

From: catherine_provost@vanhollen.senate.gov
Sent Date: 10/18/2022
To: CongressstoDHS@hq.dhs.gov
Subject: Inquiry from Senator Van Hollen
Attached: Letter to Senator Van Hollen Re Ukrainian Refugees.docx

CHRIS VAN HOLLEN
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United States Senate

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URBAN AFFAIRS
BUDGET
FOREIGN RELATIONS

Dear Ms. Lugo,

I am writing regarding the current status of TPS for Ukrainians and concerns that constituents have shared regarding its parameters.

I have been contacted by constituents who are worried for loved ones from Ukraine that were paroled into the U.S. after April 11, 2022, but before the Uniting for Ukraine program opened on April 25, 2022.

Enclosed is a letter from one of the constituents, outlining the concerns of the group. Essentially, they believe an inequity exists in current offerings for parole in the U.S. to Ukrainians. Their concern is that Ukrainian nationals who paroled at a border or point of entry were granted only 12 months of legal presence in the U.S., compared to the 18-month presence held by those granted TPS, or 24 months to those that entered through the Uniting for Ukraine program.

I have been advised that those who were paroled into the U.S. before the Uniting for Ukraine program began but after the April 11, 2022 TPS eligibility date fear being deported at the end of their 12-month parole period, in April 2023. As the enclosure indicates, these constituents ask that Secretary Mayorkas revise the TPS eligibility period to close the gap between April 11 and April 25, 2022 and make all Ukrainians in the U.S. after the start of the Russian invasion eligible for TPS.

I would appreciate your reviewing this matter and advising me in writing of your findings. Please direct all correspondence and questions to Catherine Provost of my staff at catherine_provost@vanhollen.senate.gov or at (301) 545-1500. Thank you for your assistance.

Sincerely,



Chris Van Hollen
United States Senator

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**U.S. Citizenship
and Immigration
Services**

December 27, 2022

The Honorable Chris Van Hollen
United States Senate
Washington, DC 20510

Dear Senator Van Hollen:

Thank you for sharing your constituent's concern regarding Ukrainians who entered the United States last April after the eligibility period for Temporary Protected Status (TPS) for Ukraine and before the launch of the Uniting for Ukraine process.

Your constituent proposes that the Secretary of Homeland Security amend eligibility for TPS for Ukraine to include arrivals after April 11, 2022, and before the Uniting for Ukraine (U4U) process opened on April 25, 2022. The Secretary may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. TPS is a protection for nationals who were already in the United States when an event or conditions occur and will not be able to return home as a result. Alternatively, Uniting for Ukraine is the process and pathway that allowed Ukrainian citizens and their immediate family members who are outside the United States and fleeing Ukraine to come to the United States and stay temporarily.

Your constituent notes that individuals who were not present in the United States for TPS eligibility and were given parole by the Department of Homeland Security (DHS) outside of the Uniting for Ukraine process were only issued parole for one year. Although parole is temporary in nature, in some instances, an individual may need to remain in the United States beyond the period of authorized parole. In such instances, an individual may request re-parole from within the United States. Individuals with parole may request re-parole through DHS before their parole period expires. DHS is assessing how to best inform and process requests for re-parole from this population. We are committed to using all available tools, including online updates and stakeholder messaging, to keep this population of parolees informed on the re-parole process.

Parolees who have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, or political opinion, may apply for asylum. There is no fee to apply for asylum and those who are eligible for asylum may be permitted to remain in the United States. Individuals must file a Form I-589, Application for

The Honorable Chris Van Hollen

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Asylum and for Withholding of Removal, within one year of arrival to the United States, unless they can show that they qualify for an exception to the 1-year filing deadline due to changed circumstances materially affecting eligibility for asylum or extraordinary circumstances directly related to the delay in filing an application for asylum. Individuals filing past the 1-year filing deadline must also show that the application was filed within a reasonable period of time given those changed or extraordinary circumstances.

Generally, maintaining valid status or parole until a reasonable period before filing the asylum application is considered an extraordinary circumstance. Parolees may therefore be eligible for the extraordinary circumstances exception to the 1-year filing deadline if they file for asylum while their parole is still valid. And, if parolees file an asylum application after their parole expires, they may still qualify for an exception to the 1-year filing deadline if they filed for asylum within a reasonable period of time after their parole expired. For more information on asylum, individuals can visit our website at: <https://www.uscis.gov/asylum> and additional information about the 1-year filing deadline is available online.¹

We are aware of the concerns your constituent has highlighted. Please be assured that DHS will consider options and fairly adjudicate any individual requests for re-parole or affirmative asylum applications from this population. Thank you again for sharing your constituent's concerns and flagging this matter. Should you wish to discuss this matter further, please do not hesitate to contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

¹ https://www.uscis.gov/sites/default/files/document/lesson-plans/One_Year_Filing_Deadline_Asylum_Lesson_Plan.pdf.