the principal turned 21 while the I-918 petition was pending. [3][31][32] However, "If the principal turns 21 after their I-918 is approved, their parents and unmarried siblings under 18 cannot be added as

derivatives after the approval of the principal's I-918."³³¹

Practitioners should maintain detailed age-tracking systems for all parties-both principals and derivatives-noting the dates each individual turns 18, 21, and any other age-sensitive milestones, cross-referenced against the filing dates and anticipated approval dates of all relevant petitions. ASISTA and ILRC provide detailed charts and worksheets for this purpose, but the fundamental principle remains: establish ages as of specific legal dates, not current ages, and understand that age-out protections freeze eligibility only while the I-918 is pending, not after approval.

Timing Considerations and Filing Sequencing for Form I-918A Petitions

The procedural framework permits substantial flexibility in the timing of Form I-918A derivative petitions, though this flexibility creates distinct strategic advantages and disadvantages depending on the specific circumstances of each case. INA § 101(a)(15)(U)(ii) and 8 CFR § 214.14(f)(2) authorize a principal applicant to submit Form I-918A petitions "at the same time the petition for U-1 nonimmigrant status is filed, or at a later date."¹⁴²⁵⁴⁰ USCIS guidance specifies that "the I-918A can be filed concurrently with the principal I-918, while the I-918 is pending, or after their I-918 is approved, but before they adjust their status."⁴²² This multiple-pathway approach permits practitioners to select the filing strategy best suited to each family's circumstances.

Concurrent filing of the I-918 and I-918A offers several operational advantages for straightforward cases with clearly eligible family members and no anticipated admissibility issues. Concurrent filing ensures that the principal's and derivative's applications are processed in parallel, reducing the total time between the initial filing and potential approval of all petitions. For families located together in the United States without admissibility barriers, concurrent filing creates administrative efficiency and demonstrates unified family intent. However, concurrent filing requires that all family members have completed biographical questionnaires, obtained necessary identity documents, and passed preliminary biometric screening prior to submission, which may not always be feasible, particularly for family members abroad who may encounter document acquisition delays.

Filing the I-918A while the principal's I-918 is pending offers a middle-ground approach that permits the principal to file individually and establish her eligibility while allowing additional time for family members to gather documentation or resolve preliminary admissibility concerns. Under this approach, the I-918A can be filed at any point after the principal's petition is receipt-stamped by USCIS but before the I-918 receives final approval.⁴²² This timing strategy is particularly useful when one or more family members face admissibility issues requiring Form I-192 waivers, allowing additional time to develop the evidentiary record supporting discretionary waiver approval without delaying the principal's own petition.

Filing the I-918A after the principal's I-918 approval but before status adjustment represents the most strategically flexible approach but carries the greatest complexity regarding derivative eligibility preservation. Under this approach, the principal first achieves approved status, which provides certainty that she will receive U nonimmigrant status, and only then files for family members on the I-918A.⁴²² This approach permits practitioners to assess the principal's case strength and USCIS's likely approval before committing family members to petitions, and it allows time for younger teenagers to age through potential age-out windows. However, it also creates specific disadvantages: the critical requirement that "the derivative must be admitted into derivative U status before the U-1 adjusts their status" means practitioners must carefully coordinate I-918A approval and potential consular processing or adjustment timelines to ensure the derivative achieves status before the principal adjusts to lawful permanent residence.⁴²² If the principal adjusts before the

derivative receives approval, the derivative forfeits the opportunity to be admitted as a U-3, U-4, or U-5 derivative, though the principal may subsequently petition for the family member using Form I-929 in certain limited circumstances.[4][19][22]

The choice of filing timing directly affects the scope of family members who can be included. If a principal files her I-918 while under 21 and subsequent I-918A filings occur before the principal's I-918 approval, parents and siblings may be included as derivatives, even if the principal has since turned 21.[3][31][32] But if the principal's I-918 approval occurs before turning 21, parents and siblings cannot subsequently be added via I-918A.[3][31] This timing consideration is critical for younger principals with parent or sibling dependents: practitioners must either file the I-918A for parents or siblings before the I-918 receives approval, or ensure the I-918 does not receive approval until after the principal has turned 21 while the I-918 was pending (which would freeze her status as under-21 for purposes of parent and sibling derivative eligibility).

For derivative family members located abroad who require consular visa issuance, the timing of I-918A filing becomes even more critical. A derivative's visa cannot be issued until the I-918A petition is approved, and the derivative must then complete a non-immigrant visa application (Form DS-160) at the U.S. embassy or consulate.[18][21] This consular processing step typically requires four to twelve weeks after I-918A approval, depending on embassy workload.[18] If a derivative is approaching an age milestone (turning 21 or 18) while awaiting I-918A approval and consular processing, practitioners should consider requesting expedited processing or filing an extension of the principal's U visa validity to provide adequate time for the derivative to be admitted to the United States before aging out.

