

Congress of the United States

Washington, DC 20510

March 16, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

Mrs. Tracy Renaud
Acting Director
U.S. Citizenship and Immigration Services
3801 Nebraska Avenue NW
Washington, DC 20528

Dear Secretary Mayorkas and Acting Director Renaud:

On his first day in office, President Biden reaffirmed his commitment to immigration reform by rescinding numerous harmful Trump-era policies and introducing a legislative proposal that secures our borders, addresses the root causes of the Central American refugee crisis, and creates a pathway to citizenship for those who follow the law and pay taxes. We applaud these actions and thank the President for his comprehensive approach to repairing our broken immigration system.

Of particular note for our constituents was President Biden's memorandum, *Reinstating Deferred Enforced Departure for Liberians*. As you know, Deferred Enforced Departure (DED) is a temporary immigration benefit that allows eligible individuals to work and live in the United States without fear of deportation. Liberian nationals who have continuously resided in the U.S. since October 1, 2002 and who held Temporary Protected Status (TPS) on September 30, 2007, have received DED protections. After the Trump administration allowed the program to expire in January, the President's memorandum extended Liberian DED through June 30, 2022.

Reinstating these longstanding protections was urgently necessary and deserves high praise. However, like President Biden, we believe that our Liberian communities deserve the opportunity to become citizens. That's why, in December 2019, Congress enacted the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92), which included the Liberian Refugee Immigration Fairness (LRIF) provision. LRIF allowed eligible Liberians currently on DED to continue living legally in the U.S. and get on a pathway to citizenship. Unfortunately, due to ongoing delays at USCIS and challenges related to the COVID-19 pandemic, very few Liberian immigrants have successfully completed LRIF applications. Congress enacted a one-year extension to the LRIF program during the 2021 appropriations process, but the program cannot function as intended unless these underlying issues are addressed.

To that end, the President’s DED memorandum directed the Secretary of Homeland Security “to review the LRIF application procedures administrated by United States Citizenship and Immigration Services to ensure that they facilitate ease of application and timely adjudication.”¹ In light of this guidance, we implore you to take the following steps to guarantee that all DED holders and other eligible Liberians are able to apply for the LRIF program without overly cumbersome procedures and with full transparency regarding the requirements and processing of their applications.

1. **USCIS should provide fee waivers to applicants who adequately prove their need.** Several applicants – including some who are homeless – have been denied requests for fee waivers even when clearly experiencing financial hardship and otherwise meeting current eligibility requirements for a fee waiver. Worse still, many applicants have not received sufficient explanation to understand the basis for these denials, making it challenging for such applicants to successfully reapply for a waiver. It is unacceptable that such individuals be precluded from applying for LRIF solely due to an inappropriate denial of a fee waiver. We ask that you reevaluate the manner in which current fee waiver guidance is being applied to LRIF applicants, particularly to those who are homeless and clearly cannot pay such fees, and share any updates to fee waiver guidance provided to the Lockbox with Congress.
2. **USCIS should not require in-person interviews unless necessary.** Eligible applicants for LRIF have been in the United States for decades and have been previously screened by USCIS. The COVID-19 pandemic and on-going processing delays further weigh against mandating an interview in LRIF cases. USCIS officers should only require an in-person interview in such cases where an application presents fraud, national security, or other concerns. In such cases, maximum COVID protections should be in place to ensure that both USCIS personnel and LRIF applicants are safe. Furthermore, we request that USCIS provide the Congress with the criteria used by the agency to request interviews.
3. **USCIS should adjudicate all LRIF applications consistently, by issuing policy guidance that ensures consistent processing and by centralizing processing in one location.** Under current policy, LRIF applications are processed at one of many different locations. There have been wide disparities between how each application process has been handled based on what office that application gets referred to. All LRIF applications must receive equal treatment and this inconsistent processing has led to arbitrary denials based on which office receives an application. Issuing clearer policy guidance to adjudicators and centralizing processing in one location would prevent arbitrary denials based solely on which office an application was assigned. Furthermore, we request that USCIS provide the Congress any policy guidance issued to adjudicators on processing of LRIF applications.
4. **USCIS should revoke blanket requirements that place unnecessary burdens on applicants, including having a valid, unexpired Liberian passport.** Currently, all LRIF applicants must provide a valid, unexpired passport, although such applicants have already proven their Liberian nationality in order to qualify for the DED program. Further still, the Liberian Ministry of Foreign Affairs also limited the issuance of Liberian passports during the pandemic. While the Liberian Embassy has been exceedingly helpful and timely in processing requests, requirements such as this are overly burdensome, add additional costs, and could delay the process for many eligible LRIF applicants. Such evidence should only be requested on a case-by-case basis as necessary to establish identity, rather than as a blanket requirement for all applicants.

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/reinstating-deferred-enforced-departure-for-liberians/>

5. **USCIS should allow for the continuation of DED and employment authorization until LRIF applicants receive a final decision on their applications.** Applicants that receive a LRIF denial are no longer eligible for LRIF-based Employment Authorization Documents (EADs) nor do they qualify for DED, even as their applications are appealed and a final decision is pending. DED was reinstated for the explicit purpose of allowing Liberians to keep their jobs while they go through the LRIF application process, and this should continue during any legally permissible appeal process. The fact that some Liberians who are still going through the LRIF application process will have no access to work authorization is inconsistent with the intent of President Biden’s memorandum on DED.

6. **USCIS should conduct culturally competent, public outreach and engagement to ensure the successful implementation of LRIF.** Such outreach and engagement must seek to educate potential beneficiaries of existing laws and guidance from the federal government as well as any updated policies and procedures from the Department. This must include specifically clarifying the distinction between LRIF-based EADs and automatically extended EADs, such as DED-based EADs, which is a point of much confusion. The engagement should include, but is not limited to, engagement with the Liberian Embassy and outreach to potential beneficiaries currently in detention.

Finally, we request that USCIS deliver a report to Congress within 60 days that describes the processing procedures and data regarding LRIF approvals, denials, and pending applications, specifies the impediments faced during the coronavirus pandemic, and describes a plan to expediently address those challenges and eliminate the application backlog.

Our districts represent among the largest Liberian immigrant populations in the United States. For decades, Liberians on DED have worked legally, owned homes, and paid taxes with no pathway to citizenship. Congress and the Biden Administration have come together to correct that injustice, and it is our responsibility to fulfill this commitment by ensuring that LRIF applications are processed in a timely manner without burdensome requirements and with full transparency.

Sincerely,



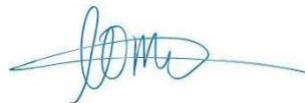
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