

THE FACTS: TEMPORARY PROTECTED STATUS (TPS) FOR LIBERIANS



TEMPORARY PROTECTED STATUS (TPS) AND DEFERRED ENFORCED DEPARTURE (DED)

Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries. In 1990¹ Congress established a procedure by which the Secretary of Homeland Security² may provide TPS to aliens in the United States who are temporarily unable to safely return to their home country because of ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. **Deferred Enforced Departure (DED)** is similar to TPS, but unlike TPS it is not defined by statute. During the period for which a country has been designated for TPS or DED, beneficiaries may remain in the United States and may obtain work authorization.

COUNTRIES CURRENTLY ON TPS OR DED

Liberia: President Bush signed a Memorandum for the Secretary of Homeland Security on September 12, 2007, authorizing DED for 18 months (from October 1, 2007, through March 31, 2009) for Liberians (and aliens without nationality who last habitually resided in Liberia) who had TPS as of September 30, 2007.

Burundi: The designation of Burundi for TPS has been terminated effective 12:01 a.m. May 2, 2009.

El Salvador: TPS currently designated through March 9, 2009.

Honduras: TPS currently designated through January 5, 2009.

Nicaragua: TPS currently designated through January 5, 2009.

Somalia: TPS currently designated through March 17, 2008.

Sudan: TPS currently designated through November 2, 2008.

HOW TPS HAS AFFECTED LIBERIANS IN THE U.S.

The United States has extended protection to Liberians since 1991, when the armed conflict erupted in Liberia. Every year, Liberians on TPS were required to re-register for TPS, paying filing fees to renew their status and work permission. Throughout nearly two decades of protection³, there have been several “re-designations” of TPS, allowing Liberians who had arrived more recently to register for the status. In September 2006, the Department of Homeland Security announced the termination of Liberian TPS, effective October 1, 2007. On September 12, 2007, President Bush announced that Liberians who were registered under TPS would be permitted to remain and work in the U.S. under Deferred Enforced Departure (DED) until March 31, 2009.

Because temporary protection has been extended to Liberians for such a long period of time, many Liberians have established strong family, social and economic ties in the United States. The termination of protection affects those on the status. It also affects their families, employers, and communities.

STATUS OF LEGISLATION TO PROVIDE PERMANENT RESIDENT STATUS TO LIBERIANS

S. 656, the Liberian Refugee Immigration Fairness Act of 2007, was introduced in the Senate on February 16, 2007. The House companion, the Liberian Refugee Immigration Protection Act of 2007, **H.R. 1941**, was introduced on April 19, 2007. This legislation would allow eligible Liberians living in the United States to apply for lawful permanent resident status. The bills have bi-partisan support.

WHAT WILL HAPPEN TO LIBERIANS ONCE THE TPS ENDS

TPS or DED do not lead to permanent resident status. When TPS or DED ends, beneficiaries revert to the same immigration status they maintained before TPS (unless that status had since expired or been terminated) or to any other status they may have acquired while registered for TPS. Some Liberians may still be able to lawfully remain in the U.S. in another status or on a pending application for asylum or permanent resident status. Others will be considered to be “removable” and will be placed in removal proceedings. Liberians with a final order of removal (deportation) may be deported without further hearing.

FREQUENTLY ASKED QUESTIONS

- What if I entered the U.S. as a visitor and later obtained TPS, but my original visitor status is now expired?

People who entered the U.S. as visitors (or other temporary non-immigrants such as students) and who did not maintain that status or get a new status (such as asylum or lawful permanent resident status) will be in unlawful immigration status once TPS ends. This means that Immigration and Customs Enforcement (ICE) may issue a notice to appear in immigration court, beginning the legal proceedings to remove (deport) the person from the United States.

- What if I filed for asylum but I have not been interviewed by the Asylum Office about my case?

People who have asylum cases pending have a right to have their cases heard and a decision about their asylum cases made before being removed from the United States. Some Liberian asylum cases were not interviewed by the Asylum Office while TPS was in effect. These cases are now being scheduled for asylum interviews. It is possible that an asylum application was denied because a person failed to appear at a scheduled interview. People who believe their cases remain pending at the Asylum Office should seek legal advice immediately. Some people with pending asylum applications at the Asylum Office may be eligible for employment authorization based on the pending asylum application.

- What if my case was denied by the Asylum Office but I never saw an Immigration Judge?

Some Liberians who applied for asylum were not granted asylum. Instead, their applications were denied by the asylum office and they were allowed to remain in the U.S. on TPS. People whose asylum applications were denied by the Asylum Office but who have not yet been scheduled to see an Immigration Judge may be notified to appear in Immigration Court. People in Immigration Court can renew their applications for asylum and apply, if eligible, may apply for any other relief from removal.

- What if my case was “administratively closed” by the Immigration Judge or the Board of Immigration Appeals (BIA)?

People whose asylum cases were administratively closed still have pending asylum applications. People can expect that the government will ask that the cases be “re-calendared” for a new hearing before the judge or for decision by the BIA. People with pending asylum applications have a right to a hearing and final decision in their case before being removed from the U.S. People with pending asylum applications may also be eligible for employment authorization while the asylum case is pending.

- What if I was ordered removed?

People who have final orders of deportation or removal will be subject to removal once TPS ends. Warrants of removal may be issued. People may receive notices to report to ICE for deportation. People with final orders of deportation or removal may be taken into custody (jail) while arrangements for their removal are made. In very limited cases, people may be able to reopen their cases if there are new facts in the case. People with final orders of removal should consult with an immigration attorney right away to see if there are any options.

- What other immigration options do I have?

Some Liberians in the U.S. on TPS may be eligible for lawful permanent resident status (green cards) through petitions by family members or employers. People do not need to choose between filing for asylum and filing for other permanent immigration status. **It is critical that Liberians talk with an experienced immigration attorney right away to discuss all immigration options and to get any papers filed. Do not rely on word of mouth or the experience of other people to make your decisions - every case is different!**

The above information is not meant as legal advice. Please see the official U.S. Citizenship and Immigration Services' website at www.uscis.gov for more information about the law. For further information go to www.energyofanation.org.



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SOURCES FOR “TEMPORARY PROTECTED STATUS (TPS) FOR LIBERIANS”

¹ Immigration Act of 1990 (“IMMACT”), P.L. 101-649

² On March 1, 2003, pursuant to the Homeland Security Act of 2002, Public Law 107-296, the authority to designate a country (or part thereof) for TPS, and to extend and terminate TPS designations, was transferred from the Attorney General to the Secretary of Homeland Security. At the same time, responsibility for administering the TPS program was transferred from the former Immigration and Naturalization Service (Service) to U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS).

³ TPS for Liberians was terminated in 2001 and replaced with Deferred Enforced Departure (DED). In 2002, TPS was again designated for Liberians. An estimated 15,000-20,000 Liberians were eligible for registration for TPS at that time.