



Fact Sheet

September 19, 2007

LIBERIANS PROVIDED DEFERRED ENFORCED DEPARTURE (DED)

On September 12, 2007, President George W. Bush issued a Memorandum directing the Secretary of Homeland Security, Michael Chertoff, to defer the enforced departure for 18 months, through March 31, 2009, of any qualified Liberian national (or person without nationality who last habitually resided in Liberia) who is currently present in the United States and who is under a grant of Temporary Protected Status (TPS) as of September 30, 2007. The President also directed that the Department of Homeland Security (DHS) take steps to implement continued employment authorization for these individuals during the 18-month DED period.

Deferred Enforced Departure (DED)

The authority to allow for deferred enforced departure (DED) of a class of aliens derives from the President's constitutional powers to conduct foreign relations. It is an authority exercised previously by President George W. Bush and by Presidents William J. Clinton and George H. W. Bush. Although DED is not a specific immigration status, individuals covered by DED are not subject to enforcement actions to remove them from the United States, usually for a specific period of time. TPS for Liberia is scheduled to terminate at 12:01 a.m. on October 1, 2007. (*See* 71 FR 55000 (Sept. 20, 2006)). TPS was originally granted for Liberia due to armed conflict and widespread civil strife. That conflict ended in 2003, and conditions have improved such that TPS is no longer warranted. While acknowledging the progress in Liberia, the President cited political and economic situations in the country that justify deferring the enforced departure for 18 months of those individuals who have expiring TPS status.

Who is Covered?

Liberian nationals (or persons without nationality who last resided in Liberia) who are present in the United States under a grant of Temporary Protected Status (TPS) as of September 30, 2007, and who have continuously resided in the U.S. since October 1, 2002. Currently, there are approximately 3,500 Liberians in the U.S. under TPS designation.

Who is Not Covered? The President's directive specifically states the following persons are ineligible for Liberian DED coverage:

- Those ineligible for TPS (includes persons whose TPS status has been withdrawn);
- Those whose removal is determined to be in the best interest of the U.S.;
- Those whose presence or activities in the U.S. would have potentially serious adverse foreign policy consequences for the U.S.;
- Those who voluntarily returned to Liberia;
- Those who were deported, excluded or removed prior to the President's announcement; and
- Those subject to extradition.

No Application or Registration Necessary

DED is automatic for qualified Liberians and persons without nationality who last resided in Liberia, regardless of age.

Length of Coverage

The President's Deferred Enforced Departure directive will cover eligible Liberians for 18 months: from Oct. 1, 2007, through March 31, 2009.

Extension of Employment Authorization

Employment Authorization Documents issued to covered individuals while they held TPS and that bear an expiration date of September 30, 2007 are automatically extended to March 31, 2009, pursuant to the *Federal Register* notice published at 72 FR 53596. Those EADs must bear a designation of "A-12" or "C-19" under "Category" on the card. Individuals may show a copy of the *Federal Register* notice, along with their EADs, to employers and other entities who request evidence of the person's authorization to remain in the United States. If a person covered by Liberian DED does not have a TPS-related EAD, a copy of Form I-797 (Notice of Action), explaining their approved TPS status until September 30, 2007, along with photo identification, and a copy of the *Federal Register* notice regarding DED, will also serve as evidence to remain in the U.S. Persons who did not request an EAD under TPS who now wish to receive one, or who wish to apply for a replacement of a lost, stolen, or mutilated EAD, must file Form I-765 (Application for Employment Authorization). Follow the instructions to the form carefully. However, please submit that form, and all supporting documentation, to the Vermont Service Center, 75 Lower Welden Street, St. Albans, Vermont 05479-0001.

Other Matters

Liberians covered by DED will not accrue "unlawful presence" for the purposes of adjustment of status or other immigration benefits during the period of time they are covered by DED. U.S. Immigration and Customs Enforcement (ICE) is also issuing guidance to its officers regarding procedures for implementing DED for eligible individuals. If an individual who is eligible for Liberian DED desires to travel abroad and return to the United States during the DED period, he or she must apply for advance parole on Form I-131 and receive approval of that application before leaving the United States. Granting advance parole is within the discretion of DHS.

More Information

For additional information on this initiative, Liberian nationals or employers may contact the USCIS National Customer Service Center at (800) 375-5273.

Employers having specific questions or concerns can also call the USCIS Office of Business Liaison Employer Hotline at (800) 357-2099 and the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at (800) 255-8155.

Finally, additional information is available on the OSC Web site at www.usdoj.gov/crt/osc/index.html, as well as the USCIS website at www.uscis.gov.