



CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

Frequently Asked Questions: New Relief Options for Ukrainians

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The Department of Homeland Security (DHS) has announced two new options for Ukrainians who have fled Ukraine or are seeking a safe haven within the United States due to the Russian war on their country. On April 19, 2022, DHS designated Ukraine for Temporary Protected Status (TPS), which would allow Ukrainians who were physically present in the U.S. on April 19, 2022, and meet other requirements to seek temporary lawful status. On April 25, 2022, USCIS opened a new process, “Uniting for Ukraine,” which allows displaced Ukrainians outside the United States to apply for advance permission to travel to the United States and be paroled. This FAQ addresses commonly asked questions about who qualifies for TPS and Uniting for Ukraine, the respective application processes, and basic strategies for assisting Ukrainian clients.

Uniting for Ukraine (U4U)

Q: What is “Uniting for Ukraine?”

A: Uniting for Ukraine (U4U) is a process that allows displaced Ukrainians fleeing the Russian invasion to seek parole for a two-year period. The application process is completed online via [myUSCIS](#) and requires each Ukrainian seeking parole to have a U.S.-based “supporter,” who agrees to provide the Ukrainian with financial support for the duration of his or her stay in the United States. If approved, the beneficiary receives travel authorization and may seek parole at a U.S. port of entry. This program is meant to streamline the existing humanitarian parole application process, which currently has an extremely long backlog.

Q: Where can I find information about the program and process?

A: Details regarding the program and eligibility requirements were first published in the [Federal Register Notice](#) announcing the program. Both [USCIS](#) and [DHS](#) have webpages that provide information about U4U and address frequently asked questions.

Q: What is the general application process?

A: The supporter initiates the application process by filing a Form I-134, Declaration of Financial Support, online via a [myUSCIS](#) account. USCIS uses the biographic information

provided to conduct a background check on the supporter. The agency will also review the I-134 to ensure the supporter's proper ability to financially support the Ukrainian citizen. Once USCIS determines the I-134 is sufficient, it will email the Ukrainian beneficiary instructions on how to create a myUSCIS account and progress to the next step of the process: verifying biographic information (submitted by the sponsor) and attesting to having completed vaccination requirements or being eligible for an exception. Once all biographic and medical requirements are satisfied, beneficiaries will receive a notice in their online account that provides authorization to travel to the United States and be paroled into the country. After being paroled, the beneficiary must complete a medical screening for tuberculosis within 14 days of arrival. As a parolee, the beneficiary may also request employment authorization by filing Form I-765.

Supporter Requirements

Q: What are the responsibilities of the supporter?

A: The supporter must be willing and able to receive, maintain, and financially support the beneficiary during the two-year parole period. There is no bright-line rule requiring a specific amount of income or assets and USCIS evaluates on a case-by case basis whether financial support is sufficient.

When I-134s are required from those seeking fiancé(e) visas or humanitarian parole in other contexts, USCIS refers to the Federal Poverty Guidelines (FPG) to determine whether the supporter has demonstrated an income of at least 100 percent of the FPG for his or her household size. The current guidelines are available at <https://www.uscis.gov/i-864p>.

In the U4U context, however, USCIS has not indicated that it will apply the 100 percent of FPG standard to U4U supporters and has instead emphasized discretion. Until we learn more, this 100 percent standard might be a helpful starting point for assessing whether a supporter can satisfy the financial requirements.

Q: Who is eligible to be a supporter?

A: The I-134 must be filed by a supporter who is residing in the United States in lawful status. For purposes of this program, USCIS has provided a non-exhaustive list of those considered to have "lawful status," which includes the following:

- U.S. citizens
- U.S. nationals
- lawful permanent residents
- nonimmigrants in lawful status
- asylees
- refugees
- TPS holders
- parolees
- deferred action (including DACA) recipients, and

- Deferred Enforced Departure recipients.

There is no requirement that the supporter be related to the beneficiary.

Q. Can a Ukrainian act as his or her own supporter?

A: No. While this is possible in other humanitarian parole cases, a Ukrainian applying for parole through U4U may not act as his or her own supporter.

Q: Can an organization act as a supporter?

