

Congress of the United States
Washington, DC 20515

May 2, 2022

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

RECEIVED

By ESEC at 1:47 pm, Jun 02, 2022

Dear President Biden:

We urge you to extend through June 30, 2024, the Deferred Enforced Departure (DED) and employment authorization for Liberians in the United States. We ask that you take this action immediately in order to avoid further anxiety and uncertainty in our nation's Liberian communities.

In providing this extension, we also urge you to expand DED to cover Liberian individuals who have continuously resided in the United States since May 20, 2017, when the last Temporary Protected Status (TPS) period for Liberians ended. Further, we ask that you update the list of DED exclusions to remove the category of Liberians who "sought or seek LPR [legal permanent resident] status under the LRIF [Liberian Refugee Immigration Fairness] provision but whose applications have been or are denied by the Secretary of Homeland Security." Many applicants may have been denied LPR status for administrative reasons, such as insufficient fees or missing documents, that are challenging to cure once the program has lapsed.

U.S.-Liberia ties run deep, as many free and newly emancipated African-Americans were resettled there in the 1800s. In 1989, a seven-year civil war broke out in Liberia that would claim the lives of over 200,000 people and displace more than half of the Liberian population. During the conflict, food production halted and the country's infrastructure and economy were destroyed. A second civil war followed from 1999 to 2003. Then from 2014 to 2016, Liberia faced an extensive Ebola outbreak that killed an estimated 5,000 of the 10,000 people who contracted the disease. The outbreak devastated the country's fragile health care system, infrastructure, and economy, while exacerbating social tensions.


During this long succession of uniquely tragic circumstances, thousands of Liberians who were forced from their homes sought refuge in the United States. In recognition of danger and instability in the country, since 1991, subsequent Administrations have granted TPS and DED designations for Liberians. Congress then unified to support this community in 2019 through passage of the Liberian Refugee Immigration Fairness Act. This law created a pathway to citizenship for the thousands of Liberians who have called the U.S. home for years – contributing to our workforce, paying taxes, and become integral members of our communities. In addition, thanks to your day-one executive action, Liberian DED recipients are authorized to remain in the United States through June 30, 2022.

The latest DED extension has been a vital lifeline for this community, and a DED extension is once again necessary. With unprecedented backlogs at U.S. Citizenship and Immigration Services (USCIS), implementation of LRIF was uneven. Many Liberians had to deal with the impacts of exceedingly slow processing times, eroding trust between immigrant communities and the U.S. government. In addition, the last available data shows a 12-month average LRIF processing time, which means that an applicant who applied prior to the December 2021 deadline could face losing their DED status before receiving a decision on their LRIF application. Further, should their application be denied after June 30, 2022, they will lose their legal status, work authorization, and protection from deportation. Extending DED status will give Liberians with DED peace of mind to live and work as their LRIF application awaits adjudication, prevent unsuccessful applicants from suddenly falling out of status without warning, and allow time for Liberians to correct or appeal flawed or improperly denied applications.

In addition, the global COVID-19 pandemic has persisted far beyond expectations, continuing to disrupt the free movement of people and nearly every nation's economic recovery. Indeed, in Liberia, the World Bank estimates that real GDP contracted by 3.0 percent and that the extreme poverty rate rose to 51 percent in 2020, up from 38.1 percent in 2014. Liberia only completed its first democratic transfer of power in decades in 2017, and there are still serious concerns about the country's ability to maintain peace and deliver essential services to its population. An influx of Liberians deported from the United States could further stress the country's fragile recovery and limited infrastructure, reversing the nation's advances in rebuilding from both the pandemic and past political and socioeconomic instability. It would also diminish the crucial investment and assistance that Liberians in the U.S. provide through remittances to their relatives in Liberia. Furthermore, the Center for Migration Studies estimated in 2020 that 7,900 of the Liberian nationals potentially eligible for LRIF serve as critical essential infrastructure workers in the United States, particularly in the health care sector. Sending these individuals back to Liberia could have a detrimental effect on the U.S. economy at a time when we are faced with a severe labor shortage and still feeling the impact of the pandemic.

Over the decades, uncertainty surrounding extensions of DED for Liberians has caused severe anxiety and confusion throughout Liberian communities in our states. Liberians with DED status are deeply involved in our civic, business, and faith communities; they are our families, coworkers, neighbors, and friends. They deserve a fair shot at receiving the benefits of LRIF, as Congress intended – and many are still pursuing this legal pathway. For the reasons we have enumerated, we believe it is in the United States' best interests to permit these individuals to remain here at least through June 30, 2024. We appreciate your consideration of this request.


