



USCIS Update

March 26, 2009

Deferred Enforced Departure Extended for Liberians

USCIS Automatically Extends Validity of Employment Authorization Documents

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) today automatically extended through Sept. 30, 2009, employment authorization for Liberian nationals covered under Deferred Enforced Departure (DED). This is in response to President Obama’s recent announcement extending DED through March 31, 2010 for qualified Liberians and those persons without nationality who last habitually resided in Liberia.

Although DED was scheduled to end for Liberian nationals on March 31, 2009, President Obama determined that there are compelling foreign policy reasons to continue to defer enforced departure from the United States for eligible Liberian nationals presently living in the United States under the existing grant of DED for 12 months, through March 31, 2010.

The president’s determination continued the exclusion of some individuals from DED, including certain criminals, persons subject to the mandatory bars to Temporary Protected Status, and persons whose removal is in the interest of the United States.

In addition to automatically extending the validity of employment authorization documents for Liberian nationals covered under DED, USCIS will publish a notice in the *Federal Register* with instructions for these individuals on how to obtain employment authorization for the remainder of the 12-month DED extension, through March 31, 2010.

Details on this DED extension and continued employment authorization are included in an accompanying *Questions and Answers* document. For additional information on this initiative, Liberian nationals or employers may contact the USCIS National Customer Service Center at (800) 375-5273.

– USCIS –



Questions and Answers

March 26, 2009

Deferred Enforced Departure Extended for Certain Liberians

USCIS Automatically Extends Employment Authorization Documents Through September 2009

U.S. Citizenship and Immigration Services (USCIS) today automatically extended the employment authorization for six months, through Sept. 30, 2009, for qualified Liberians and those persons without nationality who last habitually resided in Liberia, who are covered under Deferred Enforced Departure (DED). This action was taken in response to President Obama's announcement extending DED for certain qualified Liberians through March 31, 2010. This information will soon appear in a *Federal Register Notice* with instructions for Liberian nationals who are covered under DED to obtain employment authorization for the remainder of the 12-month DED extension, through March 31, 2010.

This automatic extension of employment authorization will allow sufficient time for eligible DED beneficiaries to receive new Employment Authorization Documents (EAD) without any lapse in employment authorization. The *Notice* also explains how these individuals may request an EAD extension through March 31, 2010.

Questions and Answers

Q. How do I know if I am covered by the extension of DED?

A. With certain exceptions, you are eligible for an extension of DED if you are present in the United States and are covered under DED as of March 31, 2009. Generally, if you held Temporary Protected Status (TPS) as of Sept. 30, 2007, then you are covered by Liberian DED and the 12-month extension applies to you.

Q. How many Liberian nationals are currently covered under DED?

A. Approximately 3,600 Liberian nationals are currently protected under DED and are eligible to receive employment authorization in the United States.

Q. How do I determine if I am not covered by DED?

A. You are not eligible for DED under the president's determination if: (1) you are ineligible for TPS for the reasons provided in section 244(c)(2)(B) of the Immigration and Nationality Act; (2) your removal is determined to be in the interest of the United States; (3) the Secretary of State has reasonable grounds to believe your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States; (4) you have voluntarily returned to Liberia or your last habitual residence outside the United States; (5) you were deported, excluded, or removed prior to the date of this memorandum; or (6) you are subject to extradition.

Q. If I am covered by DED, how long will this extension of DED allow me to remain in the United States?

A. Under this extension, you will continue to be covered by DED for 12 months from April 1, 2009, through March 31, 2010.

Q. Do I need to apply or register to receive an extension of DED?

A. No. DED is automatic. However, if you would like to receive work authorization, you must file an [Application for Employment Authorization](#), Form I-765 (see below).

Q. Where do I submit Form I-765?

A. Please submit Form I-765 and supporting documentation to:
USCIS Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

Q. What do I need to submit with Form I-765?

A. On Form I-765, you must indicate that you are eligible for DED. As the previous presidential order of DED only covered Liberians who were TPS beneficiaries as of Sept. 30, 2007, you must include a copy of your last Form I-797, Notice of Action, showing you were approved for TPS as of Sept. 30, 2007.

Q. What editions of Form I-765 should I submit?

A. USCIS will only accept versions of Form I-765 dated May 27, 2008 (Rev. 5/27/08), or later. The revision date is in the bottom right corner of the form. The forms are available on the Web at <http://www.uscis.gov/forms> or by calling the USCIS forms hotline at 1-800-870-3676.