A: An organization cannot serve as the named supporter on an I-134 since the form requires an individual to sign. However, USCIS will consider financial and other support that organizations agree to provide for a beneficiary. This could include, for example, receiving the beneficiary upon arrival in the United States and providing transportation to initial housing; ensuring that the beneficiary has safe and appropriate housing for the duration of their parole and initial basic necessities; helping the beneficiary complete necessary paperwork such as for employment authorization, for a Social Security card, and for services for which the individual may be eligible; ensuring that the beneficiary's health care and medical needs are met for the duration of the parole; and assisting the beneficiary with accessing education, learning English, securing employment and enrolling children in school.

Evidence that an organization is offering support to a specific beneficiary should be included as supporting documentation with the I-134.

Q: May a Ukrainian have multiple I-134 supporters?

A: Multiple supporters may join to provide support for a beneficiary. However, per the USCIS website, one supporter should file an I-134 and include supplementary evidence demonstrating the identity of, and resources to be provided by, the additional supporters. A statement explaining the intent to share responsibility for supporting the beneficiary should be attached. USCIS will assess the supporters' collective ability to support the beneficiary.

Q: Is the I-134 enforceable?

A: No recent court has addressed the enforceability of the I-134 against the supporter by either the beneficiary or by a federal or state agency that provides benefits to the beneficiary. For a detailed discussion of this issue, and the use of Form I-134 more generally, see CLINIC's [Frequently Asked Questions About Form I-134, Affidavit of Support](#).

Q. What documentation should the supporter submit with the I-134?

A: The supporter should submit proof of his or her U.S. citizenship or immigration status and evidence of sufficient income and resources. This evidence may include bank statements, paystubs, a letter from an employer, or a copy of the most recent tax return. Note that USCIS has not indicated that U4U supporters must submit any specific documentation to demonstrate sufficient income and resources.

For reference, the general [instructions](#) to the I-134 list the following documents as being required:

- A signed statement from an officer of the bank or other financial institution that states when the account was opened, the total amount deposited for the past year, and the present balance of such account
- A signed statement from an employer on business letterhead that states the date and nature of employment, salary paid, and whether the position is temporary or permanent
- A copy of the last federal income tax return, or a report of commercial rating concern (if self-employed)
- A list containing the serial numbers and denominations of bonds and names of the owners (if applicable).

While these are not required for I-134s submitted in the U4U context, supporters may want to consider including some of these documents if they are available.

Beneficiary Eligibility

Q: Who qualifies as a beneficiary for U4U?

A: Beneficiaries must meet the following eligibility requirements:

- Be a Ukrainian citizen with a valid Ukrainian passport, or the immediate family member of a Ukrainian citizen beneficiary of U4U with a valid passport (Ukrainian children may be included on their parent's passport)
- Have resided in Ukraine immediately before the Russian invasion (through Feb. 11, 2022) and be displaced as a result of the invasion
- Have a supporter who filed a Form I-134 on his or her behalf that USCIS has vetted and confirmed as sufficient, and
- Has cleared biographic and biometric security checks.

The beneficiary must be residing outside the United States. There is no requirement, however, that a displaced person must have left Ukraine. Therefore, someone who is still in Ukraine but internally displaced may also qualify.

Q: Who is eligible for Uniting for Ukraine as an immediate family member?

A: Immediate family members include the spouse, common law partner, and children (unmarried and under the age of 21) of a Ukrainian citizen. Any child who is under the age of 18 must be traveling with a parent or legal guardian to qualify for the Uniting for Ukrainians program. Family members' cases can be linked together using the online process.

Q: Does each family member need his or her own I-134? Can one I-134 be filed for a family if the supporter can demonstrate sufficient support?

A: At least one Form I-134 must be filed for each beneficiary. A supporter may agree to support multiple beneficiaries, such as for various members of a family, but he or she must file a separate I-134 for each beneficiary.

To ensure that family members are processed together, the primary beneficiary can create a “group” on myUSCIS and add beneficiary family members to their account. If approved, travel authorization for each family member would be posted to the primary beneficiary’s account.

Q: Can a child under age 18 enter the United States alone as a U4U beneficiary?

A: No. Children who are under the age of 18 must travel to the United States in the care and custody of their parent or legal guardian to benefit under this program. Children who arrive at a U.S. port of entry without their parent or guardian may be placed in the custody of the U.S. Department of Health and Human Services under the Trafficking Victims Protection Reauthorization Act in order to protect against human trafficking and other exploitation. A child who wants to travel without a parent or guardian would need to apply instead for humanitarian parole through the standard Form I-131 application process.

