

February 25, 2022

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

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
301 7th St, SW  
Washington, DC 20528

The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C St, NW  
Washington, DC 20520

**RE: URGENT REQUEST FOR NEW 18-MONTH DESIGNATIONS OF TPS OR DED AND SSR FOR UKRAINE**

Dear President Biden, Secretary Mayorkas and Secretary Blinken,

The below 177 organizations request an immediate 18-month designation of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED) and Special Student Relief (SSR) for Ukraine. Escalating violence and the devolving humanitarian crisis post-Russian military invasion makes it impossible for Ukrainians currently in the U.S. to safely return to Ukraine at this time. Migration Policy Institute estimates that roughly 30,000 Ukrainians in the United States would be potential beneficiaries of TPS or DED, as they do not have U.S. citizenship or permanent status.<sup>1</sup>

**I. TEMPORARY PROTECTED STATUS (TPS), DEFERRED ENFORCED DEPARTURE (DED), AND SPECIAL STUDENT RELIEF (SSR)**

TPS is a statutory status that allows people from a designated country to remain in the United States while conditions in their home country make safe return impossible.<sup>2</sup> The Secretary of the U.S. Department of Homeland Security (DHS) can designate a country for TPS if conditions in that country meet the requirements regarding ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions preventing a safe return.<sup>3</sup> These requirements are outlined in the Immigration and Nationality Act (INA).<sup>4</sup> Those who are granted TPS are eligible to receive work permits and remain in the United States during the designation period. Significantly, TPS can safeguard those who have been denied or may be ineligible for asylum but are still in need of lifesaving protection.

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<sup>1</sup> Julia Gelatt, Twitter Post, Migration Policy Institute, February 24, 2022, [https://twitter.com/J\\_Gelatt/status/1496964648188456964](https://twitter.com/J_Gelatt/status/1496964648188456964).

<sup>2</sup> Temporary Protected Status, USCIS, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

<sup>3</sup> *Id.*

<sup>4</sup> INA §244.

DED is rooted in the President's authority to conduct foreign affairs and is a critical foreign policy tool to provide humanitarian protection.<sup>5</sup> Like TPS, DED provides protection from deportation and eligibility for work permits for designated time periods.<sup>6</sup>

SSR may be granted to students from a designated country under an emergent circumstances designation.<sup>7</sup> The Secretary of DHS may give this designation to F-1 students facing unforeseen, severe economic hardship.<sup>8</sup> This hardship must result from an emergent event, such as war or military conflict.<sup>9</sup> SSR allows eligible students to remain in the U.S. by suspending or altering rules regarding status, full course of study, and work eligibility during the designation period.<sup>10</sup> SSR, like TPS, provides life-saving protection.

The "extraordinary and temporary conditions" which would qualify Ukrainians in the United States for TPS include current armed conflict. The "severe economic hardship" that would qualify Ukrainian F-1 students is the emergent armed conflict. The country conditions analysis below will demonstrate that conditions in Ukraine merit TPS and SSR designations due to armed conflict and extraordinary and temporary conditions as a return to the country would pose a serious threat to the personal safety of Ukrainians. The below described conditions also make a clear policy argument for DED.

## II. UKRAINE'S ARMED CONFLICT

On February 23, 2022, Russia launched a military invasion of Ukraine and advanced toward the capital in Kyiv.<sup>11</sup> The Ukrainian government reported 40 casualties within the first 12 hours of the invasion.<sup>12</sup> As the situation continues to devolve, it will prove difficult if not impossible for Ukrainians to safely return to the country in the immediate future.

On February 12, 2022, the U.S. Department of State issued a Level 4: Do Not Travel advisory to Ukraine.<sup>13</sup> In the advisory, the Department of State wrote that "U.S. citizens in Ukraine should be aware that the U.S. government will not be able to evacuate U.S. citizens in the event of Russian military action anywhere in Ukraine. Military action may commence at any time and without warning and would also severely impact the U.S. Embassy's ability to provide consular

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<sup>5</sup> Jill Wilson, Temporary Protected Status and Deferred Enforced Departure, Congressional Research Service, RS20844 (August 9, 2021), <https://crsreports.congress.gov/product/pdf/RS/RS20844>.

<sup>6</sup> *Id.*

<sup>7</sup> Special Student Relief, U.S. Department of Homeland Security, accessed February 24, 2022, <https://studyinthestates.dhs.gov/students/special-student-relief>.

<sup>8</sup> *Id.*

<sup>9</sup> Emergent Circumstances versus Temporary Protected Status: What is the Difference?, Department of Homeland Security (Nov. 8, 2021), <https://studyinthestates.dhs.gov/2017/11/emergent-circumstances-versus-temporary-protected-status-what-difference>.

<sup>10</sup> Special Student Relief, Department of Homeland Security, <https://studyinthestates.dhs.gov/students/special-student-relief>.

<sup>11</sup> Statement by President Biden on Russia's Unprovoked and Unjustified Attack on Ukraine, The White House (Feb. 23, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/23/statement-by-president-biden-on-russias-unprovoked-and-unjustified-attack-on-ukraine/>.

<sup>12</sup> Zelenskiy Says Ukraine Has Suffered 'Serious Losses' After Russian Air Strikes Pound Dozens Of Targets, Radio Free Europe (Feb. 24, 2022), <https://www.rferl.org/a/putin-ukraine-military-operation/31719680.html>.

