

December 17, 2021

Senate Majority Leader Chuck Schumer
322 Hart Senate Office Building
Washington, D.C. 20510

Senate Minority Leader Mitch McConnell
S-230, The Capitol
Washington, D.C. 20510

Speaker of the House Nancy Pelosi
H-232, The Capitol
Washington, D.C. 20515

House Majority Leader Steny Hoyer
H-107, The Capitol
Washington, D.C. 20515

House Minority Leader Kevin McCarthy
H-204, The Capitol
Washington, D.C. 20515

CC: Senator Amy Klobuchar; Senator Jack Reed; Senator Tina Smith; Representative Anthony Brown; Representative David Cicilline; Representative Zoe Lofgren; Representative Ilhan Omar; Representative Donald Payne, Jr.; Representative Dean Phillips; Representative Mary Gay Scanlon

RE: ELIMINATE OR EXTEND THE DEADLINE OF THE LIBERIAN REFUGEE IMMIGRATION FAIRNESS PROGRAM

Dear Senate Majority Leader Schumer, Senate Minority Leader McConnell, Speaker of the House Pelosi, House Majority Leader Hoyer, and House Minority Leader McCarthy,

The 93 undersigned organizations that serve and advocate for Liberian immigrants, including members of the Liberian Refugee Immigration Fairness (LRIF) Strategy Group, write to respectfully submit our urgent request for Congress to eliminate altogether, or extend for at least two years, the Liberian Refugee Immigration Fairness (LRIF) program's current deadline of December 20, 2021.¹ We urge you as Congressional leadership to take up this issue in an appropriate legislative vehicle as soon as possible; ideally, in the omnibus appropriations process in early 2022.

Congress extended the LRIF deadline once before, having seen a disastrous first year of implementation in 2020 and the onset of the COVID-19 pandemic. As we continue to navigate the pandemic, it is time for Congress to stand up for Liberians once again. Congress must make the necessary changes to ensure eligible Liberians can benefit from the program, per original Congressional intent.

I. LRIF is an Historic, Bipartisan Legislative Achievement

The LRIF program passed through Congress in December 2019 attached to the National Defense Authorization Act for Fiscal Year 2020 with overwhelming bipartisan support. The LRIF program is intended to provide a pathway to citizenship for Liberians who have lived in the U.S. for many years on temporary statuses because safe return to Liberia was impossible. A new report from the Center for Migration Studies found that 7,200 Liberians living in the U.S. may be eligible for LRIF.² Of that eligible group, 96 percent speak English, 92 percent have completed high school, 56 percent have completed

¹ Liberian Refugee Immigration Fairness, USCIS, <https://www.uscis.gov/green-card/green-card-eligibility/liberian-refugee-immigration-fairness> (last accessed June 23, 2021).

² Ready to Stay: A Comprehensive Analysis of the US Foreign-Born Populations Eligible for Special Legal Status Programs and for Legalization under Pending Bills, Center for Migration Studies (December 2021), <https://cmsny.org/wp-content/uploads/2021/12/Ready-to-Stay-A-Comprehensive-Analysis-of-the-US-Foreign-Born-Populations-Eligible-for-Special-Legal-Status-Programs-and-for-Legalization-under-Pending-Bills-CMS-Report-12-09-21.pdf>.

some college or higher, 100 percent have a household income above the poverty level, 61 percent have health insurance, and 22 percent own or are buying a home.³ These Liberian individuals and families have put down deep roots in this country and have already made invaluable contributions to our communities, society, and economy.

The success of LRIF is not only crucial for Liberian individuals, but essential for our government to make common sense and much needed reforms to our immigration system, and to address ongoing anti-Black systemic racism in the U.S. Allowing an historic legalization program focused on Black immigrants to languish until it expires will be a deep betrayal of the country's commitment to racial justice.

