

August 12, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Director Ur Mendoza Jaddou
U.S. Citizenship and Immigration Services
111 Massachusetts Avenue NW
Washington, D.C. 20001

Ombudsman Phyllis Coven
Office of the CIS Ombudsman
301 7th Street, S.W.
Washington, D.C. 20528

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

RE: URGENT IMPLEMENTATION RECOMMENDATIONS AT 4-MONTH MARK BEFORE DEADLINE OF LIBERIAN REFUGEE IMMIGRATION FAIRNESS PROGRAM

Dear President Biden, Secretary Mayorkas, Director Jaddou, and Ombudsman Coven,

The undersigned 149 organizations that serve and advocate for Liberian immigrants, including members of the Liberian Refugee Immigration Fairness (LRIF) Strategy Group, write to respectfully submit urgent implementation recommendations for U.S. Citizenship and Immigration Services with only 4 months left before the current program deadline, set for December 20, 2021.¹

I. Current state of the LRIF program, with approximately 4 months before the deadline:

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. These families have put down deep roots in this country and made invaluable contributions to our communities, society, and economy. The success of LRIF is not only crucial for individuals, but essential for the administration to show that its stated vision on both immigration and addressing anti-Black systemic racism in the U.S. is backed by action. Allowing an historic legalization program focused on Black immigrants to languish until it expires will be a deep betrayal of the Biden Administration's commitment to racial justice.

As of the last publicly available data on LRIF from April 2, 2021, out of 10,300 eligible Liberians, only 3,248 applications had been submitted.² This low number speaks to the urgent need for culturally competent and strategic outreach and education from USCIS, with a particular focus on reinstating trust between USCIS and immigrant communities. Out of the 3,248 applications submitted, only 777 had been completed and one out of every seven cases was denied.³ Exceedingly slow processing times erode trust between USCIS and immigrant communities, who lose faith in the opportunity for permanent protection a program like LRIF provides. While crisis-level processing delays at USCIS have been ongoing, as a

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 Applications for Liberian Refugee Immigration Fairness (LRIF): Fact Sheet, Congressional Research Service (May 6, 2021), <https://crsreports.congress.gov/product/pdf/R/R46487>.

³ *Id.*

program with a firm deadline set by Congress, USCIS must prioritize and complete all pending cases immediately.

We also continue to call on USCIS to update implementation policies and employee training at USCIS to ensure that cases are adjudicated in a way that complies with the law -- that USCIS “*shall grant*” LRIF to anyone who can demonstrate eligibility⁴-- and also complies with President Biden’s Day One order for the Department of Homeland Security “to review the LRIF application procedures administered by United States Citizenship and Immigration Services *to ensure that they facilitate ease of application and timely adjudication.*”⁵

II. Feedback on June 17, 2021 update to the Policy Manual:

We appreciate that a technical update was made to Volume 7, Part P, Chapter 5 of the USCIS Policy Manual on June 17, 2021 in an attempt to provide more needed clarity about evidentiary requirements for LRIF.⁶ The UndocuBlack Network, African Communities Together, and CLINIC submitted detailed feedback on the ongoing accessibility issues with the Policy Manual on July 6, 2021.⁷

We note that the announcement without opportunity for immediate stakeholder engagement for the impacted community to ask questions has caused confusion, with some community members believing that there are even more evidentiary requirements added to the already burdensome requirements.

Accordingly, we request immediate and ongoing stakeholder engagement both at the national level and with USCIS Community Relations Officers (CROs) in areas with high Liberian populations. Engagements should be conducted on (at minimum) a monthly basis given the impending deadline and low application rates. We encourage CROs to partner with organizations with established relationships with Liberian communities. We note that Black immigrants in this country face the compounding oppression of anti-Black systemic racism within the immigration system as well as policing and other systems. USCIS must acknowledge those realities and adjust strategies in order to reach the Liberian community, provide security for them to come forward and apply, and ensure this program is a success.

