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Chapter 5 - Liberian Refugee Immigration Fairness

Guidance

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A. Purpose and Background^[1]

Enacted on December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020 included a provision, Liberian Refugee Immigration Fairness (LRIF), which provides an opportunity for certain Liberian nationals and their eligible family members to obtain lawful permanent resident (LPR) status.^[2] After adjusting to LPR status under LRIF, some [noncitizens](#) would then immediately become eligible to apply for naturalization.

As initially enacted, the filing deadline for LRIF applications was December 20, 2020. Congress later extended the filing period for LRIF applications to December 20, 2021.^[3] Applications must be received on or by December 20, 2021.

B. Legal Authority

- Section 7611 of the National Defense Authorization Act for Fiscal Year 2020 – Liberian Refugee Immigration Fairness^[4]

C. Eligibility Requirements

To adjust to LPR status based on LRIF a Liberian principal applicant must meet the eligibility requirements shown in the table below.^[5]

LRIF-Based Adjustment of Status Eligibility Requirements

The applicant must properly file an Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) which is received on or by December 20, 2021.^[6]

The applicant is a national of Liberia.

The applicant has been continuously physically present in the United States since November 20, 2014, through the date he or she properly files the adjustment application.^[7]

The applicant is admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility or other form of relief.

1. Ineligible Noncitizens

A noncitizen is not eligible for adjustment of status based on LRIF if he or she has:

- Been convicted of any aggravated felony;^[8]
- Been convicted of two or more crimes involving moral turpitude (other than a purely political offense); or
- Ordered, incited, assisted, or otherwise participated in the persecution of any other person on account of race, religion, nationality, membership in a particular social group, or political opinion.^[9]

2. Continuous Physical Presence Requirement

To qualify for adjustment of status based on LRIF, a Liberian principal applicant must establish that he or she has been continuously physically present in the United States during the period beginning on November 20, 2014, and ending on the date he or she properly files an adjustment application based on LRIF.^[10]

USCIS considers an applicant who was absent from the United States for one or more periods amounting to more than 180 days in the aggregate (total) to have failed to have maintained continuous physical presence.^[11]

3. Admissibility and Waiver Requirements

An applicant must be admissible to the United States in order to be eligible for adjustment of status under LRIF.^[12] In general, if an applicant is inadmissible based on an applicable ground of inadmissibility, he or she must apply for a waiver or other form of relief, if eligible, to overcome that inadmissibility.^[13] If USCIS grants a waiver or other form of relief in its discretion, USCIS may approve the application to adjust status if the applicant is otherwise eligible.

LRIF applicants are subject to all grounds of inadmissibility except:

- [INA 212\(a\)\(4\)](#) – Public charge;
- [INA 212\(a\)\(5\)](#) – Labor certification and qualifications for certain immigrants;
- [INA 212\(a\)\(6\)\(A\)](#) – Aliens present without admission or parole; and
- [INA 212\(a\)\(7\)](#) – Documentation requirements for immigrants. [\[14\]](#)

4. Eligibility of Family Members

The spouse, child, [\[15\]](#) and unmarried son or daughter of a Liberian principal applicant who is LRIF-eligible may also seek adjustment based on LRIF regardless of their nationality. [\[16\]](#)

To adjust based on LRIF, eligible family members must:

- Properly file an Application to Register Permanent Residence or Adjust Status ([Form I-485](#)) which is received on or by December 20, 2021; and
- Be admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility or other form of relief.

The same ineligibility criteria and inadmissibility grounds that apply to Liberian principal applicants apply to eligible family members seeking adjustment based on LRIF.

However, the continuous physical presence requirement that applies to Liberian principal applicants does not apply to those seeking to adjust based on LRIF as an eligible family member.

When Eligible Family Members May File the Adjustment Application

Each applicant must properly file his or her own adjustment application, which must be received by USCIS on or by December 20, 2021.

Eligible family members may file their adjustment application:

- Together with the Liberian principal applicant's LRIF-based adjustment application; or
- After the Liberian principal applicant filed an LRIF-based adjustment application that remains pending a final decision or was approved by USCIS.

An eligible family member may not adjust status before the qualifying Liberian principal applicant. Adjustment of family members must be concurrent with or subsequent to the Liberian principal applicant's adjustment to LPR status. [\[17\]](#)

The qualifying relationship may have been created before or after the Liberian principal applicant's adjustment. Provided that the applicant meets the burden of proof to demonstrate a bona fide family relationship, USCIS may adjust the spouse (or child or unmarried son or daughter) of a Liberian principal applicant to that of an LPR regardless of the duration of the relationship; however, the relationship must exist on the date of filing and the date of adjudication of the family member's adjustment application.

