February 28, 2022

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

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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Member of Congress    Member of Congress    Member of Congress

Josh Gottheimer    Adam Smith    Linda T. Sánchez
Member of Congress    Member of Congress    Member of Congress

Debbie Dingell    Bennie G. Thompson
Member of Congress    Member of Congress

CC: The Honorable Alejandro Mayorkas, Secretary of Homeland Security
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. 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. TPS allows eligible Ukrainian nationals in the United States to remain and authorizes them to work lawfully. The Department

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1 See https://www.uscis.gov/humanitarian/uniting-for-ukraine
2 https://www.uscis.gov/humanitarian/uniting-for-ukraine
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.”

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.

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,

Ur M. Jaddou
Director

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