



# Why Expedited Processing is Insufficient for Successful Implementation of Liberian Refugee Immigration Fairness (LRIF)

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## I. About LRIF

Liberian Refugee Immigration Fairness or LRIF is a program enacted within the [National Defense Authorization Act](#) that allows certain Liberian nationals who have lived in the United States to obtain lawful permanent resident or LPR status (also known as a “green card.”). Ever since 1991, many Liberian nationals in the United States have been [eligible](#) for protection and employment authorization under either Temporary Protected Status or TPS or Deferred Enforced Departure or DED.

## II. Need for a Bridge Between DED and LRIF

Employment authorization, also known as a work permit, for DED holders from Liberia is set to [expire](#) on March 30, 2020. Consequently, there is a [serious risk](#) that current DED holders will experience a gap in employment authorization and lose protection from deportation, even if they are eligible for and apply for LPR status through LRIF. To address this gap, U.S. Citizenship and Immigration Services or USCIS proposed that certain applicants under LRIF make an [expedite request](#) to speed up the processing of their applications.

## III. Why Expedite Requests are Insufficient

Expedite requests are insufficient to address the needs of current Liberian DED holders, who will experience a gap in employment authorization and protection from deportation while USCIS adjudicates their LRIF applications, and their employers. The inefficiencies of USCIS’ proposed solution include:

- USCIS’ [criteria](#) for granting an expedite request are limited to severe financial loss, urgent humanitarian reasons, compelling U.S. government interest, or USCIS error. There is no specific carve-out for LRIF.
- Expedite requests for LRIF applicants for work authorization are [only available](#) to those who request expedited processing on or before March 30, 2020, even though LRIF applicants may file their I-485 forms to adjust status through Dec. 20, 2020.
- USCIS’ [backlogs](#) are staggering and pervasive, leading to severe processing delays across all application types. This means that even those eligible for expedited processing may be waiting for their work permit long after the March 30 deadline.

- Those who request expedited processing for their I-765 employment authorization applications **must** have a pending I-485, meaning that they must have already submitted their I-485, either separately from or concurrently with their I-765, and received a **receipt notice** from USCIS before they can even request expedited processing. Given that the deadline to request expedited processing is March 30, 2020, the window is likely too narrow for the majority of potentially eligible requestors.
- The officer who reviews the expedite request **may require** more evidence from the requestor (e.g., through a Request for Evidence) to prove that the requestor qualifies for expedited processing, further delaying a request.
- Even if processing is expedited, the applicant typically must still undergo biometrics processing before the I-765 can be adjudicated. Biometrics appointments take time, both to arrange on USCIS' end and to attend by the applicant.
- The physical production of the employment authorization document or EAD card takes time because the cards are produced in batches (i.e., an EAD will not be necessarily immediately printed once the underlying application is approved) and must be mailed to approved applicants.

## IV. Solutions

While expedite requests will not adequately bridge a potential gap between DED and LRIF, CLINIC and partners recommended **several solutions** that could better ensure protections for DED holders and others eligible for LPR status through LRIF. These options are in keeping with the spirit of LRIF, as passed by Congress and signed by the President.

### Option 1:

#### **Automatically Extend EADs Under Existing Precedent and Provide Guidance to Prevent Deportation of LRIF-Eligible Individual**

Under a similar adjustment act in the past (Haitian Refugee Immigration Fairness Act), USCIS automatically extended work authorization to ensure that potential beneficiaries were able to maintain work authorization while they applied. To address the other issue, a gap in protection from deportation, DHS could issue guidance that people who are eligible for LRIF will not be detained or deported. LRIF beneficiaries already in detention should also be released so that they can access the resources necessary to apply.

### Option 2:

#### **Recommend Extending the Wind Down Period for DED for Liberia by One Additional Year**

DHS could also recommend to the White House a one year extension of the wind down period for DED for Liberia. In the last extension of the wind down period, President Trump wrote that extending the protection was "in the foreign policy interest of the United States" and noted that the extension would give Congress time to act. Accordingly, the White House already made a determination that it is in the foreign policy interests of the United States to facilitate Liberians with temporary protection to transition to a permanent status. While ultimately the White House must make a determination as to whether an additional exercise of DED is appropriate, USCIS and DHS are situated, as governmental stakeholders, to present a DED recommendation.

Close to 1,000 Liberian DED holders will lose their employment authorization at the end of March, leading to terminations at work, expired driver's license and loss of access to other state and local benefits and services. USCIS must step up and promulgate more effective strategies to address this forthcoming crisis and ensure that Liberians can smoothly transition to permanent status, in accordance with Congress and the President's vision.