

Deferred Enforced Departure Extended for Liberians

Questions and Answers

Released Aug. 25, 2011

USCIS Automatically Extends Validity of Employment Authorization Documents

Introduction

U.S. Citizenship and Immigration Services (USCIS) posted a Federal Register notice today that automatically extends employment authorization for Liberian nationals covered under Deferred Enforced Departure (DED) through March 31, 2012. The posting of this notice follows President Obama's announcement Aug. 16, 2011, of his decision to extend DED through March 31, 2013, for qualified Liberians and those persons without nationality who last habitually resided in Liberia. The six-month automatic extension of existing Employment Authorization Documents (EADs) will permit eligible Liberians to continue working while they file their applications for new EADs. These new EADs will cover the full 18 months of the DED extension.

Background

Although DED was scheduled to end for Liberian nationals on Sept. 30, 2011, there are compelling foreign-policy reasons to continue deferring enforced departure from the United States for eligible Liberian nationals presently living in the United States under the existing grant of DED for 18 additional months.

The 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. USCIS encourages individuals who would like to receive work authorization to file immediately to allow time for processing.

Questions and Answers

Q1. How do I know if I am covered by the extension of DED?

A1. 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 Aug. 25, 2011. Generally, if you held Temporary Protected Status (TPS) as of Sept. 30, 2007, then you are covered by Liberian DED and the 18-month extension applies to you. There are exceptions for such Liberians who would not meet current TPS eligibility criteria.

Q2. How do I determine if I am not covered by DED?

A2. You are not eligible for DED under the President's determination if:

- You are ineligible for TPS for the reasons provided in section 244(c)(2)(B) of the Immigration and Nationality Act;
- Your removal is determined to be in the interest of the United States;

- 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;
- You have voluntarily returned to Liberia or your last habitual residence outside the United States;
- You were deported, excluded, or removed prior to the date of the President's memorandum; or
- You are subject to extradition.

Q3. If I am covered by DED, how long will this extension allow me to remain in the United States?

A3. Under this extension, you will continue to be covered by DED for 18 months, through March 31, 2013.

Q4. Do I need to apply or register to receive an extension of DED?

A4. No, DED is automatic. However, if you would like to receive work authorization, you must file a Form I-765, [Application for Employment Authorization](#) (see below). USCIS encourages individuals who would like to receive work authorization to file immediately to allow time for processing.

Q5. What do I need to submit with my Form I-765 package?

A5. You must submit:

- A Form I-765, Application for Employment Authorization, indicating that you are eligible for DED;
- A copy of your last Form I-797, Notice of Action, showing you were approved for TPS as of Sept. 30, 2007; and
- A \$380 filing fee (or a [fee-waiver request](#)).

Q6. What editions of Form I-765 should I submit?

A6. 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.

Q7. Can I file my application (Form I-765) electronically?

A7. No, electronic filing is not available for Form I-765 based on DED.

Q8. Where do I submit Form I-765?

A8. Please submit Form I-765 and supporting documentation to:

USCIS
Attn: DED

P.O. Box 8677
Chicago, IL 60680-8677

Q9. Why must I pay the filing fee for my I-765?

A9. On Sept. 23, 2010, USCIS [announced](#) the publication of the [final rule](#) adjusting fees for immigration benefits. In that rule, USCIS included a provision that now requires individuals covered by DED to pay the I-765 filing fee, or file a fee-waiver request. More information about fee waivers may be found on the [Fee Waiver Guidance](#) Web page on USCIS.gov.

USCIS is a primarily fee-based organization, with about 90 percent of its budget coming from fees paid by applicants and petitioners for immigration benefits. The law requires USCIS to conduct fee reviews every two years to determine the funding levels necessary to administer the nation's immigration laws, process immigration benefit requests and provide the infrastructure needed to support those activities.

Q10. How will I know if I have to report to a USCIS Application Support Center (ASC) to submit biometrics?

A10. USCIS will mail you a notice with instructions detailing whether you are required to appear at a USCIS ASC for biometrics collection.

Q11. What documents should I bring to my ASC appointment?

A11. When you report to an ASC, you must bring the following documents:

1. An identity document that contains your photograph;
2. Your receipt notice for your application;
3. Your ASC appointment notice; and
4. Your current EAD if you have been issued one.

Q12. What will happen if I do not appear at the ASC?

A12. Failure to appear at an ASC for a required appointment may result in denial of your case due to abandonment unless you submit, and USCIS has received, an address-change notification (see instructions below) or a rescheduling request before your appointment—and USCIS excuses your failure to appear.

Q13. What if my address changes after I file my EAD application?

A13. If your address changes after you file your application, you must complete and submit Form AR-11, Change of Address, 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 website 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.

Q14. How can I tell whether my EAD has been automatically extended for six months from Sept. 30, 2011, through March 31, 2012?

A14. Your EAD will be automatically extended if it has “A-11” on the face of the card under “Category,” and has an expiration date of Sept. 30, 2011, as cited in the [Federal Register notice](#).

Q15. What documents may I show to my employer as proof of employment authorization and identity when completing Form I-9, Employment Eligibility Verification?

A15. Through the duration of the six-month automatic employment authorization extension, you may present your prior DED-based EAD to your employers, as described above, as proof of identity and employment authorization through March 31, 2012. To minimize confusion over this extension at the time of hire or reverification, you may also present a copy of the [Federal Register notice](#) regarding the automatic extension of employment authorization documentation through March 31, 2012.

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

Q16. Can I leave the United States and legally re-enter before March 31, 2013?

A16. 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 and 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. If you seek advance parole in order to go to Liberia or your place of last habitual residence before 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 to their last habitual residence outside of the United States.”