



Memorandum for Reinstating Deferred Enforced Departure for Liberians

January 25, 2021

- 1. What is DED?** In his first day in office, January 20, 2021, President Biden issued a memorandum reinstating Deferred Enforced Departure for Liberians. The DED designation for Liberia was scheduled to end on January 10, 2021. Deferred Enforced Departure or DED is a discretionary decision made by the President which serves to protect designated classes of individuals from removal. According to the [Congressional Research Service](#), DED has been exercised five times since it was first used in 1990. DED was most recently used for on January 19, 2021, for Venezuelan nationals who were present in the United States as of January 20, 2021, due to conditions in Venezuela. The President's discretion to use DED is country specific and usually 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 (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 role has Congress played?** Congress enacted the National Defense Authorization Act for Fiscal Year 2020 in December 2019. The NDAA included the Liberian Refugee Immigration Fairness ([LRIF](#)) provision, which authorized the adjustment of status for eligible Liberians to that of United States lawful permanent resident (LPR) or "green card." This provision applies to Liberian nationals who have been present in the United States since November 20, 2014. The adjustment of status for eligible Liberian nationals also applies to their spouses and children. The deadline to apply for the LRIF adjustment of status was initially December 20, 2020, but Congress granted a 1-year extension to the application period due to difficulties encountered at the launch of the LRIF provision. The 1-year extension to the application period did not include employment authorization for DED beneficiaries beyond the January 10, 2021 transition period.
- 4. What is the current status of DED for Liberians?** President Biden, in his memorandum for Reinstating Deferred Enforce Departure for Liberians, has called for an extension of DED status for Liberian Nationals who were DED beneficiaries as of January 10, 2021 to June 30, 2022. The memorandum also lists seven exceptions of categories of people for whom the extension does not apply. Additionally, the President has directed the Secretary of Homeland Security to promptly issue new or replacement employment authorization

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documents (EADs) where appropriate. The President also directed the Secretary of Homeland Security to review the LRIF application procedures administered by [USCIS](#) to ensure that applications may be filed with ease and that they are promptly adjudicated.

- 5. What should a 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 whether they may be eligible for adjustment of status through the LRIF application process. DED holders are encouraged to check the [USCIS website](#) regularly for updates on deadlines and information on how and where to apply for adjustment of status.
- 6. Where can I find more resources?** More information can be found on the USCIS TPS and DED websites pages as well as our [website](#). Additional information may also be found on the [Undocublack](#) and [Fwd.us web](#) page.