III. Urgent action needed by USCIS:

The LRIF Strategy Group -- which has been engaged in systemic advocacy for the Liberian community prior to and following the creation of the LRIF program in 2019 -- has a long record of advocacy calling for necessary steps at USCIS to make this program to protect Black immigrants a success.

This record of detailed recommendations from expert stakeholders includes:

- Jan 2020: [Recommendations to USCIS](#)
- May 2020: [Response to call for comments on LRIF Policy Manual](#)
- June 2020: [Recommendations to USCIS](#)
- November 2020: [Recommendations to the Biden transition team](#)
- March 2021: [Recommendations to Biden administration](#)
- May 2021: [Response to call for public comments on barriers at USCIS from the Biden administration](#)

⁴ National Defense Authorization Act for Fiscal Year 2020, Section 7611(b)(1), Pub. L. No. 116-92 (2019), www.congress.gov/116/bills/s/1790/BILLS-116s1790enr.pdf.

⁵ Presidential Memorandum, Reinstating Deferred Enforced Departure for Liberians, The White House (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/reinstating-deferred-enforced-departure-for-liberians/>.

⁶ Liberian Refugee Immigration Fairness, USCIS Policy Manual, <https://www.uscis.gov/policy-manual/volume-7-part-p-chapter-5>.

⁷ RE: USCIS Policy Manual Volume 7, Adjustment of Status, Part P, Other Adjustment Programs, Chapter 5, Liberian Refugee Immigration Fairness (Jul. 6, 2021), <https://drive.google.com/file/d/1fXCPImBJrsNGXj-hjdy-iKa4WJrzLVn7/view?usp=sharing>.

With less than six months to go, the June 17, 2021 update to the Policy Manual is the only concrete development we have seen to address the issues that are putting obstacles in the way of the Black immigrants this program is intended to benefit. While the Biden Administration did not create many of these issues, it is responsible for correcting course now.

Given the impending deadline, we continue to recommend USCIS prioritize the following four actions immediately:

1) Immediately update the Policy Manual to remove overburdensome evidentiary requirements and correct language and policy that is inconsistent with the law:

- **Additional Documentary Evidence:** USCIS should accept Liberian birth certificates and/or expired Liberian passports as proof of nationality. These documents prove nationality and the current evidentiary requirements are a higher standard and disparate treatment as compared to adjustment program requirements in the past.⁸
- **Family Member Eligibility:** The law makes LRIF family members independently eligible for adjustment but USCIS policy treats them as “derivative.” Under USCIS’ policy, family members are cut off from LRIF eligibility when their Liberian principal applicant relative becomes a U.S. citizen. This is contrary to the law.⁹
- **Continuous Physical Presence:** USCIS’ implementation of the law around continuous physical presence is unduly restrictive. The law merely requires physical presence but USCIS implementation requires proving residence. This is contrary to the law.¹⁰

2) With the Policy Manual update, USCIS must immediately provide training to adjudicators and make operational adjustments that promote consistent, fast, and fair processing:

- **Paper-Only Processing:** We strongly recommend USCIS process all cases at a single location with specially trained staff to increase efficiency and reduce needless paperwork and transfer of files. We would appreciate information on whether or when USCIS adjudicators will be trained related to the June 17, 2021 Policy Manual update.

At least in part, in order to arrange for unnecessary in-person interviews, USCIS is processing cases at various service centers. USCIS should waive in-person interviews for applications that are *prima facie* approvable, given the ongoing COVID-19 pandemic and to increase efficiency. Indeed, the blanket insistence on interviewing LRIF applicants appears to be disparate treatment of Black immigrants. For example, parents of U.S. citizens continue to be approved for family-based adjustment of status without the requirement of an interview, unless there exist serious concerns with their application (such as prior criminal convictions which might trigger inadmissibility). We note again the language of the statute which dictates that USCIS **shall grant** LRIF to anyone who can demonstrate eligibility and that nothing in the underlying LRIF statute indicates that Congress intended to require interviews in every case to qualify for relief under LRIF.¹¹