II. LRIF's Processing Has Been Hindered By Unprecedented USCIS Backlogs

As of the last publicly available USCIS data on LRIF from August 2021, out of potentially 10,300 eligible Liberians, only 3,529 have been submitted.⁴ Out of the 3,259 applications submitted, only 951 have been approved, 158 have been denied, and 69% remain pending before USCIS. As of data reflecting applications from April to June 2021, the processing time for LRIF applications languishes at 12 months.⁵ Exceedingly slow processing times hurt everyone: the immigrant communities waiting for relief; the American citizen children of immigrant parents who continue to be at risk while awaiting decisions; and the American citizen colleagues, employers, and friends who continue to live with the uncertainty generated by the temporary half-measures the undocumented community endures. LRIF allows at least one immigrant community to emerge from their government-imposed vulnerable status. Unprecedented lengthy processing times seriously erode trust between USCIS and immigrant communities, who lose faith in the opportunity for permanent protection that a program like LRIF provides. Further, USCIS processing delays undermine Congress' intent in passing the LRIF provisions by threatening to bar numerous individuals whom Congress made eligible for benefits under the program.

We commend USCIS's robust efforts to increase community and stakeholder engagement about the LRIF program, as outlined in a letter to advocates from November 16, 2021.⁶ USCIS notes that its processing times are "unprecedented, and cannot be the agency's standard of service moving forward."⁷ Crisis-level processing delays at USCIS have been ongoing with a backlog of millions of applications. It is clear that USCIS must be provided with more time to fairly and accurately adjudicate LRIF applications and to make any further policy adjustments needed to comply with Congressional intent.

III. Applicants Need More Time to Prepare Strong Applications, Particularly Given Unprecedented Issues Due to the COVID-19 Pandemic

Furthermore, the COVID-19 pandemic has made implementation of the LRIF program a harrowing process for both USCIS and for Liberian applicants. Through advocacy with USCIS, we have demonstrated the logistical hurdles applicants face when trying to find low-cost or free legal representation, raise funds to pay for expensive USCIS application fees, and most importantly, to collect the stringent documentary evidence required to prove eligibility for LRIF.

³ *Id.*

⁴ Form I-485, Application to Register Permanent Residence or Adjust Status Liberian Refugee Immigration Fairness (Fiscal Year 2021, Quarter 3) (August 17, 2021), https://www.uscis.gov/sites/default/files/document/data/I485_LRIF_performancedata_fv2021_qtr3.pdf.

⁵ *Id.*

⁶ <https://drive.google.com/file/d/14KN-a2Vud1oMsPYHzTxIOjHGsjCASKWg/view?usp=sharing>.

⁷ *Id.*

Our advocacy has resulted in two major updates to the LRIF portion of the USCIS Policy Manual: one on June 17, 2021, and the latest on October 29, 2021.⁸ These updates clarify guidance for both USCIS officers and Liberian applicants and their attorneys. Applicants and their attorneys must have more time to prepare the strongest applications possible in light of these continued policy clarifications from USCIS. The December 20, 2021 deadline threatens the proper execution of due process for each and every LRIF application considered by USCIS. Given that the latest policy update concerning documentation requirements was updated less than two months from the application deadline, a deadline extension or elimination is more than appropriate.

IV. LRIF Applicants with DED May Lose Status Without a Deadline Extension

We are also deeply concerned for LRIF applicants who currently have Deferred Enforced Departure (DED) status for Liberia. Via executive order, President Biden extended DED for Liberia on some of his first days in office, specifically to allow Liberians more time to apply for LRIF before the December 2021 deadline.⁹ However, DED for Liberia now expires on June 30, 2022. Average USCIS processing time for LRIF applications, as of the last available data, is 12 months. That means a LRIF applicant with DED could apply for LRIF by the current deadline, but may lose their DED status before receiving a decision on their LRIF application. Should their LRIF application be denied after June 30, 2022, they will lose all status, work authorization, and protection from deportation. A deadline extension or elimination provides Liberians with DED more time to cure or wholly resubmit flawed or improperly denied applications without threat of loss of livelihood or deportation.¹⁰

V. Congress Must Eliminate or, at Minimum, Extend the LRIF Deadline

For all of the reasons outlined above, we urge Congress to eliminate the current LRIF application deadline of December 20, 2021. In the alternative, we ask that Congress consider extending the LRIF deadline by two years—through December 20, 2023. USCIS Director Ur Jaddou has made it clear to advocates that USCIS will respond to any requests for technical assistance on deadline elimination or extension efforts from Members of Congress. We urge Members of Congress to collaborate closely with USCIS on this important matter.

