



**U.S. Customs and
Border Protection**

MAR 12 2014

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

FROM: Acting Executive Director
Admissibility and Passenger Programs

(b) (6), (b) (7)(C)

SUBJECT: Immigrant Visa Processing - Derivative Status

The purpose of this memorandum is to remind Customs and Border Protection (CBP) officers to verify the correct class of admission for first-time immigrants seeking entry to United States in a derivative status.

Derivative status refers to an alien who has applied for immigrant status, and from whom another alien may derive lawful status under immigration law or regulations. For example, spouses and minor unmarried children of a principal alien can get a lawful immigration status based on the principal alien's immigration status. As such, derivative status is only possible if the principal applicant has been admitted to or is travelling with the dependent(s) to the United States in possession of a validly issued immigrant visa annotated "Must Accompany or Follow to Join Principal Alien". The immigrant classifications where derivative statuses apply to children and spouses of intending immigrants include the following: F2-2, F2-3, F2-5, FX-2, F3-2, and F3-3.

Examples of aliens who may not be entitled to derivative status as first-time immigrant(s) include, but are not limited, to the following:

- The principal alien immigrant visa expired and the dependent's immigrant visa is still valid.
- The principal alien dies before seeking entry to the United States and the dependent travels with a valid immigrant visa.
- The dependent seeks admission prior to the principal alien because the immigrant visa will soon expire.

CBP officers, supervisors and managers may exercise discretion when processing first-time immigrant(s) by allowing the applicant to withdraw his/her application for admission in lieu of expedited removal, or may defer the inspection, if the principal alien will travel at a later date that will render the dependent admissible. The requirements for derivative status do not apply to returning Lawful Permanent Resident Aliens and under no circumstances will CBP admit an inadmissible alien into the United States.

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Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Enforcement Programs Division at (b) (6), (b) (7)(C)