Q: What other steps must be completed after an I-134 is found sufficient?

A: USCIS will send the beneficiary an email with instructions on how to create a myUSCIS account and take other next steps. The beneficiary must review his or her biographic information and make any necessary edits before confirming it. The beneficiary must also attest to understanding the requirement that children under age 18 must travel with a parent or legal guardian and to having either completed or satisfied an [FDA approved or authorized COVID-19 vaccine](#) or a [WHO-Emergency use listed \(EUL\) COVID-19 vaccine](#). After being paroled into the United States, the beneficiary must attest to receive a medical screening for tuberculosis, including an Interferon-Gamma Release Assays (IGRA) test, within 14 days. Additional details about the vaccine requirements and exceptions are available on the USCIS [U4U vaccine attestation page](#).

Q: What happens after travel authorization is approved?

A: Beneficiaries will receive an email instructing them to check their myUSCIS account for the result of their authorization to travel to the United States and seek parole under Uniting for Ukraine. The travel authorization is valid for 90 days, and beneficiaries are responsible for arranging and funding their own travel. U.S. Customs and Border Patrol (CBP) will inspect the beneficiary upon arrival to the port of entry and make a discretionary decision about whether to parole them into the country. Once paroled, the individual may apply for an employment authorization document (EAD) using the (c)(11) category code. If granted, the EAD would be valid for the duration of the parole grant. The filing fee for the I-765 is \$410, but fee waivers are available.

Q: How long does it take to receive travel authorization?

A: Advocates are currently reporting a total processing time of around two weeks from initial submission of the I-134 to the issuance of the travel authorization.

Q: Can the initial two-year grant of parole be extended?

A: At this time, USCIS has not published any information regarding the possibility of extending U4U parole. General DHS policy is that the agency that initially granted parole is the one that grants re-parole to allow a parolee to remain for an additional period. Thus, it seems that CBP would need to be the agency to grant re-parole to U4U beneficiaries.

Q: Can a Ukrainian with a pending I-131 humanitarian parole request switch to the Uniting for Ukraine process?

A: Yes. Uniting for Ukraine is likely to be a faster process and there is no fee for applying. USCIS will notify individuals with a pending I-131 for humanitarian parole about Uniting for Ukraine and provide them with an opportunity to apply. To apply, the individual must submit a new I-134, even if one was filed with the humanitarian parole request. USCIS has indicated that those who withdraw their I-131 will receive a fee refund.

Q: Can someone with a valid B1/B2 visa choose to enter the United States under U4U instead?

A: It may be possible to be paroled under U4U rather than be admitted on B1/B2, but it is not guaranteed. In a Virtual Update meeting held with stakeholders, UCSIS indicated that if a Ukrainian arrives with a valid visa, he or she would be processed at the port of entry under the visa rather than parole. However, we have not heard of anyone denied parole in this situation.

Q: Can someone who is paroled under U4U travel abroad, either with advance parole or an existing B1/B2 visa?

A: USCIS notes on its U4U website that if someone has already been paroled into the United States, their parole will automatically be terminated if the individual departs without obtaining advance authorization to travel. However, neither DHS nor USCIS has clarified whether someone paroled in under U4U is even eligible for advance parole.

Note that a parolee who departs and then attempts to re-enter the United States using a B1/B2 visa may terminate his or her parolee status upon admission in B1/B2 status. The parolee may also face scrutiny at the port of entry regarding whether they possess the requisite nonimmigrant intent. Until there is more clarity on this issue and guidance from DHS, U4U beneficiaries should be cautioned about traveling abroad.

Q: Are U4U beneficiaries and other Ukrainian parolees eligible for federal benefits?

A: Yes. Under section 401 of the [Additional Ukraine Supplemental Appropriations Act](#), certain Ukrainians who are paroled into the United States are eligible for resettlement assistance and other federal benefits to almost the same extent as refugees, regardless

of whether the parole was based on the U4U process.¹ Ukrainians who were paroled into the United States between Feb. 24, 2022 and Sept. 30, 2023 are eligible for these benefits, in addition to the following relatives:

- A spouse or child who is paroled into the United States after Sept. 30, 2023
- Parents, guardians, or primary caregivers of unaccompanied children paroled into the U.S. after Sept. 30, 2023.