Admissibility Requirements and Grounds of Inadmissibility Applicable to Derivatives

Derivative family members applying for U nonimmigrant status are subject to INA § 212(a) grounds of inadmissibility with a critically important exception: they are exempt from the "public charge" ground under INA § 212(a)(4).[2][7][10][27] This exemption reflects Congress's determination that crime victims and their families should not be denied protection based on likelihood of becoming a public charge, a significant departure from the generally restrictive standard applied to other immigration applicants. Beyond the public charge exemption, derivatives face standard inadmissibility determinations including criminal grounds (INA § 212(a)(2)), immigration violations (INA § 212(a)(6), (7), (9)), fraud or misrepresentation (INA § 212(a)(6)(C)), and security-related grounds (INA § 212(a)(3)).[7][10][27][28]

The most commonly encountered inadmissibility grounds for U visa derivatives involve criminal convictions and immigration violations. The crimes-based grounds include convictions for crimes of moral turpitude (CIMT), controlled substance offenses, crimes of violence, prostitution-related offenses, and certain weapons-related crimes.[7][27] However, a derivative charged with a single crime of moral turpitude for which the maximum possible sentence does not exceed one year may qualify for the "petty offense" exception and avoid triggering inadmissibility.[7][27] Immigration-related inadmissibility grounds frequently affect derivatives who entered the United States without inspection (INA § 212(a)(6)(A)(i)), accrued unlawful presence (INA § 212(a)(9)(B)), or were previously subject to final orders of removal (INA § 212(a)(9)(A), (C)).[7][10][27]

Critically, one category of inadmissibility cannot be waived under any circumstance: INA § 212(a)(3)(E), which addresses participation in Nazi persecution, genocide, torture, or extrajudicial killings.[2][7][10][27] A derivative who falls within this ground is categorically ineligible for U nonimmigrant status and cannot proceed with an I-918A petition, regardless of her relationship to the principal or her cooperation with law enforcement.

When a derivative is inadmissible under any waivable ground, the principal petitioner must file Form I-192 (Application for Advance Permission to Enter as a Nonimmigrant) contemporaneously with or shortly after filing the I-918A petition.[2][7][8][27][30] The waiver authority for U nonimmigrant derivatives derives from INA § 212(d)(14), which grants the Secretary of Homeland Security discretionary authority to waive all inadmissibility grounds except those in INA § 212(a)(3)(E), provided that the waiver is determined to be "in the public or national interest." [2][7][8][27][30]

The standard for approval of U visa waivers is notably generous in comparison to other immigration contexts. The Board of Immigration Appeals established in *Matter of Hranka*, 16 I&N Dec. 491 (BIA 1998), a balancing test that requires consideration of three factors: (1) the risk of harm to society if the applicant is admitted; (2) the seriousness of the applicant's prior immigration or criminal violations; and (3) the nature of the applicant's reasons for entering the United States.[7][27] For most U visa applicants and derivatives, USCIS applies the public interest standard articulated in INA § 212(d)(14), which is expressly tied to the remedial purpose of the U visa statute itself-to curtail criminal activity, protect victims, and encourage victim cooperation with law enforcement.[8][11][27]

However, regulations impose a heightened waiver standard for certain serious conduct. Under 8 CFR § 212.17(b)(2), USCIS will only exercise discretion to waive inadmissibility based on violent or dangerous crimes, or on the waivable security grounds at INA § 212(a)(3), in "extraordinary circumstances." [7][27][30] USCIS case law and practitioners' experience indicate that convictions for aggravated assault, sexual abuse crimes, drug trafficking, or crimes involving weapons trigger this "extraordinary circumstances" standard, substantially reducing the likelihood of waiver approval unless the applicant's testimony or assistance is essential to a significant law enforcement investigation or prosecution.[2][7][27]

The Form I-192 waiver application requires submission of Form I-912 (Request for Fee Waiver) if the applicant cannot afford the filing fee, plus comprehensive supporting documentation that addresses the relevant inadmissibility grounds and demonstrates why approval would be in the public or national interest.[2][7][8][27][30] Documentation typically includes affidavits describing the principal victim's cooperation with law enforcement, the nature and severity of the qualifying criminal activity, the derivative's background and community ties, and evidence of hardship that would result from waiver denial.[8][11][27] For serious criminal grounds, USCIS guidance suggests that practitioners should provide evidence addressing remorse and rehabilitation, the nature and recency of the offense, victim restitution, evidence of law enforcement's need for the applicant's assistance, and hardship to qualifying relatives in the United States.[8][27][29]

Employment Authorization for U Visa Derivatives

Employment authorization procedures for U visa derivatives operate on a distinct timeline from that applicable to principal applicants, requiring separate action by the derivative and specific attention to eligibility code designation. Principal U-1 applicants receive employment authorization automatically upon approval of their I-918 petition without the need for a separate Form I-765 application; employment authorization is incident to U-1 status.[1][2][13][20][36][38] Derivatives, however, must take affirmative action to obtain employment authorization by filing Form I-765 (Application for Employment Authorization).[1][2][13][20][36][38] The timing of I-765 filing for derivatives depends on the filing status of the principal and the derivative's own eligibility stage.

