

Congress of the United States
Washington, DC 20515

February 28, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

RECEIVED

By ESEC at 12:38 pm, Mar 02, 2022

Dear President Biden:

As we submit this letter to you, Russia has launched an unprovoked, large-scale invasion on Ukraine, leaving that country in the midst of an armed conflict to maintain its sovereignty. There are tens of thousands of Ukrainian nationals on a nonimmigrant visa in the United States, and without action by your Administration, they could be forced to return to a nation under siege. We urge your Administration to use all available pathways under the law to protect such individuals, including a designation of Temporary Protected Status (TPS) for Ukraine or a grant of Deferred Enforced Departure (DED) for Ukrainian nationals, and Special Student Relief (SSR) for Ukrainian students.

Section 244(b)(1)(A) of the Immigration and Nationality Act (INA) permits the Secretary of Homeland Security to designate a country for TPS if there is an “ongoing armed conflict” such that the return of nationals to that country would “pose a serious threat to their personal safety.” Similarly, nationals of a country may receive a temporary administrative stay of removal in the form of DED, by Executive Order or a Presidential Memorandum, under such circumstances. For F-1 students from parts of the world that are experiencing “emergent circumstances,” including “wars and military conflicts,” the Secretary of Homeland Security may announce SSR, which allows for the suspension of certain regulatory requirements, including duration of status, full course of study, and off-campus employment eligibility.

As a result of the recent invasion, Ukraine clearly meets these criteria. Amid Russian assaults on several Ukrainian cities, hundreds have already been killed and injured. Russian forces’ capture of the Chernobyl nuclear plant risks the release of radioactive dust throughout the country. Ukrainian officials have confirmed that civilian targets have now come under fire as Russia continues to launch heavy shelling and airstrikes. The assault has forced thousands of Ukrainians to flee west, and harrowing images show innocent civilians seeking shelter in subway stations. In a statement, you indicated that Putin’s premeditated war “will bring a catastrophic

loss of life and human suffering.” The ongoing invasion is the largest ground war Europe has seen since the Second World War.

The Ukrainian people have proven to be incredibly brave in defending their homeland. We know they will continue to resist Russian aggression. However, there are approximately 30,000 Ukrainian nationals in the United States who would be eligible for relief under TPS or DED, and roughly 2,000 students in the United States eligible for SSR. We cannot force these individuals to return to a nation likely to be mired in prolonged armed conflict. To do so would be to abandon our nation’s commitment to protecting human rights. In this time of crisis, we must reaffirm our commitment to America’s most sacred values and ensure Ukrainian nationals in the United States are provided a safe haven.

Thank you for your prompt attention to this important issue. We look forward to your response.

Sincerely,



Mike Quigley
Member of Congress



Andy Harris
Member of Congress



Ted Lieu
Member of Congress



Brian Fitzpatrick
Member of Congress



Melanie Stansbury
Member of Congress



Joe Wilson
Member of Congress



Marcy Kaptur
Member of Congress



David P. Joyce
Member of Congress

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Richard E. Neal
Member of Congress

____/S/____
Jan Schakowsky
Member of Congress

____/S/____
Frank Pallone, Jr.
Member of Congress

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Deborah K. Ross
Member of Congress

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James P. McGovern
Member of Congress

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Nikema Williams
Member of Congress

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Brendan F. Boyle
Member of Congress

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Grace F. Napolitano
Member of Congress

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Ritchie Torres
Member of Congress

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Eleanor Holmes Norton
Member of Congress

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Zoe Lofgren
Member of Congress

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Jimmy Panetta
Member of Congress

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Jerrold Nadler
Member of Congress

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Brad Sherman
Member of Congress

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Rosa L. DeLauro
Member of Congress

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Jamaal Bowman
Member of Congress

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Ayanna Pressley
Member of Congress

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Mikie Sherrill
Member of Congress

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Diana DeGette
Member of Congress

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Eric Swalwell
Member of Congress

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Brian Higgins
Member of Congress

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Joe Courtney
Member of Congress

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Joseph D. Morelle
Member of Congress

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Pramila Jayapal
Member of Congress

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Barbara Lee
Member of Congress

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Tim Ryan
Member of Congress

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Carolyn B. Maloney
Member of Congress

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Jim Himes
Member of Congress

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Jamie Raskin
Member of Congress

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Donald S. Beyer, Jr.
Member of Congress

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Lloyd Doggett
Member of Congress

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John Yarmuth
Member of Congress

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Adam Schiff
Member of Congress

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Mike Levin
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Kaiali'i Kahele
Member of Congress

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Suzan DelBene
Member of Congress

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Tom Malinowski
Member of Congress

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Raúl M. Grijalva
Member of Congress

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C.A. Dutch Ruppersberger
Member of Congress

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Juan Vargas
Member of Congress

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Sylvia R. Garcia
Member of Congress

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Jimmy Gomez
Member of Congress

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Bonnie Watson Coleman
Member of Congress

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Peter Welch
Member of Congress

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Andy Levin
Member of Congress

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Anna G. Eshoo
Member of Congress

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Bill Foster
Member of Congress

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Ami Bera, M.D.
Member of Congress

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Anthony Gonzalez
Member of Congress

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Lizzie Fletcher
Member of Congress

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Earl Blumenauer
Member of Congress

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Kathy Castor
Member of Congress

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Henry C. "Hank" Johnson, Jr.
Member of Congress

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Sean Casten
Member of Congress

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Ruben Gallego
Member of Congress

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Mark Takano
Member of Congress