Q: Does Uniting for Ukraine provide parolees with a path to permanent status?

A: No. Parole is only a temporary remedy and does not put recipients on a path to permanent status. Practitioners should screen these clients for more permanent relief if they would like to stay here permanently, including eligibility for asylum, an employment- or family-based visa, or some other immigration benefit.

Q: Will CBP still grant parole to Ukrainians who arrive at the border without going through U4U?

A: Thousands of Ukrainians without valid entry documents were paroled by CBP into the United States in February, March, and early April 2022, before the creation and launching of U4U. However, since this program opened, USCIS has [indicated](#) that “Ukrainians who present at U.S. land ports of entry without a valid visa or without pre-authorization to travel to the U.S. through Uniting for Ukraine may be denied entry and referred to apply through this process.”

Temporary Protected Status (TPS)

Q: What is TPS?

A: TPS is an immigration status granted to eligible nationals of a designated country or persons without nationality who last habitually resided in the designated country. Under Immigration and Nationality Act (INA) § 244, the Secretary of DHS in consultation with the Secretary of State is authorized to designate a foreign state for TPS based on an emergency, such as an ongoing armed conflict or environmental disaster, that temporarily prevents nationals who are in the United States from returning safely to the designated country. TPS beneficiaries who register by the specified date are eligible to remain in the United States during the TPS designation period and receive protection from deportation. They may also apply for employment authorization and advance parole travel permission.

Q: What are the eligibility requirements for Ukrainians to obtain TPS?

A: DHS published the Federal Register Notice for TPS for Ukraine on April 19, 2022. The designation runs through October 19, 2023; applications are accepted up until that date. Applicants must show continuous residence in the United States since April 11,

¹ Ukrainian parolees are not eligible for the program of initial resettlement authorized by section 412(b)(1) of the Immigration and Nationality Act (8 USC § 1522(b)(1)).

2022, and continuous physical presence since April 19, 2022. They must prove their Ukrainian nationality, as well as their identity. They also need to be screened for any crime bars (a felony or two or more misdemeanors); any nonwaivable inadmissibility grounds; and the mandatory bars to asylum (including participating in the persecution of others and firm resettlement in a third country prior to arriving in the United States). Additional details about TPS are in CLINIC's [Frequently Asked Questions: TPS Eligibility and the Application Process](#).

Instructions for applying for TPS are on the USCIS website at: <https://www.uscis.gov/humanitarian/temporary-protected-status/TPS-Ukraine>.

Note that due to the April 11, 2022, continuous residence date, Ukrainians who are paroled through Uniting for Ukraine will not be eligible for TPS. The TPS designation will only benefit the estimated 75,000 Ukrainians who were already residing in the United States as of April 11, 2022.

Q: Many TPS-eligible Ukrainians have arrived recently and do not have a lot of evidence of continuous physical residence or physical presence. What documents should they provide to demonstrate eligibility?

A: Evidence commonly used to prove continuous physical presence and continuous residence includes employment records, rent receipts, utility bills, school records, hospital or medical records, bank statements, and other records. Recent arrivals who do not have this type of documentation may include other relevant documents. For example, physical presence may be shown with a passport stamp, Form I-94, evidence of having been paroled, and airline tickets.

Declarations from the applicant, as well as from individuals who know the applicant and can attest to his or her physical presence and/or residence in the United States, may also be included.

Q: May a Ukrainian with a pending asylum application apply for TPS?

Yes, an asylum application (or an application for any nonimmigrant status) can be approved even if the applicant already has TPS. Those seeking affirmative asylum should note that if, at the time of the decision, the asylum officer decides not to grant asylum, the regulations require the officer to formally deny the application if the applicant is maintaining valid immigrant, nonimmigrant, or TPS status.² In contrast, if the applicant is without lawful status, the asylum case will be referred to an immigration judge who can review the asylum claim *de novo*.³

Depending on the individual asylum case, being denied by the USCIS asylum officer instead of referred to court could be either beneficial or detrimental. If the client has a weak asylum case that is not likely to be granted by an immigration judge and has no other relief available, then it may be in his or her best interest to have TPS. On

² 8 CFR § 208.14(c)(4).

³ *Id.*

the other hand, if TPS is granted and the client wants to continue to pursue asylum (or another form of relief) in front of an immigration judge, that option would be foreclosed.

