



Decision Memorandum

TO: Paul Ray
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Elizabeth A. Cappello
Department of Homeland Security, Chief Information Officer (Acting)

FROM: Bill McElhaney
Chief Information Officer

SUBJECT: Request for Emergency Office of Management and Budget Paperwork Reduction Act Clearance – Form I-485, Application to Register Permanent Residence or Adjust Status, OMB Control Number 1615-0023

Purpose: USCIS is requesting emergency approval of this collection of information under 5 CFR 1320.13.

Background: Section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020), Liberian Refugee Immigration Fairness (LRIF), allows certain Liberian nationals and their spouses, unmarried children under 21 years old, or unmarried sons and daughters 21 years old or older living in the United States, regardless of their current immigration status, who meet the statute's eligibility requirements to apply to become lawful permanent residents. The LRIF was enacted on December 20, 2019, and U.S. Citizenship and Immigration Services (USCIS) was required to begin accepting applications for adjustment of status filed under the LRIF as of the date of enactment.

Discussion: The statute does not have a delayed effective date that would allow USCIS to complete the Paperwork Reduction Act (PRA) form revision process before accepting applications filed under the LRIF. The provisions of the statute went into effect immediately. USCIS became aware of the LRIF one day before it was enacted, and one day after Congress passed the bill.

Subject: Request for Emergency Office of Management and Budget Paperwork Reduction Act Clearance – Form I-485, Application to Register Permanent Residence or Adjust Status, OMB Control Number 1615-0023

Page 2

The statute provides that the Department of Homeland Security shall adjust the status of an alien eligible under the LRIF to that of an alien lawfully admitted for permanent residence if the alien “applies for adjustment not later than 1 year after the date of the enactment of this Act.” Section 7611(b)(1)(A) of NDAA 2020. In short, this provision sunsets one year from the Act’s effective date.

USCIS has drafted separate Special Instructions (for Form I-485) for adjustment of status applicants applying under the LRIF. These Special Instructions would be captured within OMB Control number 1615-0023, would be created as a separate instruction document from the Form I-485 instructions, and would expire at the end of the one-year sunset period for the LRIF on December 20, 2020. The instructions for Form I-485 and the form itself would be unchanged. The Special Instructions would provide LRIF applicants with information about eligibility, filing deadlines, ancillary benefits, and evidentiary requirements.

If OMB approves this emergency request, USCIS will seek public comment and publish 60 and 30 day notices in the Federal Register as required under 5 CFR 1320. USCIS will respond fully to all public comments in its subsequent information collection request.

USCIS certifies that the requirements of 5 CFR 1320.13(a)(1) are met and that:

- The subject collection of information is needed immediately and is essential to the mission of the agency; and
- The agency cannot reasonably comply with the normal collection procedures because public harm is reasonably likely to result if normal clearance procedures are followed.

USCIS greatly appreciates the timely consideration of this request.