⁸ LRIF Strategy Group Recommendations to Biden Administration on LRIF Policy and Implementation (March 16, 2021), <https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/lrif-strategy-group-0>; LRIF Strategy Group Joint Public Comment on USCIS Barriers (May 21, 2021),

<https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/lrif-strategy-group-joint>; LRIF Strategy Group Joint Comment regarding Policy Manual (May 21, 2020), <https://cliniclegal.org/resources/humanitarian-relief/liberian-refugee-immigration-fairness-lrif/liberian-refugee>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ National Defense Authorization Act for Fiscal Year 2020, Section 7611(b)(1), Pub. L. No. 116-92 (2019), www.congress.gov/116/bills/s1790/BILLS-116s1790enr.pdf.

3) USCIS must put in place a strategic, well-resourced, culturally competent outreach plan:

- A major flaw in the implementation of LRIF has been lack of urgent, consistent, meaningful, and culturally-competent outreach and engagement with the Liberian community leading to only a few thousand of the 10,300 eligible people applying so far. We recommend that USCIS:
 - Affirmatively contact all DED holders who applied for an EAD with information about the program through all types of contact information available;
 - Put in place an outreach program that includes at least monthly national stakeholder engagement and robust, culturally competent local outreach led by CROs in partnership with organizations that serve Liberians;
 - Direct CROs to affirmatively and specifically engage with ICE to conduct outreach to eligible Liberians currently in detention centers;
 - Place PSAs in media outlets and other public-facing platforms that Liberians use and trust;
 - Publish data at least monthly including number of applications submitted, pending, approved, and denied (including information on why cases were denied).
 - Establish monthly stakeholder meetings with the LRIF Strategy Group, Members of Congress with high Liberian constituencies, and others to ensure a successful implementation is on track and to address emerging issues and trends.

4) The Biden administration must immediately update Congress on the status of the program and recommend to Congress another extension or removal of the deadline on the LRIF program:

- Given the current state of the program, Congressional intent, and President Biden's order on LRIF adjudications, USCIS should immediately provide an update to Congress on the status of the program and recommend that Congress either remove the December 20, 2021 deadline from the program or pass at least a two year extension to provide eligible people more time to meet the stringent documentary requirements of the LRIF application. Such an extension or elimination of the deadline would acknowledge the realities of the enduring impact of the COVID-19 pandemic on the lives of Liberians this program is meant to benefit.

IV. Conclusion:

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; Breanne Palmer, Interim Policy & Advocacy Director, UndocuBlack Network, at breanne@undocublack.org; and Lisa Parisio, Director of Advocacy, Catholic Legal Immigration Network, at lparisio@cliniclegal.org.

Sincerely,

Adhikaar
African American Ministers In Action
African Bureau for Immigration & Social Affairs (ABISA)
African Communities Together*

African Immigrant and Minority Services
African Public Affairs Committee
Aldea - The People's Justice Center
Alianza Americas
American Friends Service Committee*
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee (ADC)
America's Voice
Asylum Seeker Advocacy Project (ASAP)
Benedictine Sisters
Black Alliance for Just Immigration
Black Immigrant Collective*
Brooklyn Community Bail Fund
California Collaborative for Immigrant Justice
Cameroon American Council
CASA
Casa Ruby
Catholic Legal Immigration Network, Inc.*
Catholic Social Services of Rhode Island
Center for Constitutional Rights*
Center for Gender & Refugee Studies
Central American Resource Center (CARECEN-LA)
Central West Justice Center
Centro Legal de la Raza
Centro Romero
Church of the Ascension
Church World Service
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Immigrant Rights Coalition
Community Asylum Seekers Project
Congregation of Sisters of St. Agnes
Connecticut Shoreline Indivisible
Detention Watch Network
Disciples Refugee and Immigration Ministries*
Divine Word Missionaries
Dominican Sisters of Houston
Eastern Shore Psychological Total Wellness
Ecumenical Ministries of Oregon (EMO)
Episcopal Church of St. Matthew Tucson
Episcopal Church of St. Matthew
Episcopal Migration Ministries
Faith in Public Life
Families For Freedom

