



Deferred Enforced Departure for Liberians: What We Know

Updated March 29, 2019

1. **What is DED?** [Deferred Enforced Departure](#) or DED is a discretionary decision made by the President to protect a class of individuals. According to the [Congressional Research Service](#), DED has been used five times since 1990 and most recently for Liberia. DED decisions are country specific and typically in response to war, civil unrest, or natural disasters.
2. **What is the difference between TPS and DED?** While there is a similarity between Temporary Protected Status of TPS and DED, the source and type of relief are different. TPS originates from a statute enacted by Congress and is used to protect people temporarily from removal. TPS beneficiaries receive formal legal status and work authorization. By contrast, DED does not have a statutory basis but is derived from the presidential powers in the U.S. Constitution. DED beneficiaries receive a tenuous status akin to prosecutorial discretion and work authorization.
3. **What is the current status of DED?** Currently, [Liberians](#) are the only nationals with DED. They were initially designated for DED in 2007, and subsequently received extensions for varying time periods. On March 28, 2019, President Trump issued a [memorandum](#) extending the wind-down period for DED for an additional 12 months, **through March 30, 2020**. During this time, such individuals may remain in the United States. The President also directed Department of Homeland Security Secretary Nielsen to provide continued work authorization for Liberian DED beneficiaries. [USCIS](#) will publish a notice in the Federal Register with information on the six-month automatic extension of employment authorization documents (EADs) currently held by eligible Liberians under DED, and instructions on how they can obtain EADs for the remainder of the DED wind-down period.
4. **What role have the courts played?** On March 8, 2019, the Lawyers' Committee for Civil Rights Under Law and Lawyers for Civil Rights jointly filed a lawsuit [African Communities Together v. Trump](#), challenging President's termination of DED for Liberians. The lawsuit was filed on behalf of African Communities Together (ACT), the UndocuBlack Network, and fifteen affected individuals, including Liberians raising U.S. citizen children.
5. **What role has Congress played?** On March 12, 2019, Representatives Lucille Roybal-Allard (CA40), Nydia Velázquez (NY-07), and Yvette Clarke (NY-09) introduced [H.R. 6](#), the Dream and Promise Act, a bill that would cover DACA, TPS, and DED recipients. The proposed legislation would provide a pathway to lawful permanent residence (green card) to qualifying DACA, TPS, and DED holders.
6. **What should a current DED holder from Liberia do now?** DED holders should stay informed about future developments in the courts and Congress, and also consult with an immigration attorney about what options they may be eligible for. Each person's situation and immigration history will vary. Some DED holders may be eligible for asylum. Others may be able to "adjust" their status to "lawful permanent resident" (green card) through a qualifying relationship with a U.S. citizen, like a spouse. Individuals should be aware of "notaries" and refuse advice from individuals who seek to take advantage of a DED holder.
7. **Where can I find more resources?** More information can be found on the USCIS [DED](#) page as well as our [website](#). Additional information may also be found on the [Undocublack](#) and [Fwd.us](#) web page.

The goal of this document is to provide general information regarding DED and is not meant to act as a substitute to legal advice from an attorney.