



May 16, 2019

The Honorable L. Francis Cissna
Director of U.S. Citizenship and Immigration Services
111 Massachusetts Avenue NW
Washington, D.C. 20008

RE: CLINIC Recommendations Regarding USCIS' Improper Rejections of Employment Authorization Applications filed by Liberian DED Holders

Dear Director Cissna:

The Catholic Legal Immigration Network, Inc. (CLINIC) writes regarding USCIS' improper rejections of Liberian Deferred Enforced Departure (DED) Employment Authorization Document (EAD) applications filed before May 8, 2019, with the stated reason that the "country...is not currently eligible for Deferred Enforced Departure." CLINIC respectfully recommends and urges USCIS to take immediate and pragmatic steps to ensure Liberian DED holders affected by this error are made whole and to mitigate further harm to the community.

CLINIC supports a network of approximately 370 immigration legal services organizations across the country, many of which serve Liberian DED holders. We also run a national coalition comprised of more than 100 organizations that advocate for the protection and rights of DED and Temporary Protected Status holders.

CLINIC became aware of the improperly rejected applications by dozens of DED holders on May 8, 2019 and immediately contacted USCIS. We understand from our communications with USCIS that the Chicago Lockbox rejected approximately 155 EAD applications, in error. Further, we understand that USCIS has elected to resolve its error by issuing individual mailed letters instructing affected DED holders to re-submit their applications. However, this measure, alone, is insufficient to fully address the loss in application processing time and the resultant anxiety and fear in the community.

For these reasons and the reasons detailed below, CLINIC recommends USCIS take the following course of corrective action:

- I. USCIS should issue a Federal Register Notice automatically extending all Liberian DED holder EADs through the entire termination period (March 30, 2020)**

On April 2, 2019, CLINIC sent correspondence to then-Secretary Nielsen and Director Cissna urging USCIS to issue a Federal Register Notice automatically extending work authorization for DED holders through the latest 12-month termination period. The request was based on extreme and unprecedented processing backlogs at USCIS which raise questions about whether paying customers' EAD applications would be processed prior to the termination of DED, depending on their application date, and whether USCIS had a plan in place to reimburse customers should that occur. In an April 3, 2019 Federal Register Notice, USCIS issued a six-month automatic extension of work authorization, requiring DED holders to apply for work authorization and pay fees (or apply for a fee waiver) should they wish to have work authorization through the entire termination period.

Given processing delays, now compounded with improper rejections of Liberian DED holder's EAD applications, CLINIC again urges USCIS to issue a Federal Register Notice granting a 12-month automatic extension of work authorization, as this request is now even more urgent and pragmatic. A Federal Register Notice is the most operationally and cost efficient method for USCIS to ensure that Liberian DED holders who lost processing time through this error are able to maintain their work authorization through the entire termination period.

If USCIS elects not to issue a Federal Register Notice, it must dedicate resources towards expedited processing for EAD applications submitted by all DED holders.

II. USCIS should conduct outreach to ensure the affected population has proper information, to quell anxiety and rumors, and combat fraud

In its rejection notices to applicants, USCIS incorrectly stated Liberia was not currently eligible for DED, causing mass confusion and deterring other eligible individuals from applying. As of this writing, USCIS has yet to conduct broad outreach to alert the affected population and legal service providers of its error, what actions people should take, and to make clear that Liberia still has DED at this time. Individual letters via mail are insufficient to deal with the more widespread confusion, anxiety, and spread of false information caused by USCIS' error.

CLINIC recommends that USCIS immediately: 1) send communications via email listservs as it has done in the past for such errors; 2) update the Liberia DED USCIS webpage to explain its error and provide detailed instructions; and 3) conduct a responsible and accurate social media campaign. USCIS should also instruct Community Relations Officers to engage in local outreach in areas where Liberian DED holders are concentrated.

Errors like this, in combination with a lack of outreach from USCIS, create an environment in which notarios and other unscrupulous actors can thrive. USCIS should take steps to combat fraud against Liberian DED holders because of its error.

III. USCIS should investigate the root causes of the error, make its finding available to the public, and put in place safeguards to ensure the error does not repeat in the future

CLINIC calls on USCIS, in cooperation with the Ombudsman's office, to conduct an immediate investigation as to how this grave error occurred and share that information with the public and Members of Congress. CLINIC will also support other oversight measures to ensure accountability.

We are at your disposal to discuss issues in more detail, to help troubleshoot, and to work to prevent further harm to DED holders.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Marie Bussey". The signature is written in a cursive, flowing style.

Jill Marie Bussey
Director of Advocacy
Catholic Legal Immigration Network, Inc.

cc: Julie Kirchner, CIS Ombudsman