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Fact Sheet: Deferred Enforced Departure (DED)

This fact sheet is current as of August 17, 2021

What is DED?

- [Deferred Enforced Departure \(DED\)](#) is a discretionary protection status.
- DED recipients are protected from deportation and are allowed to obtain work permits. DED does not provide a pathway to permanent residency or citizenship.
- DED is authorized under the president's constitutional discretion to conduct foreign affairs. There is no statutory authorization.
- **Only the president can extend or terminate DED.**

How does DED work?

- There is no application to apply for DED. Anyone who meets the requirements automatically has DED until it lapses or is terminated.
- DED is restricted to those people already residing in the United States at the time of designation. Those outside the United States who want to immigrate do not qualify for DED.
- Individuals must be a national of, or a person without nationality who last habitually resided in, the country designated for DED.
- DED is usually ordered for up to 18 months. After the designated time, the protection expires.
- The president can extend DED for additional time periods.
- Qualified immigrants must apply for Employment Authorization (EAD) under DED, pay a fee, and pass immigration screenings.
- Any DED-eligible person who wants to travel outside the country must apply for advance parole.

Who has DED?

- **Liberia DED** is [designated](#) until June 30, 2022.
- **Venezuela DED** is [designated](#) until July 20, 2022.
- **Hong Kong DED** is [designated](#) until February 10, 2023

Liberia has had DED for the longest period of time. In 2007, President George W. Bush directed that DED be provided for 18 months to certain Liberians (and noncitizens without nationality who last habitually resided in Liberia) in the United States whose Temporary Protected Status (TPS) was expiring on Sept. 30, 2007. In 2020, Congress passed a law granting Liberians,

including those who had DED a path to permanent residence and citizenship. This law is called the Liberian Refugee Immigrant Fairness Act (LRIFA). Liberians must apply for permanent resident status under LRIFA before December 20, 2021. [Click here to view ILCM's fact sheet on LRIFA.](#)

Venezuela was designated for DED by outgoing President Donald Trump on January 19, 2021, citing the humanitarian crisis created by Nicolás Maduro's government. Estimates of the number of Venezuelans present in the United States on January 19, 2021 and eligible for DED range from [94,000 to 200,000](#). BUT – the Biden administration granted [Temporary Protected Status \(TPS\) to Venezuelans](#). That is a legally different, but very similar, form of protection.

Venezuelan applicants do not need to apply for both programs. Both TPS and DED protect Venezuelans against removal and allow the opportunity for a work permit. If unsure of what to do, speak to an immigration attorney for more information.

Two important differences between DED and TPS:

1. The president declares or ends DED, based on his authority to conduct foreign policy. TPS, however, is established by statute and determined by the Department of Homeland Security.
2. Termination of TPS for a country is done by the Department of Homeland Security, in consultation with the State Department. Termination of TPS may be subject to court challenge.

Hong Kong was [designated for DED by President Joe Biden on August 5, 2021](#). President Biden said DED furthers U.S. interests in the region, because, "Over the last year, the PRC has continued its assault on Hong Kong's autonomy, undermining its remaining democratic processes and institutions, imposing limits on academic freedom, and cracking down on freedom of the press."