When a derivative's I-918A petition is approved, the derivative becomes eligible for employment authorization under 8 CFR § 274a.12(a)(20), which designates aliens in valid U-2, U-3, U-4, or U-5 nonimmigrant status as

authorized to work.[1][13][20][36][38] The derivative must submit a Form I-765 with the applicant code (a)(20) for U-status-based employment authorization; if the derivative filed the I-765 concurrently with the I-918A, USCIS will issue the work permit automatically upon approval of the I-918A.[1][13][20][36][38] If the derivative did not file the I-765 concurrently with the I-918A, the derivative must separately file a Form I-765 and will receive employment authorization once USCIS processes the application.[1][13][20][36][38]

An alternative employment authorization pathway exists for derivatives whose principal applicant has received a Bona Fide Determination (BFD) but whose I-918A has not yet been approved or filed. Under INA § 214(p)(6) and USCIS policy guidance, a principal U-1 applicant who receives a BFD may file Form I-765 under 8 CFR § 274a.12(c)(14), which authorizes deferred action-based work authorization, and qualifying family members may also file under this deferred action code if they have properly filed a complete I-918A petition.[1][20][43][46] This BFD process, which USCIS formalized in June 2021, provides significant practical benefits: a derivative with a pending I-918A and whose principal has received a BFD can obtain employment authorization and deferred action status while waiting for the I-918A to be adjudicated, rather than remaining without work authorization for the entire pendency of the case.[1][43][46]

The distinct timing considerations regarding derivative employment authorization create significant consequences for families' economic stability. Practitioners should advise principals that concurrent filing of the I-918 and I-918A, together with Form I-765 for derivatives, enables employment authorization to issue automatically once the I-918A is approved, without requiring the derivative to file a separate application after approval. For cases where the principal has already received approval but the I-918A was not filed concurrently, practitioners should file the I-765 immediately upon filing the I-918A to minimize delays in employment authorization processing. For cases where the principal is in the BFD process, practitioners should file the derivative's I-918A and Form I-765 (c)(14) contemporaneously to position the derivative for immediate deferred action and work authorization once BFD is granted.

Form I-192 Waiver Applications and Extreme Hardship Determinations

When a derivative applicant is inadmissible under a waivable ground, the Form I-192 waiver application becomes the critical document demonstrating why USCIS should exercise discretion to approve the petition despite the inadmissibility finding. The Form I-192 and its supporting documentation must establish that waiver approval would be in the public or national interest, applying the balancing test established in *Matter of Hranka* and the guidance issued by DHS regarding the evaluation of extreme hardship claims for certain waivers.[7][8][27][29]

For inadmissibility grounds involving fraud or misrepresentation (INA § 212(a)(6)(C)) or for violent crimes, sexual abuse crimes, or terrorism-related grounds under INA § 212(a)(3), USCIS applies the heightened standard of "exceptional and extremely unusual hardship" rather than ordinary public interest analysis.[2][7][27][30] When this heightened standard applies, the Form I-192 must include comprehensive evidence demonstrating not only why waiver approval would be in the public interest but also what exceptional hardship would result from denial.[2][7][29][30] USCIS guidance identifies specific factors that "often weigh heavily in support of a finding of extreme hardship," termed "Particularly Significant Factors," including: a qualifying relative who was previously granted Iraqi or Afghan Special Immigrant Status, T nonimmigrant status, asylum or refugee status; a family member's disability requiring care from the U visa applicant; and a qualifying relative's military service.[26][29]

Practitioners developing Form I-192 waiver applications should structure the submission as a comprehensive narrative demonstrating favorable discretionary factors that collectively outweigh the adverse factors presented

by the inadmissibility ground. Key elements of a persuasive waiver application include detailed affidavits from the derivative describing her background, family circumstances, ties to the United States, and the nature and circumstances of any criminal conviction or immigration violation; letters of support from community members, employers, educational institutions, and social service providers attesting to the derivative's character and rehabilitation; evidence of law enforcement's need for and reliance upon the principal applicant's cooperation; documentation of hardship that would result from family separation or relocation; and country conditions evidence if applicable to hardship claims.[8][11][27][29]

I-918A Versus I-929: Strategic and Procedural Distinctions

The Form I-929 (Petition for Qualifying Family Member of U-1 Nonimmigrant, post-adjustment) provides an alternative mechanism for principal U-1 applicants to petition for certain family members who did not receive derivative U nonimmigrant status through I-918A petitions, but the I-929 process operates under fundamentally different eligibility rules and timelines that warrant careful strategic analysis before practitioners select this approach.[4][19][22] Understanding the distinctions between I-918A and I-929 is essential because the choice between these two petitioning mechanisms directly affects family member eligibility, age-out protections, employment authorization availability, and adjustment of status timelines.

A principal U-1 applicant who has adjusted to lawful permanent resident status or is concurrently filing for adjustment of status may file Form I-929 on behalf of spouse or children (if 21 or older) or, in limited circumstances, parents (if the principal was under 21).[4][19][22][50] Critically, the I-929 cannot be approved unless and until the principal's I-485 (Application to Register Permanent Residence or Adjust Status) is granted.[4][19][22][50] This dependency on the principal's adjustment approval creates a sequential processing requirement that distinguishes I-929 from I-918A: an I-918A approved family member can adjust status independently of the principal's adjustment timeline and may adjust either before or after the principal becomes a lawful permanent resident, whereas an I-929 beneficiary cannot move toward adjustment until the principal's I-485 is approved.[4][19][22][50]

The I-929 process does not provide age-out protections comparable to those available for I-918A derivatives. Under the I-929 process, there are "NO age-out protections" and "child derivatives must remain under 21 through the child's own I-929-based adjustment of status (or issuance of an immigrant visa)."[4][22] For a U-1 child principal, the child must remain under 21 until the parent's I-929-based adjustment of status or issuance of an immigrant visa.[4][22][50] This absence of age-freezing creates substantial risk for older teenagers: if the principal's I-485 is not approved and the child is not admitted as a green card holder before the child reaches age 21, the child forfeits eligibility entirely, with no possibility of preserving status through later I-929 filing or adjustment.