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Lois Frankel
Member of Congress

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Yvette D. Clarke
Member of Congress

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Dwight Evans
Member of Congress

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Jerry McNerney
Member of Congress

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Susan Wild
Member of Congress

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Norma J. Torres
Member of Congress

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Doris Matsui
Member of Congress

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Jesus G. "Chuy" Garcia
Member of Congress

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Kathy Manning
Member of Congress

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Judy Chu
Member of Congress

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Ilhan Omar
Member of Congress

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Jason Crow
Member of Congress

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Frank J. Mrvan
Member of Congress

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Hakeem Jeffries
Member of Congress

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Mary Gay Scanlon
Member of Congress

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Mark Pocan
Member of Congress

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Carolyn Bourdeaux
Member of Congress

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Karen Bass
Member of Congress

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Marie Newman
Member of Congress

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Teresa Leger Fernandez
Member of Congress

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Bradley S. Schneider
Member of Congress

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John B. Larson
Member of Congress

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Tom O'Halleran
Member of Congress

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Steve Womack
Member of Congress

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Jackie Speier
Member of Congress

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Darren Soto
Member of Congress

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Danny K. Davis
Member of Congress

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Gerald E. Connolly
Member of Congress

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Eddie Bernice Johnson
Member of Congress

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Sanford D. Bishop Jr.
Member of Congress

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A. Donald McEachin
Member of Congress

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Jared Huffman
Member of Congress

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Sean Patrick Maloney
Member of Congress

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David Trone
Member of Congress

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Donald Norcross
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David E. Price
Member of Congress

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Derek Kilmer
Member of Congress

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Alan Lowenthal
Member of Congress

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Dina Titus
Member of Congress

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Julia Brownley
Member of Congress

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Stephen F. Lynch
Member of Congress

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Sara Jacobs
Member of Congress

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Robert C. "Bobby" Scott
Member of Congress

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Raja Krishnamoorthi
Member of Congress

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Haley Stevens
Member of Congress

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Ed Perlmutter
Member of Congress

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Josh Gottheimer
Member of Congress

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Adam Smith
Member of Congress

____/S/____
Linda T. Sánchez
Member of Congress

____/S/____
Debbie Dingell
Member of Congress

____/S/____
Bennie G. Thompson
Member of Congress

CC: The Honorable Alejandro Mayorkas, Secretary of Homeland Security



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

May 16, 2022

The Honorable Mike Quigley
U.S. House of Representatives
Washington, DC 20515

Dear Representative Quigley:

Thank you for your February 28, 2022 letter requesting Temporary Protected Status (TPS) or Deferred Enforced Departure for Ukrainian nationals, and Special Student Relief for Ukrainian students. President Biden asked that I respond on his behalf.

On April 21, 2022, the Department of Homeland Security (DHS) announced a new streamlined process, Uniting for Ukraine (U4U), to provide Ukrainian citizens who fled Russia's unprovoked war of aggression with opportunities to come to the United States.¹ To be eligible, Ukrainians must have been residents in Ukraine as of February 11, 2022, have a U.S.-based supporter, complete vaccinations and other public health requirements, and pass biometric and biographic screening and security background checks.

As of April 25, 2022, U.S.-based individuals interested in supporting Ukrainian beneficiaries can file a Form I-134, Declaration of Financial Support, with U.S. Citizenship and Immigration Services (USCIS) as the first step in the U4U process. Individuals are vetted to ensure they can assist those they agree to support. USCIS will reach out to the Ukrainians named in approved Forms I-134 with instructions on how to initiate vetting and apply for a travel document that will authorize them to travel to the United States and be considered for parole, on a case-by-case basis, for a period of two years. Once paroled through this process, Ukrainians are eligible to apply for employment authorization. More details on who is eligible to provide support and who can be considered for parole under U4U can be found on the U4U landing page.²

Secretary Mayorkas also announced the designation of Ukraine for TPS for 18 months to offer protection for individuals who have been residing in the United States since April 11, 2022 and who are nationals or who last habitually resided in Ukraine.³ TPS allows eligible Ukrainian nationals in the United States to remain and authorizes them to work lawfully. The Department

¹ See <https://www.uscis.gov/humanitarian/uniting-for-ukraine>

² <https://www.uscis.gov/humanitarian/uniting-for-ukraine>

³ <https://www.dhs.gov/news/2022/03/03/secretary-mayorkas-designates-ukraine-temporary-protected-status-18-months>

recently published a Federal Register notice with instructions for applying for TPS and an Employment Authorization Document. In addition, USCIS recently released an alert providing individuals with critical information about immigration avenues that may be available entitled, *“Immigration Help Available to Those Affected by Special Situations, Including the Invasion of Ukraine.”*⁴

To further support the President’s recent commitments, DHS is also working to expand current legal pathways and develop new programs. We are coordinating our efforts closely with our European allies and partners who are on the front lines of this refugee crisis. Individuals, depending on location and circumstances, may be eligible for a nonimmigrant visa, an immigrant visa, TPS, asylum, the U.S. Refugee Admissions Program, or the new U4U process for applying for parole.⁵

Thank you again for your letter. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 721-3801.

Respectfully,

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

Ur M. Jaddou
Director

⁴ <https://www.uscis.gov/newsroom/alerts/immigration-help-available-to-those-affected-by-special-situations-including-the-invasion-of-ukraine>

⁵ https://www.dhs.gov/sites/default/files/2022-03/Fact%20Sheet%20on%20DHS%20Efforts%20to%20Assist%20Ukrainian%20Nationals_1.pdf