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August 11, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Alejandro Mayorkas
Secretary of the Department of Homeland Security
2707 Martin Luther King Jr Ave., SE
Washington, D.C. 20528

Secretary Antony Blinken
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

REQUEST FOR 18-MONTH EXTENSION AND REDESIGNATION OF TPS FOR UKRAINE

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

The undersigned organizations write to urge you to extend and redesignate Temporary Protected Status (TPS) for Ukraine for 18-months due to the ongoing armed conflict and extraordinary and temporary conditions that make the return of nationals unsafe. The current designation of TPS is set to expire on October 19, 2023, however, the conditions that originally prompted the designation have significantly escalated.¹ The devastating war led to Europe's largest refugee crisis since World War II, with over 6 million recorded refugees from Ukraine globally as of July 4, 2023, and over 5 million internally displaced individuals within Ukraine as of May 23, 2023.² Given the worsening humanitarian situation, providing safe haven to Ukrainian nationals through TPS is of the utmost importance.

We welcome the introduction of the Ukrainian Adjustment Act of 2023, H.R.3911, and note the significance of establishing a clear and streamlined process for adjusting the status of Ukrainian nationals with TPS and parolee status. This process is vital for individuals who have built connections and stability in the United States and wish to continue residing here.³ However, the strategic utilization of TPS remains essential while such legislative efforts come to fruition.

1. TEMPORARY PROTECTED STATUS (TPS)

¹ "Temporary Protected Status Designated Country: Ukraine," U.S. Citizenship and Immigration Services, March 30, 2023, <https://www.uscis.gov/humanitarian/temporary-protected-status/TPS-Ukraine>.

² "Ukraine-Fastest Growing Refugee Crisis in Europe since WWII," UNHCR Hong Kong, June 6, 2022, <https://www.unhcr.org/hk/en/73141-ukraine-fastest-growing-refugee-crisis-in-europe-since-wwii.html>; "Operational Data Portal Ukraine Refugee Situation," United Nations High Commissioner for Refugees, July 25, 2023, <https://data.unhcr.org/en/situations/ukraine>.

³ "H.R.3911 - Ukrainian Adjustment Act of 2023," Congress.gov, June 7, 2023, <https://www.congress.gov/bill/118th-congress/house-bill/3911/text>.

Temporary Protected Status (TPS) allows people from a designated country to remain in the United States while conditions in their home country make safe return impossible.⁴ The Secretary of Homeland Security can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions.⁵ TPS allows its beneficiaries to stay in the United States during the designation period and receive work permits. It is life-saving, blanket protection, especially for those who are ineligible for or who have been denied asylum. Hence, TPS is a crucial tool the Biden administration has at its disposal to safeguard vulnerable Ukrainians in the United States due to the ongoing armed conflict and extraordinary and temporary conditions that make safe return impossible.

2. ARMED CONFLICT IN UKRAINE

Armed conflict in Ukraine has further escalated in 2023, with civilians continuously suffering catastrophic consequences. On June 28, 2023, a Russian missile struck a densely populated civilian area in Kramatorsk, Donetsk oblast. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) verified over 50 civilian casualties, including three children killed.⁶ OCHA's Humanitarian Coordinator for Ukraine, Denise Brown, said "The attack is an example of the inexcusable level of suffering Russia's invasion is inflicting on the people of the country."⁷ Just days later, on July 6, 2023, the largest missile attack in Lviv since the Russian invasion occurred, killing ten civilians and injuring 50 others.⁸ These attacks followed the June 6 destruction of the Kakhovka dam, which the UN reported "will have severe, long-term impacts on Ukraine's environment, economy and society, including possible displacement and migration of population, and is likely to cast a dark shadow over the country for decades to come."⁹

The United Nations Office of the High Commissioner for Human Rights (OHCHR) reports that from the start of Russia's unprovoked invasion on February 24, 2022, to February 15, 2023, there have been 21,293 civilian casualties in 1,141 settlements of Ukraine, including 8,006 killed and 13,287 injured, noting "actual numbers of civilian casualties are considerably higher, as many reports of alleged individual civilian casualties in certain locations are still pending corroboration."¹⁰ In his 2023 Annual Report on Children and Armed Conflict, UN Secretary-General António Guterres detailed grave

⁴ "Temporary Protected Status," U.S. Citizenship and Immigration Services, June 21, 2023, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

⁵ Ibid; "§1254a. Temporary Protected Status," Office of the Law Revision Counsel United States Code, July 31, 2023, <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1254a&num=0&edition=prelim>.

