

**From:** (b)(6)  
**To:** OPLA Field Personnel; OPLA HQ Personnel  
**Subject:** UPDATED Broadcast Message: Liberian Refugee Immigration Fairness  
**Date:** Tuesday, January 5, 2021 4:32:54 PM

---

*Disseminated on behalf of Ken Padilla and Adam V. Loiacono . . .*

This message provides updates to the February 14, 2020 broadcast message below concerning “Liberian Refugee Immigration Fairness” (LRIF), which provided an avenue by which certain qualifying aliens could apply for adjustment of status (AOS) with the Department of Homeland Security (Department). See National Defense Authorization Act (NDAA) for Fiscal Year 2020, Pub. L. No. 116-92, div. F, tit. LXXVI, subtit. B, § 7611, 133 Stat. 1198, 2309 (2019).

On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021 (CAA 2021). Section 901 of the CAA 2021, titled “Extension of Period for [AOS] for Certain Liberian Nationals,” extends the period during which certain Liberian nationals and certain family members may apply for AOS under the LRIF from one year to two years after the date of enactment of the NDAA. See CAA 2021, Pub. L. No. 116-260, div. O, tit. IX, § 901, 134 Stat. 1182 (2020). Therefore, an alien is eligible for LRIF AOS if he or she properly files a Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS) by December 20, 2021. See NDAA § 7611(b)(1)(A), amended by CAA 2021 § 901.

(b)(5)

(b)(5)

This message includes internal guidance provided for internal OPLA use only and is not intended for public disclosure. Please ensure that it is treated consistent with [applicable guidance](#).

Thank you,

Ken Padilla

Deputy Principal Legal Advisor for Field Legal Operations  
Office of the Principal Legal Advisor

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

Adam V. Loiacono

Deputy Principal Legal Advisor for Enforcement and Litigation  
Office of the Principal Legal Advisor

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

**\*\*\*PRIVILEGED\*\*\*ATTORNEY WORK PRODUCT\*\*\*FOR OFFICIAL USE  
ONLY\*\*\*NOT FOR DISSEMINATION OUTSIDE OPLA\*\*\***

---

**From:** (b)(6); (b)(7)(C) @ice.dhs.gov>  
**Sent:** Friday, February 14, 2020 12:04 PM  
**To:** OPLA Field Personnel (b)(7)(E) @ice.dhs.gov>; OPLA HQ Personnel  
<(b)(7)(E) @ice.dhs.gov>  
**Subject:** Broadcast Message: Liberian Refugee Immigration Fairness

*Disseminated on behalf of Ken Padilla and Adam V. Loiacono . . .*

On December 20, 2019, the President signed into law the National Defense Authorization Act (NDAA) for Fiscal Year 2020. Section 7611 of the NDAA, titled “Liberian Refugee Immigration Fairness” (LRIF), provides an avenue by which certain qualifying aliens may apply for adjustment of status (AOS) with the Department of Homeland Security (Department). *See* NDAA, Pub. L. No. 116-92, div. F, tit. LXXVI, subtit. B, § 7611, 133 Stat. 1198, 2309 (2019).

An alien is eligible for LRIF AOS if he or she:

1. Is a national of Liberia;
2. Has been continuously physically present in the United States during the period starting on November 20, 2014, and ending on the date he or she properly files the Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS) **or** is the spouse, child, or unmarried son or daughter of such a Liberian national (i.e., one who meets the continuous physical presence requirement);
3. Is otherwise eligible for an immigrant visa;
4. Is admissible to the United States for lawful permanent residence; and
5. Properly files a Form I-485 with USCIS by December 20, 2021.

NDAA § 7611(b)(1), (c)(1)(A)-(B).

For LRIF AOS purposes, an alien will not be considered to have maintained continuous physical presence if he or she was absent from the United States for one or more periods amounting, in the aggregate, to more than 180 days. *Id.* § 7611(c)(2).

The grounds of inadmissibility at sections 212(a)(4) (public charge), 212(a)(5) (labor certification), 212(a)(6)(A) (present without admission or parole), and 212(a)(7)(A) (documentation requirements) of the Immigration and Nationality Act (INA), do **not** apply. *Id.* § 7611(b)(2). And, an applicant may, of course, seek a waiver of any other grounds of inadmissibility for which he or she is eligible under the INA.

Further, an alien is *ineligible* for LRIF AOS if he or she:

1. Has been convicted of an aggravated felony;
2. Has been convicted of two or more crimes involving moral turpitude (other than a purely political offense); or

3. Has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

*Id.* § 7611(b)(3).

An alien who applies for LRIF AOS while in exclusion, deportation, or removal proceedings may not be ordered removed while his or her application is pending with USCIS. *Id.* § 7611(d)(2)(A). In addition, the fact that an alien may be eligible for LRIF AOS will not preclude the alien from seeking any other form of relief from removal for which he or she is eligible. *Id.* § 7611(i)(2). If an alien is already subject to an unexecuted final order of exclusion, deportation, or removal, he or she may seek a stay of removal with the Department pending the outcome of his or her adjustment application. *Id.* § 7611(d)(1).

(b)(5)

In light of this recent legislation, OPLA attorneys should follow the guidance below.

(b)(5)

(b)(5)

(b)(5)

This message includes internal guidance provided for internal OPLA use only and is not intended for public disclosure. Please ensure that it is treated consistent with applicable guidance. If you have questions about the implementation of LRIF or any of the guidance provided herein, please do not hesitate to contact ILPD (ILPD-E or ILPD-W), FLO, or EROLD as appropriate.

Thank you,

Ken Padilla  
Deputy Principal Legal Advisor for Field Legal Operations  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security

Adam V. Loiacono  
Deputy Principal Legal Advisor for Enforcement and Litigation  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security

**\*\*\*PRIVILEGED\*\*\*ATTORNEY WORK PRODUCT\*\*\*FOR OFFICIAL USE  
ONLY\*\*\*NOT FOR DISSEMINATION OUTSIDE OPLA\*\*\***