The spouse, child, or unmarried son or daughter remains eligible for LRIF-based adjustment only so long as the qualifying Liberian national remains an LPR. If the Liberian national loses LPR status or naturalizes, the family members' eligibility to adjust to LPR status under LRIF also ends.^[18]

5. Sunset Date

Applicants must properly file their adjustment application, which is received by USCIS on or by December 20, 2021, in order to be eligible for adjustment of status under LRIF.^[19] Each applicant must file his or her own adjustment application.

6. Noncitizens in Removal Proceedings^[20]

Noncitizens, including eligible family members, currently in exclusion, deportation, or removal proceedings may file an adjustment application with USCIS based on LRIF.^[21] Noncitizens present in the United States with an existing order of exclusion, deportation, removal, or voluntary departure may also file an adjustment application with USCIS based on LRIF.^[22] Such noncitizens must meet the eligibility requirements of LRIF in order to adjust status based on LRIF.

7. Jurisdiction

USCIS has sole authority to adjudicate an adjustment application based on LRIF.^[23] USCIS may adjudicate an adjustment application filed under LRIF for a noncitizen in removal, exclusion, or deportation proceedings or with a final order of removal, exclusion, or deportation, notwithstanding those proceedings or final order.

D. Documentation and Evidence

A Liberian national applicant should submit the following documentation to seek adjustment of status based on LRIF:

- A properly filed Application to Register Permanent Residence or Adjust Status ([Form I-485](#)), with the correct fee;
- Two identical color photographs of the applicant taken recently;^[24]
- A copy of a government-issued identity document with photograph;
- A copy of the birth certificate;
- A copy of the passport page with admission or parole stamp (if applicable);
- A copy of the Arrival/Departure Record (Form I-94) or copy of U.S. Customs and Border Protection (CBP) admission or parole stamp on the travel document (if applicable);^[25]
- A properly completed Report of Immigration Medical Examination and Vaccination Record ([Form I-693](#));^[26]
- Evidence of being a Liberian national;

- A list and any evidence of all arrivals to and departures from the United States;
- Evidence of continuous physical presence in the United States beginning on November 20, 2014, and ending on the date the applicant properly files an LRIF-based adjustment application; and
- A completed Application for Waiver of Grounds of Inadmissibility ([Form I-601](#)), if applicable.

1. Liberian Nationality

To demonstrate eligibility for adjustment of status under LRIF, a Liberian principal applicant must provide evidence to prove Liberian nationality.^[27] USCIS considers any and all evidence provided by the applicant, including the applicant's testimony during an interview, to evaluate the applicant's eligibility for adjustment of status.

USCIS does not require the following documents but provides them as examples of primary evidence that applicants may submit to demonstrate Liberian nationality.

Primary evidence is currently available.^[28] Examples of primary evidence that may demonstrate Liberian nationality include, but are not limited to:

- Unexpired Liberian passport; and
- Liberian certificate of naturalization.

If an applicant is not able to submit primary evidence, the applicant must demonstrate this. The best way to demonstrate this is by submitting a written and signed statement from the applicant that explains all attempts to acquire primary evidence and includes accompanying records that demonstrate these attempts (as examples, accompanying records may include proof of an application for a Liberian passport, proof of an application to renew an expired Liberian passport, proof of communication with the relevant Liberian government authorities that issue primary evidence, or receipts of transactions to obtain or replace primary evidence).

In addition to this statement (and any evidence supporting this statement), the applicant must submit secondary evidence of Liberian nationality. Examples of secondary evidence that may support an applicant's claim of Liberian nationality include, but are not limited to:

- Expired Liberian passports;
- Liberian baptismal records or other religious documents;
- Liberian school records; and
- Liberian medical records.

Applicants should submit all evidence available to them. All forms of secondary evidence may support an applicant's claim of Liberian nationality as part of the totality of the evidence.

2. Continuous Physical Presence

A Liberian principal applicant must submit evidence that he or she was physically present in the United States for a continuous period beginning on November 20, 2014, and ending on the date he or she properly files the LRIF-based adjustment application. For purposes of LRIF, USCIS considers an applicant who left the United States for one or more periods amounting to more than 180 days in the aggregate (total) to have failed to have maintained continuous physical presence.