⁶ "Ukraine Emergency UNHCR Delivery Updates," United Nations High Commissioner for Refugees, July 5, 2023, https://www.unhcr.org/ua/wp-content/uploads/sites/38/2023/07/UNHCR-Ukraine-Biweekly-Update_5-July-2023.pdf.

⁷ "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General," United Nations, June 29, 2023, <https://press.un.org/en/2023/db230629.doc.htm>.

⁸ Iryna Tymchyshyn, "At the Site of Lviv Missile Attack: Sharing and Easing Pain of Losing the Loved Ones," United Nations High Commissioner for Refugees Ukraine, July 14, 2023, <https://www.unhcr.org/ua/en/59563-unhcr-lviv-response.html>.

⁹ "Potential Long-Term Impact of the Destruction of the Kakhovka Dam," United Nations Ukraine, June 9, 2023, <https://ukraine.un.org/en/235545-potential-long-term-impact-destruction-kakhovka-dam#:~:text=It%20will%20have%20severe%2C%20long.country%20for%20decades%20to%20come>.

¹⁰ "Civilian Casualties in Ukraine from 24 February 2022 to 15 February 2023," United Nations Human Rights Office of the High Commissioner, February 21, 2023, <https://www.ohchr.org/sites/default/files/documents/press/hrmmu-civilian-casualties-24feb2022-15feb2023-en.pdf>.

violations perpetrated against children in Ukraine from January to December 2022.¹¹ A total of 2,334 grave violations against children were verified to have occurred in this period, with the actual number expected to be far higher. This includes the killing and maiming of 1,386 children and some 751 attacks on schools and hospitals.¹²

In addition to Russia's launching of missile and drone strikes throughout Ukraine, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor (DRL) detailed in its Ukraine 2022 Human Rights Report, "serious human rights abuses committed by Russia's forces in occupied areas," including mass killings, forced disappearances, torture, and cruel, inhuman, or degrading treatment or punishment, "forced deportation and adoptions of Ukraine's children to Russian families," and other human rights abuses.¹³ On May 22, 2023, the U.S. Department of State issued a Level 4: Do Not Travel advisory for Ukraine due to "active armed conflict," noting that "the security situation in Ukraine remains unpredictable."¹⁴

3. EXTENSION AND REDESIGNATION

The ongoing war in Ukraine has left 17.6 million people in need of humanitarian assistance as of May 2023.¹⁵ Escalations in violence and worsening mine contamination — with nearly 30 percent of Ukraine's territory contaminated with explosive ordnances — create obstacles to humanitarian access and continue to force civilians from their homes.¹⁶ Returning TPS-eligible Ukrainians to these conditions would not only inflict immediate harm on their lives and well-being, but it would further strain an overwhelmed humanitarian system and destabilize efforts the Ukrainian Government and international partners have implemented in response to the current situation.

U.S. Citizenship and Immigration Services (USCIS) reports that in the first two quarters of the 2023 Fiscal Year alone, 17,327 Ukrainian TPS applications were approved, with 8,277 more pending approval.¹⁷ Considering the consequences of delayed relief and its benefits, we reiterate the need for prompt adjudication of pending applications. As of February 2023, more than 271,000 Ukrainian refugees were estimated to have been admitted to the United States.¹⁸ Although an estimated two-fifths came via the "Uniting for Ukraine" (U4U) program, this leaves many other Ukrainians seeking refuge in the United States with restricted options if TPS is not redesignated. The United States must continue to use TPS as a humanitarian tool for life-saving protection. A redesignation of TPS for Ukraine is needed to immediately safeguard and provide stability for vulnerable Ukrainians in the United States. Alongside a TPS

¹¹ United Nations General Assembly Security Council, Seventy-seventh session, "Children and armed conflict," A/77/895-S/2023/363, June 5, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/144/96/PDF/N2314496.pdf?OpenElement>

¹² Ibid.

