

LRIF Strategy Group:

First 100 Day Recommendations on the Liberian Refugee Immigration Fairness Program

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These recommendations are endorsed by the undersigned 57 organizations who provide legal and other services to or otherwise support the Liberian community and more just immigration policies in the United States. **Because 1. Deferred Enforced Departure for Liberians expires on January 10, 2021; and 2. The Liberian Refugee Immigration Fairness program application period ends December 20, 2020, the below recommendations are extremely urgent.**

About the Liberian Refugee Immigration Fairness program (LRIF): [LRIF](#) was passed as part of the 2019 National Defense Authorization Act, establishing a program to apply for permanent residency for Liberians who have lived in the U.S. since 2014 or before along with their dependents and spouses. Most eligible Liberians have held either Temporary Protected Status (TPS) or Deferred Enforced Departure (DED) for decades, since the Liberian civil wars in the 1990s. An estimated [10,300 people are eligible](#) for LRIF. Under the law, Liberians were given only one year to apply, with a **deadline of December 20, 2020**. Many, if not most, Liberians eligible for LRIF who are unable to meet the deadline will only have protection from deportation and work authorization until Jan. 10, 2021, when DED for Liberia expires.

State of play and urgency: To date, estimates show that only 2,300 of the 10,300 people eligible for LRIF have applied before the Dec. 20, 2020 deadline. Not only have Liberians had to navigate seeking advice and representation for LRIF during a pandemic -- resulting in limited movement, incapacitation from COVID itself, income and job loss -- they are also having to file applications with an administration that has shown itself to be openly hostile towards immigrants, particularly Black immigrants. All of this has been compounded by a complete absence of information and outreach from USCIS and altogether botched implementation of the program. While many communities are generally wary of coming forward to apply for legalization programs, the issues the Liberian community face are extreme.

Given these issues, and the expiration of DED for Liberia on January 10, 2021, the majority of people that Congress intended to benefit through LRIF will be out of status, at risk of detention and deportation, and unable to work on President Biden's first day in office. Accordingly, the Biden administration must designate DED for Liberia on day one (with protection backdated to January 1, 2021) in order to immediately safeguard this vulnerable population. From there, USCIS, under new leadership, must correct the major systemic issues at UCIS and remove the obstacles to access the program that were put in place by the last administration. Along with DED for Liberia on day one, the Biden administration must also immediately call on Congress to reopen the application period for LRIF (which closes on December 20, 2020) to give those potentially eligible a meaningful opportunity to apply.

"LRIF has provided a sense of long term stability that I simply did not have while on TPS and DED. Instead of the precarity of living deadline to deadline, I feel like I can fully and securely contribute to the communities that I love."

- Yatta Kiazolu, LRIF applicant

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We ask the Biden Administration to:

I. Extend DED for Liberia for at least 24 months on Day One, backdated to Jan. 1, 2021:

In March 2018, the Trump Administration announced its [decision](#) to terminate DED for Liberia, giving Liberian DED holders until March of 2019 to voluntarily leave the U.S. or risk deportation. This decision -- and the Trump administration's failure to recognize or address the consequences of ripping thousands of people away from their families, communities, and lives -- eventually led to two extensions of DED past the initial termination date (in [2019](#) and [2020](#)), and, on a bipartisan basis, to the passage of [LRIF](#) in December 2019.

Now, given COVID-19 and the botched implementation of LRIF at USCIS, DED must be immediately designated to protect this vulnerable community, including people who arrived after 2014. The issues that led to Liberia's initial DED designation -- including instability and lack of security following years of civil strife -- still exist in the country today. Thousands of Liberians now in the United States have purchased homes, started businesses, married and had children who are American citizens, and have contributed critically significant amounts to the American tax base. Many are COVID-19 essential workers, particularly in healthcare. Not extending DED on Day One will place these Liberians, and the huge numbers of Americans that benefit from their contributions, back in a place of limbo and uncertainty.

II. Call on Congress to reopen the LRIF program with no deadline attached to give all potential beneficiaries the opportunity to apply:

USCIS office closures, among other COVID-19-related changes, have greatly impacted the function and success of the LRIF program. However, far before the pandemic took hold, concerns were raised about USCIS' implementation of LRIF by members of the Liberian community and advocacy groups. These [concerns](#) ranged from USCIS' failure to publish the Policy Manual for months (containing vital information for practitioners and applicants about how to apply), lack of public education and outreach, requiring higher bars and standards of evidence than for other populations and setting other bars outside the scope of the statute, requiring needless interviews, and much more.

From the estimated 10,300 people projected to be eligible for LRIF, only a few thousand have been able to apply before the deadline. Of the people who applied, only a handful have received their green cards. Given the low application and approval numbers, ongoing COVID-19, and implementation problems, the Biden administration must call on Congress to take action to immediately reopen the program without deadlines attached. Extending the duration of the program provides USCIS the opportunity to properly and effectively implement the law as Congress intended. This clearly stated priority from the Biden administration will keep hope alive for thousands of Liberians who fought for LRIF and for American citizens who benefit from keeping the Liberian community as part of the American fabric.