Employment authorization procedures differ significantly between I-918A and I-929 pathways. Derivatives approved through I-918A who file Form I-765 under code (a)(20) receive employment authorization automatically upon I-918A approval.[1][13][20][36][38] Under the I-929 process, no employment authorization is available upon I-929 approval; work authorization only becomes available after the I-929 is approved and the beneficiary files a concurrent or subsequent I-485, at which time the beneficiary can file for adjustment of status and may then file I-765 under code (c)(9) for adjustment-based employment authorization.[4][19][22][50] This timeline difference can be significant: an I-918A derivative can work while awaiting approval of her own adjustment of status petition, whereas an I-929 beneficiary cannot work until the principal's I-485 is approved and the beneficiary has filed her own I-485.

The evidentiary requirements for I-929 petitions exceed those required for I-918A derivative petitions in one

significant respect: beneficiaries of I-929 petitions must demonstrate "extreme hardship" to themselves or the U-1 if they are not allowed to come to or remain in the United States, if the qualifying family member is located abroad.[4][22] By contrast, I-918A derivative petitions do not require demonstration of extreme hardship.[4][22][20] This distinction reflects the differing statutory frameworks: I-918A derivatives satisfy eligibility based solely on their family relationship to the principal and admissibility, whereas I-929 beneficiaries must additionally establish that the relationship justified the principal's development of U visa eligibility (if newly acquired) or that extreme hardship supports discretionary approval for beneficiaries located abroad.

From a strategic perspective, practitioners should generally file I-918A petitions for all eligible family members concurrently with or during the pendency of the principal's I-918 petition, rather than deferring to I-929 filing after adjustment. The I-918A pathway provides earlier employment authorization, age-out protections, and independence from the principal's adjustment timeline, all of which are substantially more favorable to family members. The I-929 pathway is most appropriate when a family member becomes ineligible for I-918A status—for example, a spouse who marries the principal after the principal's I-918 approval (before Medina Tovar), a child born after the principal's I-918 approval, or a sibling who was not identified as a potential derivative until after the principal's I-918 approval.

Relationship Establishment and Documentary Requirements

Establishing the qualifying family relationship for purposes of I-918A petitions requires submission of specific documentary evidence appropriate to each relationship category. The Form I-918A petition includes detailed instructions identifying the categories of evidence needed for spouses, children, parents, and siblings.[2][5][16][33] For spousal relationships, a principal must submit an original or certified copy of the marriage certificate issued by a civil authority, together with evidence that any prior marriages of either spouse were legally terminated (divorce decrees or death certificates).[5][16][33] The marriage certificate must demonstrate a legally valid marriage under the laws of the jurisdiction in which the marriage was performed and celebrated; common-law marriages not recognized in the jurisdiction of performance will not satisfy the spousal relationship requirement.

For child relationships, the principal must submit a certified copy of the child's birth certificate issued by a civil authority showing the names of both parents.[5][33] If the child was born out of wedlock, the principal must provide proof that a parent-child relationship exists or existed, which may include the child's birth certificate showing the mother's name, acknowledgment of paternity documents, or adoption decrees establishing the relationship.[5][33] When the principal is not the biological parent (e.g., stepchild relationships), a certified copy of the marriage certificate showing the stepparent's marriage to the child's biological parent, together with evidence that the marriage occurred before the child's 18th birthday, must be submitted.[5][33] For adoptive child relationships, certified copies of all adoption decrees must be provided, together with evidence that the child was in the legal custody of and resided with the adoptive parent for at least two years before or after the adoption.[5][33]

For parent relationships, the principal must demonstrate descent from the claimed parent through submission of a certified birth certificate showing the parent's name and, when the parent is the father, additional evidence establishing the parental relationship through marriage certificates, legitimization documents, or other evidence as required by the regulations.[5][33] When a stepparent relationship is claimed, a certified copy of the marriage certificate showing the stepparent's marriage to the principal's biological parent before the principal reached 18 years of age, together with evidence of legal custody and residence with the stepparent, must be submitted.[5][33]

For sibling relationships, the principal must submit certified copies of birth certificates for both the principal and the sibling showing that they share at least one common parent.[5][33] When the siblings share a common father but different mothers, the principal must provide marriage certificates of the father to each mother and evidence that any prior marriages were legally terminated.[5][33] For adoptive or step-sibling relationships, certified adoption decrees or marriage certificates establishing the relationship must be submitted, along with evidence of legal custody and residence as appropriate.[5][33]

All documents submitted as evidence of family relationships must be authentic originals or certified copies issued by the civil authority responsible for maintaining the documents; photocopies or uncertified copies are insufficient and typically result in rejection of the petition or issuance of a Request for Evidence (RFE) requesting certified originals.[2][5][16][33] For documents issued in languages other than English, USCIS will accept certified translations using USCIS-approved translation templates for standard vital documents (birth, marriage, divorce certificates) but requires full certified English translations for all other foreign-language documents.[13][16]

Inadmissibility and the I-192 Waiver Process: Comprehensive Guidance

When a derivative applicant is determined to be inadmissible, the Form I-192 waiver application process creates the sole mechanism through which USCIS may exercise discretion to permit the derivative's admission despite the inadmissibility finding. Practitioners must understand both the substantive standards governing I-192 approval decisions and the procedural mechanisms for developing persuasive waiver applications that address the specific inadmissibility grounds involved and the equitable factors supporting approval.

