

LRIF and DED Liberia Engagement – Q&A

Q1: One of our clients has a pending 485 LRIF-based application with USCIS, but it has been more than 2 months and we haven't yet received a receipt notice. Please provide an update on how/when you are receiving these LRIF-based 485 applications.

A1: As a result of COVID-19 restrictions, an increase in filings, current postal service volume, and other external factors, you may experience a delay of four to six weeks in receiving your receipt notice after properly filing an application or petition with a USCIS lockbox. These delays will not affect the receipt date, which is determined pursuant to 8 CFR 103.2(a)(7). Delays may vary among form types and lockbox locations. In some cases, you may experience significant delays if you filed a non-family-based Form I-485, Application to Register Permanent Residence or Adjust Status.

The health and safety of our workforce remains a top priority. Across all USCIS offices, including lockbox facilities, the agency has taken necessary measures such as increased social distancing and frequent cleaning in accordance with the Centers for Disease Control guidance to mitigate the spread of COVID-19. Some lockbox operations in locations that have been severely impacted by COVID-19 must adhere to stricter local guidelines. The average processing time during FY2021 YTD (Oct. 1, 2020 – Feb. 12, 2021) for LRIF I-485s is 46.3 days.

Q2: Should you refile if you file an initial application but have not heard anything on your case?

A2: Applicants for adjustment of status based on LRIF should NOT file a new application in the absence of a receipt notice or other notification. To check the status of any application, including a Form I-485 or I-765 based on LRIF or a Form I-765 based on DED, we recommend creating an myUSCIS account and checking your case status through myUSCIS. See: <https://my.uscis.gov/>

If you have already filed your application and are waiting for your receipt notice, we appreciate your patience. Currently, we recommend that you wait eight weeks before contacting us to inquire about your case status. We are working as quickly as possible to complete the intake of all filings.

Q3: There is a stakeholder question regarding the employment authorization of LRIF applicants. The question is whether the employment is automatically extended while waiting for their adjustment application to get processed or do applicants need to pay for another EAD card?

A3: Employment authorization is not automatically extended. If the stakeholder's EAD expires while the stakeholder has a pending LRIF-based Form I-485, they should file Form I-765 to request another EAD. Employment authorization may be extended up to 180 days while a properly filed renewal application is pending. See 8 CFR 274.13(d).

Q4: Why is it taking so long for LRIF applications to get processed? Applicants are being requested to show proof of employment and I guess the feeling is that they shouldn't have to apply for another EAD card because it's taking so long for the applications to get processed. I think EAD cards for AOS is 2 years; there should be a consideration of the same for LRIF.

A4: The processing time for an LRIF I-485 is 8.2 months, as compared to 13.7 months for all Form I-485 categories (the median processing time for LRIF I-485s is 8.3 months and the 93rd percentile processing time is 10.9 months). While USCIS strives to improve its efficiency and adjudicate all benefit requests in

a timely manner, LRIF processing times are significantly faster than for other adjustment of status categories. The current EAD validity period for EADs based on a pending adjustment of status application is one year, which is set by USCIS policy.

Q5: How many applications had been Approved and Denied as of present?

A5: LRIF I-485s: Through Dec. 24, 2020, USCIS had received 2,697 LRIF I-485s. As of that date, 362 had been approved, 56 denied, and 1 administratively closed. DED I-765s: Based on internal SCOPS reports, we have received 6 DED-based I-765s, Cat. 11. Of these, three have been approved and three are still being processed.

Q6: When will a dedicated USCIS call prompt be established for Deferred Enforced Departure (DED) for Liberians? This is necessary to make navigating the USCIS call system simple and accessible for eligible Liberians.

A6: The USCIS Contact Center is reviewing its systems to determine if it would be possible to add DED for Liberians into the call prompts.

Q7: When will USCIS publicly disclose the estimated number of Liberians who are eligible for DED under the January 2021 executive order's parameters? This figure will help community organizations get a sense of the scale of those we can assist in submitting applications for DED.

A7: USCIS estimates that at most 2,800 individuals are covered under DED for Liberians. Because there is no application for DED, USCIS based this estimate on the number of individuals who applied for and were granted TPS under the designation for Liberia (since having TPS was an eligibility requirement for DED for Liberians) minus those individuals who have already obtained another form of immigration relief (naturalization, adjustment of status under LRIF or other programs, etc.).

Q8: When will USCIS create and publish a revised policy manual for LRIF to avoid the issues that plagued the 2020 rollout of LRIF? For example, will USCIS accept expired Liberian passports as proof of Liberian nationality? Many Liberians who qualify for LRIF have been in the U.S. for decades and do not have access to unexpired passports.