Again, we recommend that Congress extend the LRIF application deadline indefinitely. Congress should also consider changing the cut-off date in terms of eligibility and physical presence to January 1, 2021, to capture recent entrants from Liberia.

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III. Direct USCIS to engage in a robust, ongoing public outreach and education program including coordinating with ICE to reach eligible Liberians who may be detained:

Under the previous administration, DHS and USCIS did not engage in public outreach to ensure that the community and legal services providers had the key information they needed to apply for LRIF. These vital elements of USCIS' work -- public outreach and engagement -- must be restored under the Biden administration.

Additionally, Liberians who may be eligible for LRIF but are in immigration detention facilities have no meaningful access to information about the program or representation, no ability to get the evidence and documents they need to apply, and no access to biometrics services. Such hurdles must be addressed immediately to ensure that every eligible Liberian has a fair chance to seek relief under LRIF.

IV. Reform LRIF processing and adjudication at USCIS to increase efficiency:

In April 2020, USCIS issued policy guidance on LRIF, vital information for both practitioners and applicants on how to apply for the program. This guidance, published 4 months late following the opening of the program, [exceeded](#) the original scope of the statute by imposing new requirements on family members for LRIF, which prohibited the spouses and children of Liberians eligible for LRIF to apply for the program before the principal applicant. The new guidance also implemented onerous documentation requirements for both Liberian applicants and their spouses and children. These implementation issues, and others, have suppressed applications and undermined the ability of LRIF to fully provide relief to its intended population.

Under the Biden administration, USCIS must immediately review LRIF implementation -- including engaging with stakeholders -- and correct course. Specifically, USCIS must address the following, and more:

- **Cease needless in-person interviews:** USCIS has been requiring a large number of in-person interviews for LRIF cases, which is a significant barrier, particularly during a pandemic. This is contrary to the text of the law which dictates that USCIS shall grant LRIF to anyone who can demonstrate eligibility. Nothing in the underlying LRIF statute indicates that Congress intended to require interviews to qualify for relief under LRIF.
- **Increase efficiency by processing cases at a single location:** In order to arrange for needless in-person interviews, USCIS is processing cases at various service centers. USCIS should process all cases at a single location with specially trained staff to increase efficiency and reduce needless paperwork.
- **Address excessive and burdensome evidence requirements:** In the case of physical presence evidence for example, USCIS has adopted a heavy burden dissimilar to other relief programs, in many cases requiring copious amounts of supporting evidentiary documents. USCIS should only require a single piece of evidence per quarter of presence, similar to other relief programs in the past.
- **Clarify that unexpired passports or certificate of naturalization are not required:** The USCIS Policy Manual, USCIS website, and RFE boilerplate language suggest that applicants must present either an unexpired passport or certificate of naturalization to establish nationality and fail to reference alternative, acceptable forms of documentary evidence. These omissions and

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lack of clarity suppress applications as these documents may not be readily available, particularly during the COVID-19 pandemic.

V. Establish a grant program for NGOs to assist LRIF applicants:

In light of the ongoing pandemic and economic recession, LRIF applicants face a variety of fiscal and legal barriers to accessing the relief provided by LRIF. A grant program to state and local organizations to assist in increasing LRIF applications would go far in ensuring that LRIF is successful. The Biden administration should establish a grant program for NGOs and community-based organizations to provide legal services, outreach, screening, and representation for LRIF applicants.

Organizational Endorsers:

ACER, Inc
Adhikaar
African American Ministers In Action
African Communities Together
African Public Affairs Committee
Alianza Americas
American Friends Service Committee
American Immigration Lawyers Ass'n DC/MD/VA
Asian Americans Advancing Justice | AAJC
Black Immigrant Collective (BIC)
Cameroon American Council
Catholic Charities Archdiocese of Boston
Catholic Charities of the Archdiocese of Washington
Catholic Legal Immigration Network, Inc.
Catholic Migration Services
Center for Constitutional Rights
Central American Resource Center
Central West Justice Center
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Province
Cooperative Baptist Fellowship
Cornell Law School Asylum and Convention Against Torture Appeals Clinic
Disciples Refugee & Immigration Ministries
FAMN
FIRN Inc.
First Focus on Children
Goren & Barreto LLC
Haitian Bridge Alliance
HIAS and Council Migration Services of Philadelphia, Inc. DBA HIAS Pennsylvania
Higher Ground International
Hoffpauir Law
Immigrant Defense Project

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Immigrant Law Center of Minnesota
Immigrant Legal Resource Center
Immigrants Rising, a project of Community Initiatives
International Refugee Assistance Project
Law Office J. Lance Conklin
Liberian Relief Action Implementation
Make the Road New York
Massachusetts Law Reform Institute
Minikon Law, LLC
Motion Law LLC
National Advocacy Center of the Sisters of the Good Shepherd
National Network for Immigrant & Refugee Rights
National Resource Center on Domestic Violence
Northeast Justice Center
Office of Justice, Peace and Integrity of Creation, Society of the Sacred Heart United States
Canada Province
Progressive Leadership Alliance of Nevada
Refugee Congress
Staten Island Liberian Community Association
The Advocates for Human Rights
ThriveAfrica.us
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
Union for Reform Judaism
WCAPS
Wind of the Spirit Immigrant Resource Center
World Relief