

Mobility: immigration alert

April 2022

United States

U.S. Department of Homeland Security announces humanitarian parole sponsorship program for Ukraine

Executive summary

As of 25 April 2022, the Department of Homeland Security (DHS) is implementing "*Uniting for Ukraine*," an accelerated sponsorship-based humanitarian parole program that will allow participating Ukrainians to travel to and temporarily remain in the United States for up to two (2) years. U.S.-based sponsors who agree to provide financial support for Ukrainian citizens and their immediate family members will be able to initiate a process that will ultimately allow these sponsored beneficiaries to seek advance authorization to travel to the United States and request parole at a U.S. port-of-entry.

Background

The Immigration and Nationality Act provides the Secretary of Homeland Security with discretionary authority to parole noncitizens into the United States temporarily for urgent humanitarian reasons or significant public benefit. *Uniting for Ukraine* is intended to be a streamlined process to allow individuals in the United States, including U.S. citizens, permanent residents, and other eligible supporters, and groups to sponsor Ukrainians fleeing from the ongoing conflict in Ukraine.

Ukrainians and their immediate family members who wish to participate in this process will need to satisfy the following requirements:

- ▶ Must have been physically present in Ukraine as of 11 February 2022
- ▶ Must have a U.S.-based sponsor

- ▶ Must possess a valid Ukrainian passport, or if a child without their own passport, be included in a parent's passport
- ▶ Must complete vaccination and public health requirements
- ▶ Must complete and pass biometric and biographic screening and vetting security checks

Additionally, U.S.-based supporters seeking to sponsor Ukrainians overseas must prepare and file Form I-134, Declaration of Financial Support, with U.S. Citizenship and Immigration Services (USCIS), which will be available online through the myUSCIS platform. The application will assess the U.S. individual's or organization's financial status and ability to support the sponsored. The prospective sponsor will also need to undergo and pass a background check. Once the prospective sponsor is approved, USCIS will inform the Ukrainian beneficiary and provide information and instructions on how to complete the additional steps.

Ukrainians who are approved via this process will be authorized to travel to the U.S. during a period of 90 days and be considered for humanitarian parole, on a case-by-case basis. It is important to note that approval of travel authorization to apply for parole at a U.S. port of entry does not guarantee that the individual will be paroled; such authorization remains a discretionary determination made upon arrival at the U.S. port of entry. Ukrainian nationals granted parole will generally be paroled for a period of up to two years and will be able to apply for work authorization.



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DHS strongly encourages Ukrainians in Europe to complete the process from Europe, rather than attempting to travel to North America and seek admission or parole at a U.S. port of entry. Following the launch of *Uniting for Ukraine*, U.S. border officials will not process Ukrainians at land U.S. ports of entry without a valid visa or pre-authorization to travel; rather these individuals will be denied entry and referred to apply through the program.

In addition to *Uniting for Ukraine*, the Biden Administration announced that the Department of State will expand consular and embassy operations in Europe, including increasing the number of nonimmigrant visa appointments, and ensuring the availability of expedited visa appointments for Ukrainians with humanitarian, medical, or other extraordinary circumstances.

Analysis

While any individual outside of the United States may be able to request parole for a temporary period for urgent humanitarian reasons or significant public benefit, the high evidentiary bar for establishing eligibility can make it an inaccessible option for many foreign nationals. Further, the delayed adjudications and inconsistent outcomes associated with the process can leave applicants facing lengthy wait times in dangerous conditions, and as a result, humanitarian parole has often not been considered a viable option for those seeking immediate refuge, security, and safety.

Although the *Uniting for Ukraine* initiative is a humanitarian parole program, it is meant to offer an expedited and accelerated path to receiving parole into the United States. This program could benefit many displaced Ukrainians who are able to obtain U.S. sponsorship but who, until now, have faced limited direct legal migration options to the United States. Even though humanitarian parole does not offer a path to obtaining lawful permanent status in the United States, this program does provide Ukrainians with temporary relief (i.e., lawful residence and work authorization in the United States for two years), while living conditions in Ukraine are such that they cannot safely return to their country.

What this means

The *Uniting for Ukraine* program and the additional measures announced by the Biden Administration will significantly expand access to existing legal pathways to the United States for Ukrainian citizens fleeing the ongoing Russia-Ukraine crisis. It provides an expedited path for Ukrainian nationals, with U.S. sponsors, seeking refuge in the United States on a temporary basis.

Other existing legal pathways for Ukrainian nationals include immigrant and nonimmigrant visa routes, the U.S. Refugee Admissions program, asylum, humanitarian parole for those without U.S. sponsors, and Temporary Protected Status for those individuals already present in the United States.

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