A8: USCIS does not plan to revise the Policy Manual guidance on LRIF related to evidentiary requirements. LRIF applicants are not required to provide a valid, unexpired passport. LRIF principal applicants are required to submit evidence demonstrating that they are nationals of Liberia, a key eligibility requirement for LRIF adjustment of status. Such evidence may include, but is not restricted to, a "valid, unexpired passport." As stated in the form instructions, "examples of evidence that demonstrate Liberian nationality *include but are not limited to*: Unexpired Liberian Passport; or Liberian certificate of naturalization" (emphasis added).

USCIS lists an unexpired Liberian passport and a Liberian certificate of naturalization as examples of evidence that may demonstrate Liberian nationality. However, in all of its public and internal materials, USCIS makes it clear that evidence demonstrating Liberian nationality is not limited to these two types of documents. Officers will evaluate all evidence provided by an applicant, including testimony at an adjustment of status interview, to determine if an applicant meets this eligibility requirement.

Q9: Will USCIS create LRIF-specific application processing guidelines that are available to the public? Given the December 2021 deadline for LRIF, the public needs to understand the case processing time specific to LRIF so they can make informed decisions about when to submit their LRIF-related applications, including Forms I-485 and I-765.

A9: USCIS has already published Form I-485 Special Instructions for Liberian Refugee Immigration Fairness Applicants, USCIS Policy Manual Content, and uscis.gov web content specific to the LRIF program. As with other adjustment of status categories, USCIS does not publish specific processing time goals. As of Dec. 24, 2020, the mean processing time for LRIF I-485s is 8.2 months, the median processing time is 8.3 months, and the 93rd percentile processing time is 10.6 months.

Q10: Will USCIS publish, on a biweekly basis, data related to the number of received LRIF applications, average processing times, total number of approvals, total number of denials, numbers of Requests for Evidence issued, demographic information, and data related to Forms I-765? This data should be published on a biweekly basis until the expiration of LRIF in December 2021.

A10: A bi-weekly release of data is not possible for a variety of reasons, but we certainly hear the request for more transparency in the LRIF program data, and we are willing to enhance our current quarterly reporting to include select demographic characteristics such as age, gender, state of residence, and processing times.

Q11: How many additional virtual public engagements like this one will be hosted by USCIS? How is USCIS ensuring that communities with eligible Liberians know about these webinars and can access them equitably?

A11: USCIS remains committed to ensuring that the Liberian community is aware about LRIF and how to access eligibility information. In addition to this engagement, we plan to provide frequent reminders on social media and other communication channels. We will plan one or more national webinars throughout the registration period, and our community relations officers (CROs) will also tailor engagements for local and regional audiences. We plan to post the resources used at the webinar on our website so others can use them as reference materials.

Q12: What are USCIS's plans to further engage with the Liberian community and community organizations to ensure that as many eligible people apply for LRIF as possible? These plans should include contacting all potential applicants in USCIS' files, coordinating with ICE to ensure those in detention are able to apply, and directing Community Relations Officers to work with local governments and stakeholders to provide community outreach and education. Outreach must also include providing information on the availability of filing fee waivers and finding qualified legal assistance to ensure greater access for the entire eligible population.

A12: USCIS will continue exploring diverse approaches to ensure the community is aware of the LRIF program. Some CROs in areas with large Liberian populations have spent much of 2020 connecting with local Liberian organizations, participating in local events, and raising awareness with the community at large. USCIS CROs regularly provide information about USCIS outreach programs and activities to their counterparts in ICE.

Q13: Why was the publication of the Federal Register Notice for DED and LRIF delayed by almost one month since the publication of the January 20, 2021 executive order?

A13: DHS works to publish each FRN announcing presidential DED determinations as expeditiously as possible. In the case of the reinstatement of DED for Liberians, DHS drafted the FRN as soon as it received notification from the White House and followed normal procedures for reviewing and clearing the FRN with agency leadership and completing all pre-publication requirements.

Q14: Does USCIS apply the INA 212(e) two-year home residency requirement to LRIF applicants who initially entered in J status and are subject to this requirement? If so, and given the brief filing window for LRIF applications, would USCIS be willing to hold a pending LRIF adjustment cases in abeyance while the applicant went through the 212(e) waiver application process?

