



CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

Representing Clients under Liberian Refugee Immigrant Fairness and Strategies for Effective Advocacy
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Presenters

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Webinar Agenda

- Background on LRIF and Liberian DED
- Applying to Adjust Status Under LRIF
 - Eligibility criteria for Liberians and qualifying family members
 - Filing successful applications
 - Applicants in removal proceedings
- Advocacy for LRIF implementation and community outreach



Background on Liberian Refugee Immigration Fairness (LRIF) and Liberian DED



Liberian Refugee Immigration Fairness (LRIF)

- Enacted Dec. 20, 2019 as part of the National Defense Authorization Act for FY 2020
- Allows certain Liberians - and eligible family members - to adjust to Lawful Permanent Resident (LPR) status
- Applications must be filed by **Dec. 20, 2020**



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Legal Authority

- Section 7611 of the National Defense Authorization Act for FY 2020 <https://www.congress.gov/116/bills/s1790/BILLS-116s1790enr.pdf>
- USCIS Policy Manual, Vol. 7, Part P, Chapter 5 <https://www.uscis.gov/policy-manual/volume-7-part-p-chapter-5>
- USCIS LRIF webpage <https://www.uscis.gov/green-card/other-ways-get-green-card/liberian-refugee-immigration-fairness>
- EOIR Policy Memo (Jan. 13, 2020) <https://www.justice.gov/eoir/page/file/1234156/download>



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Overview of DED for Liberia

October 2007	<ul style="list-style-type: none"> Termination of TPS for Liberia Liberia designated for Deferred Enforced Departure
March 2018	<ul style="list-style-type: none"> Trump administration terminates DED with 1-year wind-down period
March 2019	<ul style="list-style-type: none"> DED wind-down extended through Mar. 30, 2020
March 2020	<ul style="list-style-type: none"> DED wind-down extended through Jan. 10, 2021 EADs also auto-extended through Jan. 10, 2021

<https://www.uscis.gov/humanitarian/deferred-enforced-departure/ded-granted-country-liberia/ded-granted-country-liberia>



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Key Dates

- Nov. 20, 2014: “Continuous physical presence” date for LRIF principal applicants
- Dec. 20, 2019: Date LRIF enacted
- Dec. 20, 2020: Last day to file LRIF adjustment
- Jan. 10, 2021: Termination date for Liberia DED



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Adjustment under Liberian Refugee Immigration Fairness (LRIF)



LRIF Eligibility Criteria

- Liberian nationality
- Continuous physical presence in United States from Nov. 20, 2014 until I-485 filed
 - Any absence(s) cannot exceed 180 days in the aggregate
- Admissible under INA § 212(a) or eligible for a waiver, with exception of these 4 grounds:
 - Public charge - [INA § 212\(a\)\(4\)](#);
 - Labor certification - [INA § 212\(a\)\(5\)](#);
 - Present without admission or parole - [INA § 212\(a\)\(6\)\(A\)](#);
 - Documentation requirements - [INA § 212\(a\)\(7\)\(A\)](#)

LRIF Eligibility Criteria (cont.)

- Not eligible if have:
 - any aggravated felony conviction;
 - two or more CIMT convictions; or
 - participated in the persecution of others
- Must file I-485 on or by Dec. 20, 2020

* LRIF adjustment is not discretionary

Does Agatha Qualify to Adjust?

Agatha is a beneficiary under Liberian DED and first entered the U.S. on a tourist visa in 1999. She stayed for 3 months before returning home. She entered again on a tourist visa in May 2001. After receiving advance parole, Agatha traveled to Germany for an educational program in 2017. She also tells you she has a DUI conviction.

Is Agatha eligible for LRIF adjustment?

Eligible Family Members

- Spouse and unmarried child, son, or daughter of eligible Liberian principal applicant
 - Relationship must exist when family member’s I-485 is filed and adjudicated
- Admissible under INA § 212(a) or eligible for a waiver (except for the four inapplicable grounds)
- Cannot have aggravated felony conviction, two or more CIMTs, or persecutor of others
- Must file I-485 on or by Dec. 20, 2020

* Liberian nationality and cont. physical presence NOT required

Do Agatha’s Family Members Qualify to Adjust?

Agatha is married to Lukas, a citizen of Belgium, who has lived in the U.S. since 2016. Lukas has a 19-year old daughter, Magda, from a previous marriage. Magda is living in Belgium but wants to live with her father and Agatha.