An applicant must submit probative evidence to establish continuous physical presence since November 20, 2014. Examples of the types of evidence may include, but are not limited to:

- Copy of passport pages with nonimmigrant visa, admission, or parole stamps;
- Arrival/Departure Record (Form I-94);
- Income tax records;
- Utility bills;
- Mortgage deeds or leases;
- Insurance premiums and policies;
- Birth, marriage, and death certificates for immediate family members;
- Medical records;
- Bank records;
- School records;
- All types of receipts that contain identifying information about the applicant;
- Census records;
- Social Security records;
- Employment records;
- Military records;
- Draft records;
- Car registrations; and
- Union membership records.

3. Evidence of Arrivals to and Departures from the United States

Liberian principal applicants must provide a list of all arrivals to and departures from the United States. All applicants also should submit any evidence of all arrivals to and departures from the United States. Applicants should also submit any evidence showing residence from the date of his or her first arrival where residence was established until the filing of the applicant's LRIF-based adjustment application.

USCIS uses this information to determine the date of lawful permanent residence for approved LRIF-based adjustment applicants.^[29]

Residence means the applicant's place of general abode; the place of general abode means his or her principal, actual dwelling place in fact, without regard to intent.^[30]

4. Family Members

In addition to the documentation listed above, an eligible family member applying to adjust based on LRIF must submit:

- Evidence of his or her relationship to a Liberian principal applicant (for example, marriage certificate or birth certificate);
- Evidence of termination of any prior marriages, and any prior marriages of the Liberian principal applicant, if applying as the eligible spouse of a Liberian principal applicant; and
- Evidence that the Liberian principal applicant obtained LPR status or has a pending application for adjustment of status under LRIF (for example, an Approval or Receipt Notice (Form I-797) for the Liberian national's adjustment application), if the eligible family member is not filing concurrently with the Liberian principal applicant.

Only the Liberian principal applicant must show Liberian nationality and continuous physical presence in the United States to be eligible to adjust based on LRIF.

Evidence of Arrivals to and Departures from the United States

LRIF applicants applying as family members must provide a list of all arrivals to and departures from the United States. Applicants should submit evidence of all arrivals to and departures from the United States. Applicants should also submit any evidence showing residence from the date of his or her first arrival where residence was established until the filing of the applicant's LRIF-based adjustment application. USCIS uses this information to determine the date of lawful permanent residence for approved LRIF-based adjustment applicants.^[31]

E. Adjudication

1. Interview

USCIS may require any applicant filing a benefit request to appear for an interview.^[32]

2. Approvals

USCIS must approve the adjustment application if the applicant meets all the eligibility requirements under LRIF. Adjustment under LRIF is not discretionary. If USCIS approves the application for adjustment, USCIS assigns the codes of admission as shown in the table below.

Classes of Applicants and Codes of Admission	
Liberian national as described in Section 7611(c)(1)(A) of the National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020) who has adjusted status under LRIF	LR6
Spouse of Liberian national as described in Section 7611(c)(1)(A) of NDAA 2020 who has adjusted status under LRIF	LR7
Child of Liberian national as described in Section 7611(c)(1)(A) of NDAA 2020 who has adjusted status under LRIF	LR8
Unmarried son or daughter of Liberian national as described in Section 7611(c)(1)(A) of NDAA 2020 who has adjusted status under LRIF	LR9

Rollback Provisions

An officer should record the applicant's admission date for permanent residence as follows.

The Liberian principal applicant's admission date is either:

- The earliest arrival date in the United States from which the applicant establishes residence in the United States; or
- November 20, 2014 (if the applicant cannot establish residence earlier).^[33]

An eligible family member's admission is either:

- The earliest arrival date in the United States from which the applicant establishes residence in the United States; or
- The receipt date of the applicant's adjustment application (if the applicant cannot establish residence earlier).^[34]

Family members receive the full rollback provision, even if the date precedes the date of the qualifying marriage or the Liberian principal applicant's date of admission.

For both Liberian principal applicants and eligible family members, officers should review the nature of all arrivals and departures and absences from the United States to determine if the applicant abandoned residence in the United States. For example, an applicant who first arrived as a nonimmigrant tourist (B-2) and timely departed the United States would not have begun a period of residence but a subsequent arrival may begin a period of residence. Similarly, an applicant who first arrived as a nonimmigrant tourist (B-2) and never departed could have begun a period of residence. In such a case, any subsequent long absences from the United States (after the applicant's first arrival) may indicate that the applicant no longer intended to live in the United States, so the applicant's admission date for permanent residence might not roll back to the applicant's earliest arrival date. The applicant bears the burden to establish the earliest arrival date from which he or she established residency in the United States.