Another factor to consider is that if an individual has TPS at the time of the asylum interview, the asylum office will first issue a Notice of Intent to Deny (NOID) before issuing a formal denial.⁴ Note that Ukrainian parolees will also be issued NOIDs prior to final denials if they are still maintaining valid parole status. The issuance of a NOID prior to a denial is useful because USCIS will outline its concerns with the case (for example, lack of a well-founded fear of persecution or lack of credibility) and give the applicant the opportunity to respond to perceived deficiencies in the case. In contrast, an applicant who lacks lawful status will be immediately referred to immigration court without the chance to rebut USCIS's findings or even fully understand the reasons behind the referral to court. Applicants may respond to a NOID by providing additional documentation, such as country condition reports or an expert witness report, to support their claim to asylum.

How does holding TPS impact the one-year filing deadline for asylum applications?

Eligibility for asylum requires that an applicant demonstrate by clear and convincing evidence that his or her application for asylum was filed within one year after arrival in the United States.⁵ An applicant may establish an exception to this rule if changed or extraordinary circumstances are present.⁶ The regulations further define "extraordinary circumstances" as those in which the applicant is maintaining TPS, lawful immigrant or nonimmigrant status, or was given parole until a reasonable period before the filing of the asylum application.⁷ Filing within six months of the expiration or termination of parole or any other lawful nonimmigrant status should be considered "reasonable" by the agency.⁸

Ukrainian parolees who file outside of the one-year filing deadline will likely be able to establish an exception to the one-year filing deadline based on extraordinary circumstances if they file within six months of the termination or expiration of their parole or TPS status. A Ukrainian who moves from parole to TPS will essentially extend the one-year filing deadline for as long as the individual's TPS remains valid.

Q: Should a Ukrainian who was paroled into the U.S. before U4U was launched consider applying for TPS?

A: For many Ukrainians, TPS may be a good back-up to another long-term option they are pursuing, such as asylum or adjustment of status. A grant of TPS will provide them employment authorization and protection from

⁴ USCIS Affirmative Asylum Procedures Manual at 26 (2016) (describing procedures for issuing a NOID to an applicant who is maintaining status in the United States).

⁵ INA § 208(a)(2)(B); 8 CFR § 208.4.

⁶ 8 CFR §§ 208.4(a)(4), (5).

⁷ 8 CFR § 208.4(a)(5)(iv).

⁸ *Matter of T-M-H- & S-W-C-*; 25 I&N Dec. 193 (BIA 2010).

deportation. TPS has historically been extended for many countries still experiencing civil unrest, so there is a good chance that TPS will be extended for Ukrainians beyond the initial 18-month designation period. In addition, TPS is considered a lawful nonimmigrant status that may allow for additional possibilities for adjustment of status for Ukrainian citizens, such as through an employment-based category under INA § 203(b) or through a family-based preference category. DHS has not announced a re-parole process for Ukrainian nationals. Given the uncertainty around the prospects of re-parole and impracticalities of CBP administering a wide-scale re-parole program, TPS would likely provide longer-term protection for these Ukrainians.

Q: Can TPS lead to permanent immigration status?

A: TPS does not provide an independent path to Lawful Permanent Resident (LPR) status. However, it may help some beneficiaries of family- or employment-based petitions maintain eligibility for adjustment of status under INA § 245(a). To adjust under Section 245(a), an applicant must have been “inspected and admitted or paroled” upon his or her last entry; have an immigrant visa immediately available; and be admissible (or eligible for an inadmissibility waiver). In addition, INA § 245(c) imposes bars to adjustment that apply to any preference category beneficiary who has either worked without authorization or has failed to continuously maintain lawful immigration status since entry.

TPS may help Ukrainians who are not immediate relatives avoid the 245(c) bars to adjustment. Ukrainians who arrive in the United States through humanitarian parole meet the “inspected and admitted or paroled” requirement of section 245(a). Obtaining TPS before the individual’s parolee status expires will help Ukrainians in the preference categories by ensuring that they continuously maintain lawful immigration status from the time of their entry. TPS also allows parolees to obtain EADs and avoid working without authorization. In addition, a parolee who obtains TPS is considered to be in lawful nonimmigrant status and may be eligible to adjust in an employment-based category.