

*via email*

June 2, 2020

Joseph Edlow  
Deputy Director for Policy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20529

**RE: RECOMMENDATIONS FOR USCIS ON LIBERIAN REFUGEE IMMIGRATION FAIRNESS (LRIF)**

Dear Mr. Edlow:

On behalf of the Catholic Legal Immigration Network, Inc. (CLINIC), African Communities together (ACT), BAJI, the Immigrant Legal Resource Center (ILRC), Massachusetts Law Reform Institute (MLRI), and The Advocates for Human Rights, we respectfully write to urge the U.S. Citizenship and Immigration Services (USCIS) to consider the below recommendations regarding the ongoing implementation of Liberian Refugee Immigration Fairness (LRIF). Specifically, we urge USCIS to reevaluate interview requirements, to release information on their response to the recent comment period to the policy manual, to publish all comments received on USCIS' electronic reading room, and to update the data release policy regarding LRIF adjustment of status.

**CLINIC.** Embracing the Gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of immigration legal services programs. This network includes approximately 370 programs operating in 49 states and the District of Columbia. CLINIC's network employs an estimated 2,300 staff, including attorneys and accredited representatives who, in turn, serve hundreds of thousands of low-income immigrants each year.

**African Communities Together.** ACT is an organization of African immigrants fighting for civil rights, opportunity, and a better life for our families here in the U.S. and worldwide. ACT empowers African immigrants to integrate socially, get ahead economically, and engage civically by connecting African immigrants to critical services, helping Africans develop as leaders, and organizing our communities on the issues that matter.

**BAJI.** BAJI educates and engages African American and Black immigrant communities to organize and advocate for racial, social, and economic justice. Local BAJI Organizing Committees in New York, Georgia, California and Florida build coalitions and initiate campaigns among communities to push for racial justice. At the local and regional level, BAJI provides training and technical assistance to partner organizations to develop leadership skills, works with faith communities to harness their prophetic voice, and initiates vibrant dialogues with African Americans and Black immigrants to discover more about race, our diverse identities, racism, migration, and globalization.

**ILRC.** The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and

educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity.

**MLRI.** MLRI provides statewide advocacy and leadership in advancing laws, policies, and practices that secure economic, racial, and social justice for low-income people and communities. MLRI furthers its mission through impact litigation, policy advocacy, coalition building, community lawyering, and public information. In addition, MLRI serves as the poverty law support center for the Massachusetts civil legal aid delivery system and advocacy community. Our advocates provide expertise and support to local legal aid programs, social service, health care and human service providers, and community organizations that serve low-income people throughout the state.

**The Advocates for Human Rights.** The Advocates for Human Rights is a volunteer-driven nongovernmental organization dedicated to defending internationally recognized human rights standards in our home community and in partnerships around the globe. The Advocates' core programming focuses on ending violence against women, increasing international accountability for human rights abuses, abolishing the death penalty, ending human trafficking, and defending refugee and immigrant rights. The Advocates has provided free legal representation to asylum seekers for more than 35 years, including hundreds of Liberians living in Minnesota. Today, The Advocates handles more than 1,200 cases each year by engaging pro bono lawyers in Minnesota and throughout the United States. The Advocates continues to represent asylum seekers at all levels of proceedings, as well as representing detained immigrants and trafficking victims throughout the Upper Midwest. From 2006-2009, The Advocates served as a partner of the Liberian Truth and Reconciliation Commission, coordinating statement-taking and public hearings for Liberians living in the diaspora and authoring *A House with Two Rooms: Final Report of the Liberian Truth and Reconciliation Commission Diaspora Project*.

Collectively, our recommendations reintroduce time-saving discretionary judgments to the interview process, enhance communications between USCIS and community members and advocates, and improve the flow of information. Importantly, clearer guidance on LRIF eligibility will directly support increased adjudication efficiency at USCIS by promoting higher quality applications and adjudications.

### **I. Limit In-Person Interviews and Increase Efficiency by Processing LRIF Applications at a Single Service Center**

USCIS indicated that all LRIF applications will be processed at the local USCIS field office, which will interview LRIF applicants. This practice is inconsistent with the text of the law dictating that USCIS **shall** grant LRIF to anyone who can demonstrate eligibility.<sup>1</sup> Nothing in the underlying LRIF statute indicates that Congress intended to require interviews to qualify for relief under LRIF. Flexibility in regards to in-person interviews is especially pertinent during the COVID-19 crisis, which necessitated the closure of USCIS field offices and application support centers as well