Rollback Provision and Rescission

In the case of an applicant who adjusts under LRIF and received an admission date for permanent residence pursuant to the LRIF “rollback” provision, the 5 year time period for any rescission proceedings is measured from the actual date on which the adjustment was granted, not on the date to which the adjustment was rolled back.^[35]

3. Denials

USCIS must deny the adjustment application if the applicant does not meet all the eligibility requirements outlined in LRIF. Although there are no appeal rights for the denial of an adjustment application, the applicant may file a motion to reopen or reconsider. The denial notice should include instructions for filing a Notice of Appeal or Motion ([Form I-290B](#)).^[36]

F. Employment Authorization While Adjustment Application is Pending

Applicants with a pending adjustment application based on LRIF are eligible to apply for employment authorization.^[37] Applicants must file an Application for Employment Authorization ([Form I-765](#)) to request an employment authorization document.^[38] Applicants may file a Form I-765 concurrently with their adjustment application or while the adjustment application is pending with USCIS. If an LRIF applicant’s adjustment application has been pending for more than 180 days and it has not been denied, USCIS must approve the applicant’s Form I-765 on such basis.^[39]

Footnotes

^[^ 1] This chapter does not address issues related to Deferred Enforced Departure (DED) for Liberians. For information on the reinstatement of DED for Liberians, see the [DED Granted Country - Liberia webpage](#).

^[^ 2] See Section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020), [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2309 (December 20, 2019).

^[^ 3] See Section 901 of Division O, Title IX of the Consolidated Appropriations Act, 2021, [Pub. L. 116-260 \(PDF\)](#) (December 27, 2020).

^[^ 4] See [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2309 (December 20, 2019), as amended by Section 901 of Division O, Title IX of the Consolidated Appropriations Act, 2021, [Pub. L. 116-260 \(PDF\)](#) (December 27, 2020).

^[^ 5] A Liberian principal applicant is a Liberian national described in Section 7611(c)(1)(A) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

^[^ 6] Each benefit request must be properly completed, submitted, and executed in accordance with the form instructions. See [8 CFR 103.2\(a\)\(1\)](#) and [8 CFR 103.2\(b\)\(1\)](#).

^[^ 7] A Liberian national who does not meet the continuous physical presence requirement may still be eligible to apply for adjustment under LRIF if he or she qualifies as a family member. For more

information, see Subsection 4, Eligibility of Family Members [[7 USCIS-PM P.5\(C\)\(4\)](#)].

[[^ 8](#)] See [INA 101\(a\)\(43\)](#) (definition of aggravated felony).

[[^ 9](#)] See Section 7611(b)(3) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2309 (December 20, 2019).

[[^ 10](#)] See Section 7611(c)(1)(A)(ii) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

[[^ 11](#)] See Section 7611(c)(2) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

[[^ 12](#)] While the adjustment bars at INA 245(c) do not apply to LRIF applicants and an LRIF applicant who has been at any time in unlawful status in the United States is not barred from seeking adjustment under LRIF, the unlawful presence grounds of inadmissibility at [INA 212\(a\)\(9\)](#) still apply to LRIF applicants. See [Matter of Briones \(PDF\)](#), 24 I&N Dec. 355 (BIA 2007).

[[^ 13](#)] See Volume 8, Admissibility [[8 USCIS-PM](#)] and Volume 9, Waivers and Other Forms of Relief [[9 USCIS-PM](#)]. See Application for Waiver of Grounds of Inadmissibility ([Form I-601](#)) and Application for Permission to Reapply for Admission into the United States After Deportation or Removal ([Form I-212](#)).

[[^ 14](#)] See Section 7611(b)(2) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

[[^ 15](#)] Unmarried and under 21 years old, as defined in [INA 101\(b\)\(1\)](#).

[[^ 16](#)] See Section 7611(c)(1)(B) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

[[^ 17](#)] Under Section 7611(c)(1)(B) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019), a family member is eligible to adjust if he or she is the spouse, child, or unmarried son or daughter of a noncitizen described in Section 7611(c)(1)(A). Section 7611(c)(1)(A)(ii) requires that the Liberian national submit an application under Section 7611(b) and the most reasonable interpretation is that the application filed by the Liberian national must meet all of the requirements of Section 7611(b) in its entirety.