Are Lukas and Magda eligible for LRIF adjustment?

What if Magda was already in the United States on a student visa?

Timing of Filing and Adjudication of Family Member’s Applications

- Qualifying family member may file I-485 with principal or sometime later (by Dec. 20, 2020)
- Qualifying family member may even file I-485 after principal’s I-485 has been approved
- USCIS will not approve family member’s I-485 until principal’s I-485 has been approved

Can Ellen apply to adjust status under LRIF?

Liberian national Joseph is married to Ellen. Joseph filed a LRIF adjustment application on April 1, 2020 and it gets approved on October 1, 2020. Once Joseph is an LPR, is there anything Ellen can do?

What if Joseph and Ellen did not get married until October 15, 2020?

Required Evidence

Principal Applicants Only

- Proof of Liberian nationality
- Proof of continuous physical presence since Nov. 20, 2014

Family Members Only

- Proof of qualifying relationship to principal
- Evidence of when residence was established
- Proof of principal's pending I-485*

For All Applicants

- Photo ID
- Birth certificate
- A list of all arrivals and departures from the U.S.
- 2 passport photos
- Form I-693 Medical Exam*

Documentation Challenges

- Proof of nationality is not limited to Liberian passport or certificate of naturalization
- Consider alternative evidence and documenting efforts to obtain documentation
- Different but related:
 - Arrivals & departures, continuous physical presence, continuous residence

I-485 Filing Tips

- In Part 2, check “8.e, Other eligibility” and write “LRIF” or “LRIF family member” in text box
- In Part 8, Q 61, indicate that exempt from the public charge ground
- In Part 14, include a list of all arrivals and departures
- If inadmissible under any applicable ground(s), include an I-601 and/or I-212

I-485 Filing Tips (cont.)

- May include I-131 advance parole and/or I-765 employment authorization applications (or file later)
- May request fee waiver for I-485 and related I-765
- Review LRIF Special Instructions at: <https://www.uscis.gov/i-485>
- Confirm filing address at: <https://www.uscis.gov/i-485-addresses>

Employment Authorization

- I-765 may be filed concurrently with adjustment or while adjustment pending
- Indicate eligibility category “(c)(9)”
- USCIS must adjudicate I-765 once LRIF I-485 has been pending for 180 days
- If I-765 still pending at 180 days, request expedited adjudication through USCIS Contact Center

How Would You Advise James?

Your Liberian client James is covered by DED and has an EAD with a Mar. 30, 2020 expiration date. He is eligible to adjust under LRIF and you have his I-485 application and supporting evidence ready to file this week. James is concerned about his ability to continue working for his current employer. Does he need to apply for a new DED-based EAD? Should he include an I-765 application with his LRIF adjustment packet?

After Filing the Adjustment

- Interview may be required
- If denied, applicant may not appeal but may file motion to reopen or reconsider (I-290B)
- If approved, date of admission as LPR will be rolled back
 - I.e. some LPRs will be immediately eligible to apply to naturalize



Rollback of LPR Admission Date

Applicant Type	LPR Admission Date
Liberian Principal	<ul style="list-style-type: none"> • Nov. 20, 2014; OR • Date of earliest arrival to U.S. when residence was established (if earlier)
Family Member	<ul style="list-style-type: none"> • LRIF I-485 receipt date; OR • Date of earliest arrival to U.S. when residence was established (if earlier)

New LPRs Leo and Naomi

Leo entered the U.S. without inspection on July 1, 1990 at age 9. He has lived here without status ever since. Last year, he married Liberian national Naomi. Naomi first entered the U.S. as a B-2 tourist on December 15, 2010 to visit her grandmother. She returned to Liberia before her 30-day authorized stay expired. Naomi returned to the U.S. as a tourist on May 1, 2012. That is when she met and fell in love with Leo. They got an apartment together. Naomi has been working and living here since then. Leo and Naomi applied for LRIF adjustment on January 28, 2020 and just learned their I-485s have been approved.

What LPR admission date will Leo's green card reflect?
What about Naomi's?

