



Know Your Options: Comparing the I-918A and I-929 for Family Members of U-1 Nonimmigrants¹

February 2025

Issue / Factor	I-918A	I-929
Relationship to U-1	<p>Principal U-1s under 21 can include their spouse, child (ren), parents, or unmarried siblings under the age of 18 as derivatives.</p> <p>Principal U-1s who are 21 or older can include their spouse or child(ren) as derivatives.</p>	<p>U-1s can file an I-929 for their spouse or child(ren) who have <u>never held</u> U nonimmigrant status.</p> <p>U-1s under 21 years of age can petition for their parents, as well.</p> <p>The qualifying family relationship must exist at the time of the U-1's adjustment of status <u>and</u> continue until the qualifying family member's adjustment of status (or issuance of immigrant visa).</p>
Timing of Filing	<p>The U-1 may file the I-918A for a derivative:</p> <ul style="list-style-type: none"> - concurrently with their I-918; - while the I-918 is pending; <u>or</u> - after their I-918 is approved, <i>but before</i> they adjust their status. <p>The derivative must be admitted into derivative U status before the U-1 adjusts their status.</p> <p>See "Age-Out Protections" for more information.</p>	<p>The I-929 can be filed:</p> <ul style="list-style-type: none"> - after the U-1 has adjusted status; - when the U-1 has a pending I-485 application for adjustment of status; <u>or</u> - it can be filed concurrently with the U-1's I-485 application. <p>Note, however, that the I-929 cannot be approved unless or until the U-1's I-485 is granted.</p> <p>See "Age-Out Protections" for more information.</p>
Age-Out Protections	<p>If the child is the U-1 petitioner, parents can remain derivatives if the U-1 child turns 21 while the U-1 child's I-918 is pending.</p> <p>For child derivatives, the child is protected from aging out, if the derivative child turns 21 while their U-1 parent's I-918 is pending.</p>	<p>There are NO age-out protections in the I-929 process.</p> <p>Child derivatives must remain under 21 <i>through</i> the child's own I-929-based adjustment of status (or issuance of an immigrant visa).</p> <p>For U-1 children, the child must remain under 21 until their parent's I-929-based adjustment of status or issuance of an immigrant visa.</p>
Admissibility Requirements	<p>Admissibility or an approved I-192 waiver is required.</p> <p>Certain inadmissibility grounds under INA § 212(a)(3) ("Security and related grounds") cannot be waived.</p>	<p>Admissibility generally not required, but the qualifying family member must not be inadmissible under INA § 212 (a)(3)(E) ("Participants in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing").</p> <p>The qualifying family member must provide evidence for discretion, which may address inadmissibility concerns. Depending on the nature of the inadmissibility or other negative factors, the qualifying family member may be required to "clearly demonstrate that the denial of adjustment of status would result in exceptional and extremely unusual hardship." 8 CFR § 245.24(h)(v).</p>

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Extreme Hardship	Not required.	Qualifying family members must demonstrate extreme hardship to themselves or to the U-1, if the qualifying family member is not allowed to come to or remain in the U.S. If the qualifying family member is in the U.S., they must demonstrate that the qualifying family member's removal would result in hardship "beyond that typically associated with removal." 8 CFR § 245.24(h)(iv).
Processing Times²	USCIS does not post processing times for the Form I-918A, as they are generally adjudicated with the U-1's I-918. Accordingly, for I-918As filed <i>after</i> the I-918 approval, follow-up with the service center hotline may be necessary to ensure adjudication. ³ While adjudication times for after-filed I-918As vary, the process can take a year, especially without follow-up.	In February 2025, USCIS indicates that 80% of cases are completed within 37 months. Note: although the I-929 can be filed concurrently with the U-1's I-485, it will not be adjudicated unless and until the U-1's I-485 is approved.
EAD	An EAD may be available pursuant to a bona fide determination (BFD), if the U-1 received a BFD. An EAD is available upon approval of the I-918A. Note that, although U derivatives are also authorized to work incident to status, filing a Form I-765 is required for derivatives to obtain an EAD upon I-918A approval.	No EAD is available with the I-929 approval. After the I-929 is approved <u>and</u> an I-485 is filed, the qualifying family member can also file an I-765 for the (c)(9) EAD. Concurrent filing of the I-929 and the qualifying family member's I-485 is <u>not</u> permitted.
Adjustment of Status / Immigrant Visa Requirements for Family Member	Must demonstrate three years of continuous physical presence, for purposes of adjustment of status under § INA 245(m). U derivatives can adjust separately and independently from the U-1.	Upon approval of the I-929, the qualifying family member is eligible to pursue adjustment of status or an immigrant visa.
Jurisdiction	8 CFR § 214.14(c): "USCIS has sole jurisdiction over all petitions for U nonimmigrant status."	8 CFR § 245.24(h)(2): "The decision to approve or deny a Form I-929 is a discretionary determination that lies solely within USCIS's jurisdiction." 8 CFR § 245.24(i)(2): "The decision to approve or deny Form I-485 is a discretionary determination that lies solely within USCIS's jurisdiction." 8 CFR § 245.24(k): "Exclusive jurisdiction. USCIS shall have exclusive jurisdiction over adjustment applications filed under section 245(m) of the Act."
Regulations	U nonimmigrant status: 8 CFR § 214.14(f) Discretion and inadmissibility for U nonimmigrants: 8 CFR § 212.17 U-based adjustment: 8 CFR § 245.24(b)-(d)	8 CFR § 245.24(g)-(i)

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² For current processing times, see USCIS "Check Case Processing Times" page at <https://egov.uscis.gov/processing-times/>

³ See ASISTA's "[Hot Tips for Using Service Center Hotlines and Supplementing Pending Petitions](#)" (Updated Jan. 22, 2024).