[[^ 18](#)] While any such family members would no longer be eligible to adjust status under LRIF if the Liberian principal applicant naturalizes (and is no longer a noncitizen), nothing would preclude the Liberian principal applicant who naturalizes from filing a petition for any eligible family members by filing a Petition for Alien Relative ([Form I-130](#)).

[[^ 19](#)] The applicant's adjustment application must be receipted by a USCIS Lockbox on or before December 20, 2021. See [8 CFR 103.2\(a\)\(7\)\(i\)](#) (discussing when USCIS considers a benefit to be received). See Section 7611(b)(1)(A) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2309 (December 20, 2019), as amended by Section 901 of Division O, Title IX of the Consolidated Appropriations Act, 2021, [Pub. L. 116-260 \(PDF\)](#) (December 27, 2020).

[[^ 20](#)] The Executive Office for Immigration Review (EOIR) published guidance on how LRIF affects noncitizens in proceedings before immigration courts and the Board of Immigration Appeals. See EOIR, [Section 7611 of the National Defense Authorization Act for 2020, Public Law 116-92](#), PM 20-06, issued January 13, 2020.

[^ 21] See Section 7611(b)(4)(A) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

[^ 22] See Section 7611(b)(4)(A) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2310 (December 20, 2019).

[^ 23] See Sections 7611(a)(3) and 7611(b)(1) of the NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2309 (December 20, 2019). See EOIR, [Section 7611 of the National Defense Authorization Act for 2020, Public Law 116-92](#), PM 20-06, issued January 13, 2020.

[^ 24] The photos must be 2- by 2-inches, in color with full face, frontal view on a white to off-white background, printed on thin paper with a glossy finish, and be unmounted and unretouched. Head must be bare unless wearing headwear as required by a religious denomination of which the applicant is a member.

[^ 25] Noncitizens admitted to the United States by CBP at an airport or seaport after April 30, 2013, may be issued an electronic Form I-94 by CBP instead of a paper Form I-94. Such noncitizens may visit the [CBP website](#) to obtain a paper version of an electronic Form I-94. CBP does not charge a fee for this service.

[^ 26] For more information, see Volume 8, Admissibility, Part B, Health-Related Grounds of Inadmissibility [[8 USCIS-PM B](#)].

[^ 27] The term national means a person owing permanent allegiance to a state. See [INA 101\(a\)\(21\)](#).

[^ 28] As of October 29, 2021, the date USCIS updated this section of the policy guidance, primary evidence is available according to the U.S. Department of State's [Reciprocity and Civil Documents by Country for Liberia](#) webpage. The officer should reference this resource on the date of adjudication to verify availability of documents.

[^ 29] For more information, see Section E, Adjudication, Subsection 2, Approvals [[7 USCIS-PM P.5\(E\)\(2\)](#)].

[^ 30] See [INA 101\(a\)\(33\)](#).

[^ 31] For more information, see Section E, Adjudication, Subsection 2, Approvals [[7 USCIS-PM P.5\(E\)\(2\)](#)].

[^ 32] See [8 CFR 103.2\(b\)\(9\)](#).

[^ 33] This is because at this stage of adjudication, the applicant will have already proven he or she was physically present in the United States since at least November 20, 2014. If the applicant cannot demonstrate that he or she arrived in the United States and established a residence prior to November 20, 2014, the date of admission will default to November 20, 2014.

[^ 34] A family member applying to adjust status based on LRIF must be physically present in the United States at the time he or she files for adjustment. If the applicant cannot demonstrate that he or she arrived in the United States and established a residence prior to the date he or she filed an adjustment application, the date of admission will default to the date of filing for adjustment. This is because the applicant already proved that he or she had arrived by that date.

[^ 35] See *Matter of Carrillo-Gutierrez*, 16 I&N Dec. 429 (BIA 1977).

[^ 36] See [8 CFR 103.3](#).

[^ 37] See Section 7611(d)(3) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2311 (December 20, 2019).

[^ 38] Applicants filing Form I-765 based on a pending LRIF-based adjustment application should write “(c) (9)” as their eligibility category in Part 2, Item Number 27 on their Form I-765.

[^ 39] See Section 7611(d)(3)(B) of NDAA 2020, [Pub. L. 116-92 \(PDF\)](#), 113 Stat. 1198, 2311 (December 20, 2019). If the adjustment application has been pending for more than 180 days, the applicant should contact the USCIS Contact Center to request that USCIS expedite adjudication of the applicant’s Form I-765. See [How to Make an Expedite Request](#) for further information.

Current as of April 04, 2023