A14: An applicant for adjustment of status under LRIF must be “admissible to the United States for permanent residence.” Only INA 212(a)(4), (5), (6)(A), and (7)(A) do not apply to LRIF applicants. For that reason, INA 212(e) and the requirement that certain individuals reside and be physically present in the country of their nationality or last residence for two years following departure from the United States does apply for LRIF applicants. INA 212(e) states that individuals subject to the two-year foreign residence requirement are not eligible to apply for permanent residence until it is established that they have met the foreign residence requirement or obtained a waiver of this requirement. Because the law requires that a waiver be obtained before filing an application for permanent residence, these applications cannot be held in abeyance.

Q15: Under the plain language of the statute, a family member's ability to adjust should not be contingent on whether or not the principal Liberian applicant ultimately adjusted - including in the case if he or she has passed away. That position is not made clear in the USCIS Policy Manual, where it says that the spouse and child can only adjust if the relationship exists at the time of filing and continues to exist at the time of approval. Could USCIS clarify this contradicting language?

A15: Under LRIF, a family member is eligible to adjust if the applicant is the spouse, child, or unmarried son or daughter of an alien described in Section 7611(c)(1)(A) of the NDAA 2020, Pub. L. 116-92. Section 7611(c)(1)(A)(ii) requires that the Liberian national submit an application under 7611(b) and the most reasonable interpretation is that the application filed by the Liberian national must meet all of the requirements of Section 7611(b) in its entirety. Eligible family members may submit their adjustment applications together with the Liberian national’s LRIF-based adjustment application or after the Liberian principal applicant filed an LRIF-based adjustment application that remains pending a final decision or was approved by USCIS. A family member may not adjust status before the qualifying Liberian principal applicant.

Q16: If a Liberian LPR is placed in removal proceedings where the DHS has alleged that they are removable, but the Immigration Judge has not made a determination of removability, can the individual apply for LRIF even though there is not a final court order?

A16: Noncitizens currently in exclusion, deportation, or removal proceedings may file an adjustment application with USCIS based on LRIF. Noncitizens present in the United States with an existing order of exclusion, deportation, removal, or voluntary departure may also file an adjustment application with USCIS based on LRIF.

Q17: Do DED beneficiaries accrue unlawful presence while covered by DED if they have no other current status?

A17: A noncitizen is in a period of stay authorized beginning on the date specified in the Presidential directive. The period of stay authorized ends on the date DED ends. The noncitizen begins accruing unlawful presence the day after DED ends. In the case of the reinstatement of DED for Liberians, the accrual of unlawful presence would commence after June 30, 2022. A grant of DED does not erase any unlawful presence the noncitizen may have accrued before the grant of DED.

Q18: If someone has an DED-based EAD valid through 6/30/22 and is applying for LRIF, do they have to apply for an LRIF-related EAD?

A18: USCIS cannot answer case specific inquiries or provide legal advice. However, USCIS notes that filing an application for adjustment of status based on LRIF does not invalidate an applicant's current EAD based on DED.

Q19: There's confusion in the community around LRIF-based v. DED-based EADs. Can USCIS commit to explaining the distinction on their website and outline the process that each group needs to go through to get valid EADs?

A19: Thank you for this feedback. Applicants with a pending adjustment application based on LRIF are eligible to apply for employment authorization. Applicants must file Form I-765, Application for Employment Authorization, to request an employment authorization document. Applicants may file a Form I-765 concurrently with their adjustment application or while the adjustment application is pending with USCIS. If an LRIF applicant's adjustment application has been pending for more than 180 days and it has not been denied, USCIS must approve the applicant's Form I-765 on such basis.

Q20: What kind of appeals process is available for the LRIF evidentiary decision (i.e., whether secondary evidence is insufficient to prove Liberian nationality)?

A20: Although there are no appeal rights for the denial of an adjustment of status application, the applicant may file a motion to reopen or reconsider using Form I-290B, Notice of Appeal or Motion.

Q21: Why does USCIS not consider a Liberian birth certificate not primary evidence of nationality for LRIF purposes when it has in the past for TPS/DED?

A21: An approval of TPS or DED may have been based on nationality but also alternatively on having "last habitually resided" in the country designated for TPS. LRIF requires nationality alone.

Q22: Is DED backdated to January 10 (for individuals who may have lost their job as a result of the January 10 expiration date)?

A22: Yes, current Liberia DED-based EADs bearing a March 30, 2020, or Jan. 10, 2021, expiration date and an A-11 category are automatically extended through June 30, 2022. Affected individuals may present their EADs bearing a March 30, 2020, or Jan. 10, 2021, expiration date as evidence of identity and employment authorization for purposes of Form I-9, Employment Eligibility Verification. Employees may show the Federal Register notice to demonstrate that their EADs have been automatically extended through June 30, 2022.