Applicants with Prior or Pending Removal Proceedings

LRIF Applicants with Prior or Pending Removal Proceedings

- Are they eligible to apply for LRIF? **Yes!**
- But the process to apply for USCIS benefits when one is in removal proceedings or has a prior order is so cumbersome and scary! **Welcome to the wonderful world of LRIF!**
- **Main Rule:** USCIS has sole jurisdiction over the I-485
- **Authority?:** [Section 7611 of the National Defense Authorization Act for FY 2020](#) and [EOIR Policy Memo](#) (Jan. 13, 2020)

Applicants with Final Orders of Exclusion, Deportation, Removal

- **Applicants with final orders of exclusion, deportation, removal or voluntary departure are eligible for LRIF adjustment**
 - Motion to reopen **NOT** required
 - Cannot be ordered removed if LRIF application pending or approved
 - DHS “shall promulgate regs establishing procedures for seeking a stay”
 - Order will be cancelled upon I-485 approval

Applicants with Pending Removal Proceedings

- **Applicants in immigration court proceedings are eligible for LRIF adjustment with USCIS!**
 - Cannot be ordered removed if LRIF application pending or approved
 - Instead, IJs should either grant a continuance or place the case on a status docket, if the immigration court uses a status docket, to allow USCIS to adjudicate the I-485
 - However, IJ should continue to adjudicate other forms of relief
 - IJs must “expeditiously adjudicate any motions filed by either party” following USCIS approval of a LRIF adjustment application

Applicants with Pending BIA Appeals

- **Applicants pending BIA appeals are eligible for LRIF adjustment with USCIS!**
 - Inform BIA that the client has filed for LRIF
 - BIA should continue adjudicating the appeal while the LRIF adjustment of status application remains pending
 - The BIA should issue a decision on the appeal prior to USCIS deciding the LRIF adjustment application if that decision entails (1) termination of the proceedings; or (2) a grant of relief or Temporary Protected Status
 - Otherwise, BIA should not issue a decision on the appeal until USCIS communicates its decision on the LRIF adjustment unless and, at that time, will “expeditiously adjudicate any motions filed by either party”

Administrative Review

If the client is in removal proceedings and USCIS has denied the motion to reopen or reconsider (I-290B), seek IJ review of the I-485 and respondent can appeal to the BIA and then the CoA.

- “The Secretary shall provide applicants for adjustment of status under subsection (b) with the same right to, and procedures for, administrative review as are provided to— (2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).”

How do you assist William?

The IJ denied William’s asylum application in 2005 and William did not appeal the decision. Since then, William has lived in fear of being deported and separated from his undocumented Jamaican spouse. Two weeks ago, a police officer stopped William for a busted head light. The officer saw an administrative warrant for William in the NCIC and called ICE. William has been detained since and ICE is preparing to enforce the 2005 removal order. You have determined that William is eligible for LRIF adjustment. **What do you do?**

What Is Still Not Clear?

- What is the process for detained cases? Will DHS release those eligible for LRIF from detention?
- What about admin closed cases? What if DHS files a motion to recalendar?
- How will *Matter of S-O-G- & F-D-B-*, 27 I&N Dec. 462 (A.G. 2018) affect a respondent’s termination motions?

Advocacy for LRIF Implementation and Community Outreach



Liberian Advocacy

- Advocated for DED Extension; supported leg. efforts for LRIF
- CLINIC's Recommendations <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure-1>
- Helped educate partners and allies in Congress about need for bridge from DED to LRIF
- Working with agencies to ensure civil rights and civil liberties of Liberians are protected



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LRIF Advocacy

- CLINIC is working closely with partner orgs
- CLINIC is engaging directly with USCIS, the CIS Ombudsman, and Liberian embassy
- Updated info distributed through CLINIC's:
 - Agency Updates
 - LRIF webpage
 - LRIF Experts listserv



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LRIF Advocacy Actions

- Take our LRIF Survey
<https://www.surveygizmo.com/s3/5560300/LRIF-Activities-Survey>
- Sign-up for Agency Updates
<https://cliniclegal.org/email>
- Join the LRIF Experts listserv by emailing Advocacy@cliniclegal.org with LRIF List in subject
- Reach out to USCIS CROs:
<https://www.uscis.gov/citizenship/organizations/libraries>
- Contact Members of Congress about deadline extension



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LRIF Advocacy Actions

- LRIF Policy Manual update is open for comment until **May 7**
 - We strongly recommend submitting comments focused on USCIS’ interpretations of
 - Eligibility requirements
 - Evidentiary requirements
 - Applications for employment authorization



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CLINIC’s LRIF Resources

- LRIF Webpage
<https://cliniclegal.org/issues/liberian-refugee-immigration-fairness>
 - FAQs for Legal Practitioners
<https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/liberian>
 - Checklist: New Immigration Relief for Certain Liberians
<https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/new>



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