Criminal conviction inadmissibility under INA § 212(a)(2)(A) affects derivatives with prior criminal convictions, whether violent, non-violent, drug-related, or moral turpitude offenses.[7][27] For a crime of moral turpitude, the petty offense exception applies if the derivative has only a single CIMT conviction, the maximum possible sentence for that conviction does not exceed one year, and the actual sentence imposed does not exceed six months imprisonment.[7][27] When the petty offense exception applies, no inadmissibility ground has been triggered and no I-192 waiver is required.[7][27]

For controlled substance convictions, the regulations provide no exception, and any derivative with a prior controlled substance conviction must seek an I-192 waiver.[7][27][30] Similarly, crimes of violence, sexual abuse crimes, human trafficking, and weapons offenses trigger the heightened "extraordinary circumstances" standard requiring USCIS to find that approval would be in the national interest in truly exceptional cases.[7][27][30] USCIS's stated position is that these grounds are waivable "only in extraordinary circumstances," which practitioners' experience suggests means approval is achievable only when the derivative's testimony or assistance is essential to a major federal investigation or prosecution.[7][27]

Immigration violation inadmissibility commonly affects U visa derivatives who may have entered the United States without inspection (INA § 212(a)(6)(A)(i)) or accrued unlawful presence triggering the three- or ten-year bars (INA § 212(a)(9)(B)).[7][10][27][28] For derivatives who entered without inspection and have never departed the United States, unlawful presence bars (INA § 212(a)(9)(B)(i)(I) and (II)) are not triggered because the bars activate only upon departure and return; a derivative who entered without inspection but has remained continuously in the United States has triggered the INA § 212(a)(6)(A)(i) ground but not the unlawful presence bars.[7][27] This distinction is critical: a derivative who entered without inspection but has resided continuously in the U.S. for years faces only the INA § 212(a)(6)(A)(i) ground, which carries a much lower waiver standard (public interest rather than extraordinary circumstances) than the unlawful presence bars.[7][27]

Fraud or misrepresentation inadmissibility under INA § 212(a)(6)(C) affects derivatives who made material misstatements or submitted false documents in seeking admission to the United States or in applying for immigration benefits.[9][10][27][28] This ground requires proof that the derivative intentionally made a material misrepresentation with knowledge that the statement was false, or that the derivative presented a false document knowing it was false and intending to use it fraudulently.[9][10][27][28] Innocent mistakes or misunderstandings typically do not trigger this ground, but any intentional misrepresentation regarding material facts-including misstatement of nationality, criminal history, prior immigration status, or claimed relationship to a petitioner-activates the fraud ground and requires an I-192 waiver.[9][27][28]

The procedural mechanism for submitting an I-192 waiver application requires completion of Form I-192 itself, which contains detailed questions regarding the applicant's background, prior immigration history, criminal history, and present circumstances, together with submission of comprehensive supporting documentation and Form I-912 (fee waiver) if the applicant cannot afford the filing fee.[2][7][8][27][30] USCIS provides published guidance regarding the factors it considers in determining whether to approve waivers under the "public interest" standard and the heightened "extraordinary circumstances" standard.[7][8][27][29][30] The Form I-192 instructions and agency guidance direct practitioners to explain why approval would be in the public or national interest and to address the specific factors the Secretary of Homeland Security must consider.[7][27][30]

The statutory standard for I-918A and I-918 waiver approval states that USCIS "determines whether it is in the public or national interest to waive any of the grounds specified in section 212(a)(3), excluding subparagraph (E)," when the applicant is admissible on all other grounds or presents grounds subject to waiver.[2][7][27][30] In evaluating public interest determinations, USCIS considers the remedial purpose of the U visa statute itself-to encourage victim cooperation with law enforcement and to protect vulnerable crime victims-as context for determining that waiver approval advances national policy objectives.[2][8][11][27]

For waivers involving violent crimes, sexual abuse, and terrorism-related grounds, USCIS policy provides that it will "only exercise discretion in extraordinary circumstances." [7][27][30] The regulations clarify that "extraordinary circumstances" typically means the applicant's assistance is necessary to a significant law enforcement investigation or prosecution, or other compelling humanitarian factors make waiver approval essential.[7][27][30] Practitioners developing waiver applications for these serious grounds should focus on: (1) the necessity of the applicant's presence to the investigation or prosecution of a crime; (2) evidence of the applicant's rehabilitation since the offense; (3) extensive U.S. family and community ties; (4) hardship to U.S. citizen or lawful permanent resident relatives; and (5) the policy objective of protecting crime victims.[8][27][29][30]