¹³ "2022 Country Reports on Human Rights Practices: Ukraine," U.S. Department of State, March 29, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ukraine/>.

¹⁴ "Ukraine Travel Advisory," U.S. Department of State, May 22, 2023, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/ukraine-travel-advisory.html>.

¹⁵ "Ukraine Humanitarian Response 2023," United Nations Office for the Coordination of Humanitarian Affairs, May 26, 2023, <https://reports.unocha.org/en/country/ukraine/>.

¹⁶ Ibid.

¹⁷ "Form I-821, Application for Temporary Protected Status," U.S. Citizenship and Immigration Services, March 31, 2023, https://www.uscis.gov/sites/default/files/document/data/I821_RADP_FY23_Q2.pdf.

¹⁸ Julia Ainsley, "US has admitted 271,000 Ukrainian refugees since Russian invasion, far above Biden's goal of 100,000," *NBC News*, May 10, 2023, <https://www.nbcnews.com/politics/immigration/us-admits-271000-ukrainian-refugees-russia-invasion-biden-rcna72177>.

extension, a redesignation would qualify more recent arrivals to apply as armed conflict and extraordinary conditions continue to prevent safe return.

4. CONCLUSION

In conclusion, we urge the administration to: (1) extend and redesignate TPS for Ukraine for an 18-month period, (2) publish a timely Federal Register Notice, and (3) launch a public information campaign to notify the impacted community of the decision and any actions they must take.

Lastly, protection for all and the well-being of all those seeking safety must be prioritized. We reiterate the need for the administration to immediately grant TPS to countries that have long awaited a designation. Advocates for TPS for Ukraine respectfully urge the administration to prioritize racial justice and equity in TPS determinations.

Please contact the following individuals with any questions:

Victoria Walker, vwalker@uscmail.org
Policy Analyst, U.S. Committee for Refugees and Immigrants (USCRI)

Ramya Reddy, ramya@masadc.com
Managing Policy Counsel, Masa Group

Sincerely,

Church World Service
Lutheran Immigration and Refugee Service
Razom for Ukraine
TPS-DED Administrative Advocacy Coalition
U.S. Committee for Refugees and Immigrants
Ukraine Immigration Task Force



U.S. Citizenship
and Immigration
Services

August 25, 2023

Victoria Walker
Policy Analyst
U.S. Committee for Refugees and Immigrants (USCRI)
vwalker@uscmail.org

Dear Ms. Walker:

Thank you for your August 11, 2023 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

I appreciate the concerns you have outlined regarding the situation in Ukraine and your interest in its extension and redesignation for Temporary Protected Status (TPS). DHS is closely monitoring conditions in Ukraine and, like you, is concerned about the ongoing situation there. DHS is committed to administering its programs, including TPS, in an equitable manner and makes decisions regarding TPS designations after consultation with interagency partners and careful consideration of the circumstances of the country, pursuant to specific statutory criteria. *See* Immigration and Nationality Act §§ 244(b)(1) and 244(b)(3). As required by the statute, at least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in the foreign state to determine whether the conditions for the TPS designation continue to be met. DHS announced the extension and redesignation of TPS for Ukraine on August 18, 2023. For additional information, please see the press release announcing the extension and redesignation of TPS for Ukraine.¹

In addition to TPS, U.S. Citizenship and Immigration Services (USCIS) also offers support that may be available upon request to assist eligible Ukrainian nationals who have been affected by conditions there, including the following:

- Change or extension of nonimmigrant status if eligible noncitizens are currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;

¹ <https://www.dhs.gov/news/2023/08/18/secretary-mayorkas-extends-and-redesignates-temporary-protected-status-ukraine>

- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the conditions; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information on these options is available under on our website at <https://www.uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances>.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director