



IN ADDITION TO GRANTING TPS TO UKRAINIANS, THE US MUST DO MORE TO HELP UKRAINIANS AND OTHERS OUTSIDE THE US WHO ARE IN TROUBLE

Posted on March 7, 2022 by Cyrus Mehta

On March 3, 2022, the Department of Homeland Security (DHS) announced the designation of Ukraine for Temporary Protected Status (TPS) for 18 months. Also, U.S. Citizenship and Immigration Services issued an alert on March 4, 2022, about immigration help available on a case-by-case basis to those affected by "special situations," including the invasion of Ukraine. Highlights are below.

Temporary Protected Status for Ukraine

Individuals eligible for TPS under the Ukraine designation must have continuously resided in the United States since March 1, 2022. According to reports, up to an estimated 75,000 Ukrainians in the United States could be eligible for TPS.

Ukraine's 18-month designation will take effect on the publication date of a forthcoming Federal Register notice, which will provide instructions for applying for TPS and a work permit. TPS applicants must meet all eligibility requirements and undergo security and background checks.

Case-by-Case Help in Special Situations

U.S. Citizenship and Immigration Services issued an alert on March 4, 2022, about immigration help available on a case-by-case basis to those affected by "special situations," including the invasion of Ukraine. USCIS provided a list of measures that may be available on a case-by-case basis upon request:

- Changing a nonimmigrant status or extending a nonimmigrant stay for an individual currently in the United States. USCIS said, "If you fail to apply for

the extension or change before expiration of your authorized period of admission, we may excuse that if the delay was due to extraordinary circumstances beyond your control";

- Reparole of individuals previously granted parole by USCIS;
- Expedited processing of advance parole requests;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of petitions or applications, including employment authorization applications, when appropriate;
- Consideration of fee waiver requests due to an inability to pay;
- Flexibility for those who received a Request for Evidence or a Notice of Intent to Deny but were unable to submit evidence or otherwise respond in a timely manner;
- Flexibility if you were unable to appear for a scheduled interview with USCIS;
- Expedited replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card), Employment Authorization Document, or Form I-94, Arrival/Departure Record; and
- Rescheduling a biometric services appointment.

At least an estimated 1.3 million Ukrainians have fled their country since Russia invaded Ukraine in late February, with more following. More than half are in Poland, with others in Hungary, Moldova, Romania, and Slovakia. The rapidly escalating situation on the ground in Ukraine remains fluid, chaotic, and extremely dangerous.

It is unclear whether the United States will be taking in new Ukrainian refugees or offering asylum in addition to providing TPS for those already in the country. The US must develop a policy for Ukrainians to apply for refugee status at US Embassies and Consulates overseas. Alternatively, the US must also develop a policy under which Ukrainians would be able to apply for Humanitarian Parole, and once they come to the US, be able to apply for asylum. If Humanitarian Parole is made available, it should be granted readily. The experience with Afghans who applied for Humanitarian Parole after the US withdrawal last year has not been good as many have been denied on very subjective grounds. The US must allow Ukrainians, Afghans and others fleeing troubled regions of the world to be able to apply for Humanitarian Parole and readily grant meritorious

requests rather than arbitrarily deny them. If the US withdrew from Afghanistan or is not willing or able to militarily intervene to help the Ukrainians, then the least it can do is to provide relief to those fleeing harm by developing a generous Humanitarian Parole policy. The US has been the guarantor of a liberal world order that is now under threat since the Russian invasion. One way to preserve this order is for the US to use immigration policy to preserve this ideal by enabling those fleeing authoritarian regimes to live and flourish freely.

Details:

- USCIS news release, Mar. 3, 2022,
<https://www.uscis.gov/newsroom/news-releases/secretary-mayorkas-designates-ukraine-for-temporary-protected-status-for-18-months>
- USCIS alert, Mar. 4, 2022,
<https://www.uscis.gov/newsroom/alerts/immigration-help-available-to-those-affected-by-special-situations-including-the-invasion-of-ukraine>
- USCIS TPS page,
<https://www.uscis.gov/humanitarian/temporary-protected-status>
- USCIS Special Situations page,
<https://www.uscis.gov/humanitarian/special-situations>
- "Ukrainian Nationals Receive Temporary Protected Status in the U.S.,"
Newsweek, Mar. 3, 2022,
<https://www.newsweek.com/ukrainian-nationals-receive-temporary-protected-status-us-1684751>
- "Ukraine: UN Says More Than 1.3 Million Have Fled Since Russian Invasion Began,"
The Guardian, Mar. 5, 2022,
<https://www.theguardian.com/global-development/2022/mar/05/ukraine-un-says-more-than-13-million-have-fled-since-russian-invasion-began>