First Focus on Children
Freedom For Immigrants
Freedom Network USA
Friends of Broward Detainees
Georgia Interfaith Public Policy Center
Greater Cleveland Immigrant Support Network
Haitian Bridge Alliance
Hand In Hand Multicultural Center
Harvard Immigration & Refugee Clinical Program
HIAS Pennsylvania*
Holy Spirit Missionary Sisters, USA-JPIC
Human Rights Initiative of North Texas
Immaculate Heart Community Commission on Justice for Immigrants and Refugees
Immigrant and Non-Citizen Rights Clinic, CUNY School of Law
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
Immigrant Legal Resource Center*
Immigration Advocates Network
Immigration Hub
Interfaith Council of Contra Costa County
International Institute of New England
International Refugee Assistance Project (IRAP)
ISLA: Immigration Services and Legal Advocacy
Isuroon
Jewish Voice for Peace, Atlanta Chapter
Just Catholics
Just Futures Law
Justice Action Center
Law Firm Antiracism Alliance
Law Office of G. Ilori
Long Beach Immigrant Rights Coalition
Louisiana Advocates for Immigrants in Detention
LUCHA Ministries, Inc.
Lutheran Church of Our Redeemer
Lutheran Immigration and Refugee Service
Lutheran Social Services of New York
Make the Road Nevada
Maryknoll Sisters of St. Dominic, Inc.
Massachusetts Law Reform Institute*
MetroWest Legal Services
Mississippi Center for Justice
Mutual Aid Immigration Network
National Health Law Program
National Immigrant Justice Center

National Immigration Law Center
National Immigration Project (NIPNLG)
National Korean American Service & Education Consortium (NAKASEC)
National Network for Immigrant and Refugee Rights
National Partnership for New Americans (NPNA)
New Hope Immigration Legal Services
New Hope Immigration Legal Services at New Hope Free Methodist Church, Rochester, NY
New York Immigration Coalition
NH Conference United Church of Christ Immigrant and Refugee Support Group
NHCUCC Immigrant and Refugee Support Group
North American Climate, Conservation and Environment (NACCE)
North Suburban Legal Aid Clinic
Northwest Immigrant Rights Project
Ohio Immigrant Alliance
Pax Christi Illinois
Pennsylvania Council of Churches
Provincial Council Clerics of St. Viator (Viatorians)
Public Counsel Law Center
Robert F. Kennedy Human Rights
Scharrer Psychiatric Consulting
Service Employees International Union (SEIU)
SIREN (Services, Immigrant Rights and Education Network)
Sisters and Brothers of Immigrants
Sisters of St. Francis of penance and Christian Charity, St. Francis Province
Sisters of St. Francis of Philadelphia Justice, Peace and Integrity of Creation Committee
Sisters of Charity
Sisters of Charity of New York
Sisters of Charity, BVM
Sisters of Mercy
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis, Sylvania, OH
Sisters of St. Joseph of Carondelet, LA
Social Justice Coalition, Central Lutheran Church, Portland, Oregon
Southern Poverty Law Center
TakeRoot Justice
Tennessee Immigrant & Refugee Rights Coalition
The Advocates for Human Rights*
The Compassionate Justice Project
The Jus Semper Global Alliance
The Legal Aid Society (New York)
The National Korean American Service & Education Consortium
Torture Abolition And Survivors Support Coalition International (TASSC)
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network*

Unitarian Universalist Service Committee
Unitarian Universalists for Social Justice
United Stateless
UnLocal
Ventura County Clergy and Laity United for Economic Justice
Wesley United Methodist Church
Westwood Hills Congregational United Church of Christ
Wheaton Franciscans JPIC Office
Whosoever Will Christian Church
Wilco Justice Alliance (Williamson County, TX)
Wind of the Spirit Immigrant Resource Center
Women Watch Afrika
World Relief

*An asterisk denotes a member of the LRIF Strategy Group.