Q. Can I file my application (Form I-765) electronically?

A. No. Electronic filing is not available for Form I-765 based on DED.

Q. How will I know if I have to report to a USCIS Application Support Center (ASC) to submit biometrics?

A. USCIS will mail you a notice with instructions detailing whether you are required to appear at a USCIS ASC for biometrics collection.

Q. What documents should I bring to my ASC appointment?

A. When you report to an ASC, you must bring the following documents:

1. Your receipt notice for your application;
2. Your ASC appointment notice; and
3. Your current EAD if you have been issued one

Q. What will happen if I do not appear at the ASC?

A. Failure to appear at an ASC for a required appointment will result in denial of your case due to abandonment unless you submit, and USCIS has received, an address change notification (see instruction below) or a rescheduling request before your appointment, and USCIS excuses your failure to appear.

Q. What if my address changes after I file my EAD application?

A. If your address changes after you file your application, you must complete and submit Form AR-11 by mail or electronically. The mailing address is:
U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

Form AR-11 can also be filed electronically by following the directions on the USCIS Web site at: <http://www.uscis.gov>.

You may also call the USCIS National Customer Service Center at 1-800-375-5283 (TTY 1-800-767-1833) to request an update to your address on your EAD application. Please note that even if you call the USCIS National Customer Service Center, you must still file a Form AR-11.

Q. How can I tell whether my EAD has been automatically extended for six months from March 31, 2009, through Sept. 30, 2009?

A. Your EAD has been automatically extended if it:

- has “A-12” or “C-19” on the face of the card under “Category,” and has an expiration date of Sept. 30, 2007; or
- has “A-11” on the face of the card under “Category,” and has an expiration date of March 31, 2009.

Q. What documents may I show to my employer as proof of employment authorization and identity when completing Form I-9?

A. Throughout the duration of the six-month automatic employment authorization extension, you may present your prior TPS- or DED-based EAD to your employers, as described above, as proof of identity and employment authorization through Sept. 30, 2009. To minimize confusion over this extension at the time of hire or re-verification, you may also present a copy of the *Federal Register Notice* regarding the automatic extension of employment authorization documentation through Sept. 30, 2009.

In the alternative, you may present any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I-9.

Q. Can I leave the United States and legally re-enter before March 31, 2010?

A. Yes, if you seek and are granted advance parole before departing the United States. You must file a Form I-131, [*Application for Travel Document*](#), with appropriate fee, to request advance parole. You must provide a copy of your last TPS- or DED-based EAD, or, if you do not have a TPS- or DED-based EAD, submit a copy of your last Form I-797, *Notice of Action*, stating that you had received a grant of TPS as of Sept. 30, 2007. If you leave the United States without first requesting and obtaining advance parole, you are no longer eligible for DED. You may not be permitted to re-enter the United States. The determination whether to grant advance parole is within the discretion of DHS and is not guaranteed in any case. If you seek advance parole in order to go to Liberia or your last habitual residence outside the United States you may risk being found ineligible to re-enter the United States under DED because the president’s memorandum excludes persons “who have voluntarily returned to Liberia or their last habitual residence outside the United States.”

Q. Will I accrue “unlawful presence” for purposes of adjustment of status or other immigration benefits for which I may be applying if I am covered by DED?

A. No. You do not accrue “unlawful presence” for the purposes of adjustment of status or other immigration benefits for which you may be applying during the period of time you are covered by DED.

Q. If I am covered by Liberian DED and a federal, state or local government official asks me to present proof of authorization to remain in the United States, what evidence should I present?

A. You may present your automatically extended TPS- or DED-based EAD and a copy of the *Federal Register Notice* through Sept. 30, 2009. You may present your DED-based EAD with an expiration date of March 31, 2010, and a copy of the *Federal Register Notice* as evidence of permission to remain in the United States through March 31, 2010. If you do not have a TPS- or DED-based EAD, you may present a copy of Form I-797, *Notice of Action*, showing that you were a TPS beneficiary as of Sept. 30, 2007, a photo ID, and a copy of the *Federal Register Notice*.

Q. If I do not have an EAD to indicate such eligibility, how can I prevent unnecessary removal from the United States?

A. U.S. Immigration and Customs Enforcement (ICE) will issue guidance to its attorneys, officers, and agents to ensure that eligible Liberians or persons without nationality who last habitually resided in Liberia are not removed in violation of the president’s DED memorandum. The guidance will be consistent with the USCIS *Federal Register Notice*.