Consular Processing and Adjustment of Status Procedures for Derivatives

The procedural pathway for bringing a derivative into the United States to obtain U nonimmigrant status depends on the derivative's physical location at the time the I-918A is approved: derivatives in the United States may adjust status directly, whereas derivatives abroad must complete consular processing to obtain the derivative U visa before entering the country.[4][18][21][22][50]

For derivatives located abroad when the I-918A is approved, consular processing is mandatory.[18][21][50] The principal or her attorney must prepare a comprehensive "consular packet" for the derivative that includes the approved I-918A (Form I-797 Notice of Action), a copy of the principal's I-918 approval notice, Form DS-160 (Online Nonimmigrant Visa Application) completed by the derivative, proof of visa fee payment, two passport-style photographs meeting State Department specifications, the derivative's passport, and any

additional documents requested by the consulate or identified in the consular packet cover letter.[18][21] The derivative must schedule an appointment at the U.S. embassy or consulate in her country of residence, complete the consular application process, attend the visa interview, and submit the required documents.[18][21] The consular officer will conduct the interview, review the documentation, may request additional evidence or clarification, and if satisfied that the derivative is eligible, will approve the visa and affix it to the derivative's passport.[18][21]

Consular processing timelines vary significantly based on the specific embassy or consulate's workload but typically require four to twelve weeks from the visa appointment to receipt of the approved visa in the derivative's passport.[18][21][50] For derivatives approaching an age deadline (U-3 or U-4 turning 21, U-5 turning 18), the extended consular processing timeline creates risk that the derivative will age out before the visa is issued. In these circumstances, practitioners should request that the principal file Form I-539 (Application to Extend/Change Nonimmigrant Status) to extend the principal's U visa validity, which effectively extends the derivative's ability to be admitted to the United States within the extended time period.[15][18][23][52][54]

Derivatives located in the United States at the time the I-918A is approved may file Form I-485 (Application to Register Permanent Residence or Adjust Status) to adjust status to lawful permanent resident, but only after establishing three years of continuous physical presence in the United States in valid U nonimmigrant status.[4][21][22][50][55] The continuous physical presence requirement means the derivative must have been continuously physically present for three years from the date of admission to the United States with derivative U status; departures exceeding 90 days in a single trip or 180 days in the aggregate interrupt this three-year period and terminate the derivative's ability to adjust.[4][21][22][50][55] For derivatives who were admitted with less than three years remaining on the principal's U visa validity, Form I-539 extension requests may be filed to extend the derivative's U status long enough to accumulate the three-year physical presence requirement.[15][23][52][54]

The adjustment application for a U visa derivative is reviewed for inadmissibility, but notably, U adjustment applicants are not required to establish admissibility on all grounds under INA § 212(a); rather, the only grounds of inadmissibility that automatically bar U adjustment applicants are those in INA § 212(a)(3)(E) (participation in Nazi persecution, genocide, torture, or extrajudicial killings).[4][10][21][50] Other grounds of inadmissibility do not automatically prevent adjustment under INA § 245(m), though negative discretionary factors arising from such grounds may weigh against approval in the adjudicator's discretionary review.[4][10][21][50][55]

Marriage of Derivative Family Members and Consequences for Eligibility

The marital status requirement for derivative U visa eligibility creates critical constraints on the timing of family member marriages, with no "marry-out" protection available to permit descendants to preserve status through subsequent nuptials. For U-3 child derivatives, the derivative must be unmarried at the time the principal files the I-918, at the time the I-918A is adjudicated, and at the time the derivative is admitted to the United States with the U visa.[1][3][31][32][34] Marriage at any of these temporal junctures terminates the derivative's eligibility; a U-3 derivative who marries after the I-918A is approved but before being admitted to the U.S. with a visa is rendered ineligible, and USCIS will deny the I-918A or revoke approval if the marriage occurs after approval but before admission.[1][3][31][32][34] Similarly, a U-3 derivative who marries while in U nonimmigrant status in the United States is no longer considered a "child" under the immigration law definition (which requires unmarried status), and her U status may be revoked.[1][31][32][34]

The absence of "marry-out" protection reflects the statutory definition of "child" in INA § 101(b)(1), which defines a child as "an unmarried person under 21 years of age." [1][3][31][32][34] Practitioners working with young derivative applicants must counsel them explicitly regarding the necessity of remaining unmarried throughout the U visa process and, conservatively, until after adjustment of status to lawful permanent resident is approved. [1][3][31][32][34] The regulations do not provide guidance addressing the question of whether a U-3 derivative can marry after I-918A approval but before admission, and some practitioners believe such a marriage might be permissible if it occurs after approval, but ASISTA and ILRC guidance recommends practitioners counsel conservation approach of maintaining unmarried status until after admission to the U.S. with the visa is completed. [1][3][31][32][34]

Unlike child derivatives, there is no requirement that U-4 parent derivatives remain unmarried; the statute permits a principal under 21 to include parents as derivatives even if the principal is married. [1][32][34] However, parent eligibility depends on the principal being under 21, not on the parent's marital status. U-5 sibling derivatives, like child derivatives, must remain unmarried to maintain eligibility; marriage of a U-5 sibling terminates status with no possibility of preservation. [1][31][32][34]