Q23: Is it advantageous to apply online or better to file a paper application?

A23: USCIS does not currently allow for electronic filing of Form I-485, Application to Register Permanent Residence or Adjust Status.

Q24: Please clarify inadmissibility especially when applicants have no history of crimes

A24: An applicant must be admissible to the United States to be eligible for adjustment of status under LRIF. In general, if an applicant is inadmissible based on an applicable ground of inadmissibility, he or she must apply for a waiver or other form of relief, if eligible, to overcome that inadmissibility. If USCIS grants a waiver or other form of relief in its discretion, USCIS may approve the application to adjust status if the applicant is otherwise eligible. LRIF applicants are subject to all grounds of inadmissibility except:

- [INA 212\(a\)\(4\)](#) – Public charge;
- [INA 212\(a\)\(5\)](#) – Labor certification and qualifications for certain immigrants;
- [INA 212\(a\)\(6\)\(A\)](#) – Aliens present without admission or parole; and
- [INA 212\(a\)\(7\)](#) – Documentation requirements for immigrants

Q25: Is there any special guidance related to the I-693?

A25: No, there is nothing unique to [Form I-693 \(Report of Medical Examination and Vaccination Record\)](#) in the LRIF context.

Q26: For LRIF, is physical presence from Nov. 20, 2014, required for the derivative family applicants?

A26: Only the Liberian principal applicant must show continuous physical presence in the United States.

Q27: How do I accomplish Rectification of spelling error in the applicant's name on I-765 receipt notice.

A27: We recommend making an e-request to ask a question about your case. This can be done at uscis.gov/e-request. You can also call the USCIS Contact Center at 800-375-5283. For TTY call: 800-767-1833.

Q28: What can you do if the application has been pending too long?

A28: We recommend making an e-request to ask a question about your case. This can be done at uscis.gov/e-request. You can also call the USCIS Contact Center at 800-375-5283. For TTY call: 800-767-1833.

Q29: If it has been outside normal processing time (one year) for LRIF, what is next step?

A29: We recommend making an e-request to ask a question about your case. This can be done at uscis.gov/e-request. You can also call the USCIS Contact Center at 800-375-5283. For TTY call: 800-767-1833.

Q30: As mentioned previously, what is the process to request an inquiry if the 180 EAD timeline is long past?

A30: If the LRIF-based adjustment application has been pending for more than 180 days, the applicant should contact the USCIS Contact Center to request that USCIS expedite adjudication of the applicant's Form I-765. See [How to Make an Expedite Request](#) for further information.

Q31: Are eligible LRIF applicants with a pending application, who did not hold DED status, but was granted TPS due the Ebola, eligible for the current EAD extension?

A31: Eligibility for adjustment of status under LRIF is not in any way related to whether a noncitizen previously had DED or TPS.

Q32: Do you have to have a work authorization before applying LRIF?

A32: No, you do not need to have employment authorization to apply for adjustment of status under LRIF.

Q33: Can a Liberian who have resided in the US since 2015 be qualified for DED or TPS? Are there any waivers to apply?

A33: Unfortunately, such individuals are not eligible for LRIF adjustment of status. Congress established the continuous physical presence requirement in the LRIF statute, and it cannot be waived. As stated in the presentation, the LRIF applicants must have been continuously physically present in the United States since the period beginning on Nov. 20, 2014.

Q34: Are specific USCIS Center handling LRIF applications or are they handled according to location of applicants?

A34: All LRIF adjustment of status applications are adjudicated by the USCIS Field Operations Directorate.

Q35: What is the normal case processing time for LRIF cases?

A35: The current processing time for an LRIF Form I-485 is 8.2 months (average) 8.3 months (median). 93 percent of LRIF I-485 applications are adjudicated within 10.9 months of receipt.

Q36: What considerations are given for young applicants who have passport, visa entries etc. but have no tax returns, no school etc. extremely little documentation.

A36: USCIS Immigration Services Officers will consider all evidence of continuous physical presence that applicants provide as well as a review of the record and sworn testimony.

Q37: If the marriage relationship is created after the LRIF adjustment is approved, can the spouse still qualify as a LRIF family member?

A37: The LRIF statute does not require that the spousal relationship be established before the principal applicant's LRIF application is approved. If, on the dates of the spouse's filing during the filing period and adjudication, the applicant is the spouse of the LRIF-eligible principal applicant, then that satisfies the statute.