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<sup>1</sup> Section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) provides that the Department of Homeland Security “shall adjust the status of an alien described in subsection (c) to that of an alien lawfully admitted for permanent residence[.]” 116 Pub. L. No. 92, § 7611(b), 133 Stat. 1198 (2019).

as stay at home orders for the majority of the country. With the limited time and resources for all involved, USCIS has the statutory and regulatory flexibility to remove this unnecessary step for all but the more complex cases needing further inquiry. Historically, mandatory interviews for all applicants under programs similar to LRIF, such as the Haitian Refugee Immigration Fairness Act<sup>2</sup> or the Cuban Adjustment Act,<sup>3</sup> were not directed by the underlying statutory text or subsequent regulations or policy guidance. Processing at a dedicated Service Center would have the added benefit of using resources to train a single team of adjudicators and increasing the quality and consistency of adjudications.

## **II. Respond to the Comments for the Recent Comment Period for LRIF**

USCIS published USCIS Policy Manual at Volume 7, Part P, Chapter 5, Liberian Refugee Immigration Fairness on April 7, 2020, and provided a 30-day comment period on the new chapter. As an organization with relevant technical expertise, CLINIC, along with many of the undersigned stakeholders submitted comments and requests for revision to USCIS within the comment period.<sup>4</sup> Despite USCIS moving forward with LRIF, we still do not know USCIS' response to these comments as of the date of this letter. To increase transparency and promote communication with stakeholders, we encourage USCIS to provide a response summarizing the comments that they received along with their response to the comments, including grounds as to why they did or did not adopt certain recommendations. We also encourage USCIS to clearly state what changes, if any, it will make to the LRIF implementation process in response to the comments. Finally, we encourage USCIS to publish all comments received in its online electronic reading room.

## **III. Release Specific and Monthly Data on LRIF Adjustment of Status Applications**

At this time, USCIS releases data on a broad range of adjustment of status applications in its quarterly report titled *Number of I-485 Applications to Register Permanent Residence or Adjust Status*. These data sets are typically released by USCIS three months after the respective quarter has closed—a significant lag time between data collection and dissemination. Due to the short application period for LRIF, however, monthly releases would be more helpful for Members of Congress and service providers to analyze and review the information presented. There is certainly precedent for more frequent data releases— asylum application data, for example, are reported bi-weekly. A quarterly release of this information would also result in particularly helpful or insightful data being released for the first time close to the end of the application period for LRIF. Consequently, this would reduce the helpfulness of the data in identifying and resolving problematic trends and issues.

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<sup>2</sup> *Green Card for a Haitian Refugee*, U.S. Cit. & Immigr. Servs., <https://www.uscis.gov/green-card/green-card-eligibility/green-card-a-haitian-refugee> (last updated Nov. 27, 2017).

<sup>3</sup> See Cuban Adjustment Act, Pub. L. No. 89-732, 80 Stat. 1161 (1966); *Green Card for a Cuban Native or Citizen*, U.S. Cit. & Immigr. Servs., <https://www.uscis.gov/green-card/green-card-eligibility/green-card-a-cuban-native-or-citizen> (last updated Aug. 13, 2019).

<sup>4</sup> Letter to U.S. Cit. & Immigr. Servs. and U.S. Dep't of Homeland Sec. from Anna Gallagher, Executive Director, Catholic Legal Immigration Network, Inc. (May 7, 2020), available at <https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/clinic-comments-uscis>; Letter to U.S. Cit. & Immigr. Servs. and U.S. Dep't of Homeland Sec. from African Communities Together et al. (May 7, 2020), available at <https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/liberian-refugee>.

Precise data on LRIF applications may also be obscured if USCIS includes LRIF-related data in the “Other” category of the quarterly report. This practice would make it impossible for Members of Congress and stakeholders to discern which applications are for LRIF and which represent other categories. USCIS should instead allow LRIF data to be specifically highlighted in its now monthly reports, ensuring accurate reporting on this burgeoning program.

We thank you for your consideration of these recommendations. We hope to maintain open lines of communication as we and our network agencies serve LRIF-eligible applicants in the months to come. We are at your disposal to discuss these recommendations or any other measures that USCIS is considering. Please reach out to Jill Marie Bussey, CLINIC’s Advocacy Director, at [jbussey@cliniclegal.org](mailto:jbussey@cliniclegal.org) or by phone at (240) 353-5208 for any additional information or to schedule a tele-engagement.

Sincerely,

Catholic Legal Immigration Network, Inc.  
African Communities together  
BAJI  
The Immigrant Legal Resource Center  
Massachusetts Law Reform Institute  
The Advocates for Human Rights

cc: Michael Dougherty, Citizenship and Immigration Services Ombudsman