Special Issue: After-Acquired Spouses and the Medina Tovar Decision

Prior to the Ninth Circuit's landmark decision in *Medina Tovar v. Zuchowski*, 980 F.3d 566 (9th Cir. 2020), after-acquired spouses—those who married the principal U visa applicant after the I-918 petition was filed but before it was adjudicated—were categorically ineligible for derivative U nonimmigrant status under the then-existing regulatory framework. [39][42] The regulation interpreted INA § 101(a)(15)(U)(ii) to require that the qualifying family relationship exist at the time the principal filed the I-918, not merely that it exist at adjudication. [39][42]

The Ninth Circuit held that this strict timing requirement was arbitrary and capricious and not supported by the statutory text, which contains no requirement that relationships exist at filing (only that they exist at adjudication). [39][42] The court noted that the requirement conflicted with the statute's remedial purpose and was inconsistent with how USCIS treated other derivative categories, for which relationships could form after filing provided they existed at adjudication. [39][42] USCIS announced immediately following the decision that it would adopt the *Medina Tovar* holding nationwide for both U and T visa cases. [39][42]

The practical impact of *Medina Tovar* is substantial: a principal applicant may now file Form I-918A for a spouse whom she married after filing the I-918 petition, provided the marriage occurred before the I-918 petition was adjudicated. [39][42] The decision also applied retroactively to principals who had already received I-918 approval: a principal whose I-918 was approved can now file an I-918A for a spouse she married while the I-918 was pending. [39][42] Practitioners should note that the decision does not extend to spouses married after the principal's I-918 approval—the operative requirement is that the marriage occur before I-918 adjudication, not before I-918 approval. [39][42][44]

For practitioners with pending cases involving after-acquired spouses, ASISTA guidance recommends including language in I-918A filing cover letters and in responses to RFEs that explicitly notes the spouse's eligibility under *Medina Tovar* and cites the decision to ensure USCIS adjudicators apply the correct legal standard. [42] USCIS has not yet fully updated regulations to reflect *Medina Tovar*, though the policy manual has been updated; practitioners should expect USCIS to initially apply the old regulatory language but must persistently advocate for *Medina Tovar*'s statutory interpretation.

Revocation of Derivative Petitions and Termination of Status

An approved I-918A petition may be revoked by USCIS in specific circumstances established by regulation and statute, with significant consequences for the derivative's immigration status. 8 CFR § 214.14(h) and INA § 204(c) establish that "USCIS may revoke an approved petition for U nonimmigrant status following notice of intent to revoke" if: (1) the certifying official withdraws or disavows the law enforcement certification in writing; (2) approval of the petition was in error; (3) there was fraud in the petition; (4) the relationship between the derivative and principal has terminated; or (5) the principal's U-1 status has been revoked.[25][40][44][55]

The most common revocation grounds in derivative cases involve termination of the qualifying family relationship and revocation of the principal's status. For a child derivative, termination of the parent-child relationship (an extremely rare circumstance) would render the derivative ineligible. More commonly, revocation of the principal's I-918 approval triggers automatic revocation of all pending I-918A petitions filed for that principal's derivatives.[25][40][44] Similarly, if an approved I-918A derivative's status is revoked, the derivative is subject to removal proceedings absent other basis for remaining in the United States.[25][40][44][55]

Before revoking an approved petition, USCIS must provide written notice of intent to revoke that states the grounds for revocation and permits the derivative 30 days to submit evidence in rebuttal.[25][40][44] The derivative may challenge the revocation by submitting evidence demonstrating that the stated grounds do not apply or that revocation would be inappropriate.[25][40][44] If USCIS revokes an approved I-918A petition, the revocation also revokes any Form I-192 waiver of inadmissibility that was approved in conjunction with the petition, potentially exposing the derivative to removal based on the underlying inadmissibility ground.[25][40][44][55]

Continuous Physical Presence Requirements and Extension of Status

Derivatives seeking to adjust status to lawful permanent resident must demonstrate continuous physical presence in the United States for three years in valid U nonimmigrant status, commencing from the date the derivative was admitted to the United States as a U nonimmigrant.[4][21][22][50][55] The continuous physical presence requirement is measured from the date of admission (for derivatives admitted with a U visa) or from the date of I-918A approval (for derivatives in the United States who adjust directly), through the date of the adjustment application approval.[4][21][22][50][55]

Critical to continuous physical presence accrual are the break rules: "an alien shall be considered to have failed continuous physical presence if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate of 180 days." [4][21][22][50][55] This means a derivative may take a single trip abroad of up to 90 days without breaking continuous presence, or multiple shorter trips totaling no more than 180 days, but any single departure exceeding 90 days or aggregate departures exceeding 180 days permanently terminate the continuous presence requirement and disqualify the derivative from adjustment.[4][21][22][50][55]

For derivatives with less than three years remaining on their approved U visa validity, Form I-539 (Application to Extend/Change Nonimmigrant Status) may be filed to request extension of U status to permit additional time for continuous physical presence accrual.[15][23][52][54][58] The extension request must be filed before the current U status expires and must demonstrate that an extension is necessary to allow the derivative to complete the three-year physical presence requirement for purposes of adjustment eligibility.[15][23][52][54][58] USCIS policy permits extensions for "exceptional circumstances," including delays in consular processing for derivatives who must complete visa issuance abroad, delays in adjustment of

status processing, and other circumstances beyond the derivative's control.[15][23][52][54][58]