Sincerely,



Jack Reed
United States Senator




Sheldon Whitehouse
United States Senator




Amy Klobuchar
United States Senator



Tina Smith
United States Senator



Anthony G. Brown
Member of Congress



David N. Cicilline
Member of Congress



Brian Fitzpatrick
Member of Congress



U.S. Citizenship
and Immigration
Services

August 5, 2022

The Honorable Jack Reed
United States Senate
Washington, D.C. 20510

Dear Senator Reed:

Thank you for your May 2, 2022 letter regarding Deferred Enforced Departure (DED) for Liberia. Secretary Mayorkas asked that I respond as U.S. Citizenship and Immigration Services (USCIS) is primarily responsible for implementing DED.

I appreciate the concerns that you have outlined regarding the situation in Liberia and your interest in its designation for DED. On June 27, 2022, President Biden issued the Memorandum on Extending and Expanding Eligibility for Deferred Enforced Departure for Liberians to the Secretaries of State and Homeland Security that defers through June 30, 2024, the removal of any Liberian national, or individual without nationality who last habitually resided in Liberia, who is present in the United States and who was covered under DED as of June 30, 2022.¹ It also defers the removal of any Liberian national, or individual without nationality who last habitually resided in Liberia, who has been continuously physically present in the United States since May 20, 2017.² In addition, President Biden continued through June 30, 2024, employment authorization for individuals in these categories.

The Memorandum states that this grant of DED and continued employment authorization shall apply to any Liberian DED beneficiary as of June 30, 2022, or any Liberian national, or individual without nationality who last habitually resided in Liberia, who has been continuously physically present in the United States since May 20, 2017, but shall not apply to such persons in the following categories:

- 1) individuals who would be ineligible for Temporary Protected Status (TPS) for the reasons provided in section 244(c)(2)(B) of the Immigration and Nationality Act, 8 U.S.C. 1254a(c)(2)(B);
- 2) individuals who sought or seek LPR status under the Liberian Refugee Immigration Fairness (LRIF) provisions in section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) but whose applications have been or are denied by the Secretary of Homeland Security due to ineligibility for LRIF relief under sections 7611(b)(1)(C) and (b)(3);
- 3) individuals whose removal the Secretary of Homeland Security determines is in the interest of the United States, subject to the LRIF provision;

¹ See Memorandum on Extending and Expanding Eligibility for Deferred Enforced Departure for Liberians (June 27, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/27/memorandum-on-extending-and-expanding-eligibility-for-deferred-enforced-departure-for-liberians/>.

² Under the last Temporary Protected Status (TPS) designation for Liberia, TPS was extended through May 20, 2017. TPS termination was effective May 21, 2017. See Temporary Protected Status Designated Country: Liberia (last updated 4/19/2017), <https://www.uscis.gov/archive/temporary-protected-status-designated-country-liberia>.

- 4) individuals whose presence or activities in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States;
- 5) individuals who have voluntarily returned to Liberia or their country of last habitual residence outside the United States for an aggregate period of 180 days or more, as specified in subsection (c)(2) of the LRIF provision; or
- 6) individuals who are subject to extradition.

The President's Memorandum instructs the Secretary of Homeland Security to direct the appropriate officials to make provision by means of a notice published in the *Federal Register* for immediate allowance of employment authorization for those eligible Liberian nationals or persons who last habitually resided in Liberia. USCIS is currently drafting a *Federal Register* notice to implement the president's memorandum and will publish it as soon as possible. In the interim, we have updated our webpage with new information in light of the memorandum. On June 29, 2022, USCIS posted an announcement on the extension and expansion of DED for Liberians on its home page with hyperlinks for further information.³ USCIS has also posted alert boxes on its DED main webpage⁴ and DED Covered Country – Liberia webpage.⁵ These webpages now state that DED is extended through June 30, 2024 and Employment Authorization Documents (EADs) are auto-extended through June 30, 2024 for eligible individuals as outlined above. The DED Covered Country – Liberia page states specifically that USCIS is automatically extending DED-related EADs through June 30, 2024 for those who already have an EAD with a "Card Expires" date of March 30, 2020, January 10, 2021, or June 30, 2022 and an A-11 category.

USCIS appreciates the information you have provided on pending applications for LRIF. When a program like LRIF has a filing deadline, after which no new applications may be submitted, processing times will increase as we get further away from the filing deadline and USCIS continues to adjudicate the workload. USCIS is committed to making efficient and timely decisions on all pending applications and petitions and addressing its backlog.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,



Ur M. Jaddou
Director

³ See <https://www.uscis.gov>.

⁴ See <https://www.uscis.gov/humanitarian/deferred-enforced-departure>.

⁵ See <https://www.uscis.gov/humanitarian/deferred-enforced-departure/ded-covered-country-liberia>