Given the current heated debate as to whether and which immigration provisions can and should be included in the Build Back Better Act, our undocumented communities need permanent protection now more than ever. Congress passed the LRIF provisions to secure a bright future for Liberians who have been living in the U.S. for many years--many of whom have started families and uplifted their local and state communities. We hope you will protect the LRIF program by providing Liberians and USCIS more time to make the program a true success.

⁸ <https://www.uscis.gov/news/alerts/uscis-clarifies-evidence-requirements-under-liberian-refugee-immigration-fairness>;
<https://www.uscis.gov/newsroom/alerts/policy-update-liberian-refugee-immigration-fairness-lrif>.

⁹ <https://www.uscis.gov/humanitarian/deferred-enforced-departure/ded-granted-country-liberia>.

¹⁰ The Executive Branch can and should, once again, extend Deferred Enforced Departure (DED) status for Liberia beyond June 30, 2022, to prevent LRIF applicants with DED status from losing such status should they be denied LRIF by USCIS. Such an extension is supported by decades of interlocking grants of Temporary Protected Status (TPS) and DED for Liberia.

Thank you for your consideration of these urgent recommendations. For any questions, or to arrange engagement, please contact Diana Konaté, Policy Director at African Communities Together at diana@africans.us; and Timantha Goff, Policy & Advocacy Analyst at the UndocuBlack Network at timantha@undocublack.org.

Sincerely,

Adhikaar
Advocating Opportunity
African Bureau for Immigration and Social Affairs (ABISA)
African Communities Together
African Public Affairs Committee
America's Voice
American Friends Service Committee
American Immigration Lawyers Association
Arizona Dream Act Coalition
Asian Americans Advancing Justice | AAJC
BAJI (Black Alliance for Just Immigration)
Berrien Immigrant Solidarity Network
Blumenau Law, PLLC
Cameroon American Council
Central American Resource Center (CARECEN-LA)
Central Washington Justice For Our Neighbors
Central West Justice Center
Church Women United in New York State
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Disciples Refugee & Immigration Ministries
Envision Freedom Fund
Evangelical Lutheran Church in America
Faith in Public Life
Fayetteville Justice for Our Neighbors
First Focus Campaign for Children
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Freedom for Immigrants
Freedom Network USA
Guadalupe Presbyterian Church USA, AZ
Haitian Bridge Alliance
HIAS PA
Hispanic Federation
Hope Border Institute
Human Rights First
Human Rights Initiative of North Texas

Immigrant Legal Resource Center
Immigrant Welcome Center
Immigration Advocates Network
Immigration Hub
International Refugee Assistance Project
ISLA: Immigration Services and Legal Advocacy
Jemez Peacemakers
Just Futures Law
Just Neighbors Ministry
Justice Action Center
Justice for Our Neighbors El Paso
Lincoln Park Presbyterian Church Chicago
Louisiana Advocates for Immigrants in Detention
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Matthew 25 The Gorge
Migrant Center for Human Rights
Mississippi Center for Justice
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women, Greater Long Beach & West Orange County (CA)
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Justice for Our Neighbors
National Network for Immigrant and Refugee Rights
National Partnership for New Americans (NPNA)
New York Conference UMC Board of Church and Society
New York Immigration Coalition
Nile Lutheran Chapel
Northwest Immigrant Rights Project
Oasis Legal Services
Ohio Immigrant Alliance
Orange County Equality Coalition
Orange County Jewish Coalition for Refugees
Pennsylvania Council of Churches
Public Counsel
Refugee Action Network
RefugeeOne
Rio Grande Borderland Ministries
Robert F. Kennedy Human Rights
Series of Portal
Sisters and Brothers of Immigrants
Sisters of Mercy of the Americas Justice Team
Syrian Community Network

The Advocates for Human Rights
UndocuBlack Network
UnidosUS
Unitarian Universalist Service Committee
United African Organization
United We Dream
Voice for Refuge Action Fund
Wind of the Spirit Immigrant Resource Center
Witness at the Border
World Relief
Young Center for Immigrant Children's Rights