Processing Timelines and Practical Implementation Considerations

The processing timeline for Form I-918A petitions reflects broader USCIS backlogs in the U visa program and varies considerably based on case complexity, admissibility issues, and current USCIS workload. As of early 2025, USCIS indicates that it is processing Form I-918 cases (which include linked I-918A petitions) that were filed approximately 51 months prior, roughly 4.25 years earlier.[56][59] This substantial backlog means a practitioner filing an I-918A petition in 2025 can expect to wait approximately five to seven years for final approval when a visa number becomes available, though earlier processing may occur if the case receives a Bona Fide Determination (BFD).[56][59]

The BFD process, implemented by USCIS in June 2021, provides the primary mechanism for accelerating derivative family member's access to employment authorization and deferred action status prior to final I-918A approval.[1][43][46][56][59] Once a principal applicant's I-918 receives a BFD, qualifying family members with properly filed I-918A petitions and no adverse background check results are also granted BFD status, which permits them to file Form I-765 for work authorization and to receive deferred action protection from removal proceedings.[1][43][46] The BFD process does not guarantee ultimate approval of the I-918A petition but provides interim protection while the petition awaits final adjudication.[1][43][46]

For derivatives located abroad, consular processing typically requires four to twelve weeks following I-918A approval, but the State Department has experienced significant workload delays at various posts, with some embassies and consulates delaying visa appointment scheduling for extended periods.[18][21][50] Practitioners should anticipate potential delays in consular processing and proactively file I-539 extension requests if a derivative approaching an age deadline requires additional time for visa issuance and admission.[18][21][23][50]

Northern California-Specific Considerations and Practice Context

San Francisco Immigration Court judges have developed specific procedural preferences regarding document submission and evidence presentation that may affect cases where derivatives are placed in removal proceedings or become subject to enforcement action.[1] Practitioners in the Northern District of California and Central District of California should be aware that district courts have issued several injunctions affecting USCIS processing and have been skeptical of certain USCIS policies regarding derivative eligibility.[1] The San Francisco Asylum Office processes U visa-related interviews and document submissions, and practitioners should be aware of current processing backlogs and procedural requirements specific to that office.[1]

For clients from Central American countries (Guatemala, El Salvador, Honduras, Nicaragua) who constitute a substantial portion of the Northern California U visa caseload, country conditions evidence documenting gang violence, trafficking networks, domestic violence patterns, and government corruption should be incorporated into I-192 waiver applications and Form I-918A submissions when relevant to demonstrating hardship or explaining family separation circumstances.[1] The ILRC, ASISTA, and Tahirih Justice Center maintain current country conditions resources specific to these jurisdictions.

Conclusion and Practice Recommendations

The Form I-918A derivative petition process requires practitioners to navigate complex statutory requirements, regulatory provisions, agency policy guidance, and recent case law developments affecting

family member eligibility. Practitioners should prioritize early case planning to identify all potentially eligible family members, determine optimal filing timing relative to the principal's I-918 petition stage, assess admissibility issues and develop I-192 waiver strategies, and counsel clients regarding marital status maintenance and continuous physical presence requirements for eventual adjustment of status.

For practitioners representing principals with potential derivative family members, the following strategic priorities should govern case management: (1) file I-918A petitions concurrently with the principal's I-918 whenever possible to maximize employment authorization availability and reduce overall processing timelines; (2) file Form I-765 applications concurrently with all I-918A petitions to ensure employment authorization issues automatically upon I-918A approval; (3) conduct comprehensive legal research regarding applicable grounds of inadmissibility and file Form I-192 waivers contemporaneously with I-918A petitions when inadmissibility issues are anticipated; (4) maintain detailed age-tracking systems for all family members and monitor whether age-out events occur while the principal's I-918 is pending to preserve age-out protections; (5) counsel all child and sibling derivatives regarding marital status requirements and the absence of "marry-out" protections; (6) coordinate timing of I-918A approval and consular visa issuance or adjustment of status applications to ensure derivatives are admitted before the principal adjusts status; and (7) maintain current documentation regarding continuous physical presence from the date of each derivative's admission through the date adjustment is filed.

The substantive framework governing U visa derivatives reflects Congress's intent to extend protection to family members of crime victims while maintaining categorical limitations ensuring that only genuinely qualified relatives benefit from the program. Practitioners who develop expertise in this framework can provide meaningful protection to immigrant families while ensuring compliance with statutory requirements and regulatory provisions.

Comprehensive Legal Source Materials and References

The research underlying this report draws upon statutory and regulatory sources including 8 U.S.C. § 1101(a)(15)(U)[1][25][40], INA § 214(p)(7)[1][3], and 8 CFR § 214.14(f)[1][25][40], together with Form I-918A instructions[2][5][16][33], USCIS Policy Manual guidance[1][20][43][46], EOIR memoranda and guidance[15][23][52], State Department Foreign Affairs Manual provisions[6][45], and practitioner advisory materials from ASISTA[1][3][4][22][31][39][42][52][58], ILRC[1][3][31][32][34][41], NIWAP[35][41][48], CLINIC[27], and other immigration advocacy organizations[8][11][12][13][18][19][21][24][26][29][30][36][37][44][47][49][50][51][54][55][56][57][59][60].