<sup>13</sup> Ukraine Travel Advisory, Department of State (Feb. 12, 2022), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/ukraine-travel-advisory.htm>.

services, including assistance to U.S. citizens in departing Ukraine.”<sup>14</sup> On February 13, 2022, the Department of State suspended consular services at the U.S. Embassy in Kyiv, the capital of Ukraine, and moved them to Lviv, further from the Russian border.<sup>15</sup>

Senior Biden administration officials briefed lawmakers on February 3, 2022, warning that a full invasion could result in potential deaths of 25,000 to 50,000 civilians, 5,000 to 25,000 members of the Ukrainian military, and 3,000 to 10,000 members of the Russian army.<sup>16</sup> Officials also estimated that it would produce one million to five million refugees.<sup>17</sup> The human costs of armed conflict are clear and will contribute to current humanitarian crises in the country. There are already almost 1.5 million internally displaced people in Ukraine from conflict.<sup>18</sup> Last year, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 3.4 million people living in Ukraine need humanitarian assistance.<sup>19</sup> The Ukraine Humanitarian Response Plan (HRP) called for \$168 million to assist 1.9 million people in 2021.<sup>20</sup> However, in August 2021, the Ukraine HRP was only 27 percent funded, demonstrating a level of unmet need even before the current military invasion.<sup>21</sup>

Given the already unmet humanitarian need in the country and the effects of armed conflict with Russia, Ukraine is in no state to receive TPS/DED and SSR eligible Ukrainians. Returning these Ukrainians to an at-war country would further destabilize the precarious conditions. For this reason, TPS/DED and SSR for Ukraine support humanitarian interests and address U.S. foreign policy goals by alleviating pressure on the Ukrainian government while the crisis is underway and help stabilize Europe by not adding to the predicted refugee crisis. Returning these nationals to the country poses a serious threat to their personal safety.

### III. CONCLUSION

Ukraine is in the middle of armed conflict contributing to deteriorating country conditions and humanitarian crises. We urge the administration to: (1) immediately designate TPS or DED and SSR for Ukraine, (2) publish timely Federal Register Notices, and (3) launch a public information campaign to notify the impacted community of the decision and any actions they must take by the decision’s announcement.

Please contact the following individuals to discuss this urgent matter: Matthew La Corte, Niskanen Center at [mlacorte@niskanencenter.org](mailto:mlacorte@niskanencenter.org), Lora Adams, TPS-DED Administrative Advocacy Coalition at [lora@masadc.com](mailto:lora@masadc.com), Catharine Christie, U.S. Committee for Refugees and

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<sup>14</sup> *Id.*

<sup>15</sup> Consular Services Suspended at U.S. Embassy Kyiv, Department of State (Feb. 15, 2022), <https://travel.state.gov/content/travel/en/traveladvisories/ea/suspension-of-consular-services-at-US-embassy-Kyiv.html>.

<sup>16</sup> Helene Cooper and David E. Sanger, U.S. Warns of Grim Toll if Putin Pursues Full Invasion of Ukraine, New York Times (Feb. 5, 2022), <https://www.nytimes.com/2022/02/05/us/politics/russia-ukraine-invasion.html>.

<sup>17</sup> *Id.*

<sup>18</sup> Обліковано 1 473 650 внутрішньо переміщених осіб; Ukraine: Internally Displaced Persons, UNHCR, <https://www.unhcr.org/ua/en/internally-displaced-persons>.

<sup>19</sup> Humanitarian Needs Overview 2021: Ukraine, OCHA (Feb. 2021), [https://reliefweb.int/sites/reliefweb.int/files/resources/hno\\_2021-eng\\_-\\_2021-02-09.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2021-eng_-_2021-02-09.pdf)

<sup>20</sup> Ukraine Humanitarian Funding Priorities (Aug. - Dec. 2021), OCHA (Aug. 18, 2021), <https://reliefweb.int/report/ukraine/ukraine-humanitarian-funding-priorities-august-december-2021-en-uk>.

<sup>21</sup> *Id.*

Immigrants at [christie@uscrimail.org](mailto:christie@uscrimail.org), and Lisa Parisio, Catholic Legal Immigration Network, Inc., at [lparisio@cliniclegal.org](mailto:lparisio@cliniclegal.org).

Sincerely,

**National**

ADL (Anti-Defamation League)  
African Communities Together  
Aldea - The People's Justice Center  
Alianza Americas  
America's Voice  
American Friends Service Committee (AFSC)  
American Immigration Council  
American Immigration Lawyers Association  
American-Arab Anti-Discrimination Committee (ADC)  
Amnesty International USA  
Asylum Seeker Advocacy Project (ASAP)  
AsylumConnect  
Becoming American Institute  
Bethany Christian Services  
Bipartisan Policy Center Action  
Border Network for Human Rights  
CASA REINA SISTERS OF OUR LADY GUADALUPE ST. JOSEPH  
Catholic Legal Immigration Network, Inc.  
Center for Disability Rights  
Center for Gender & Refugee Studies  
Church World Service  
Coalition on Human Needs  
Dominican Sisters  
Dominican Sisters of Adrian  
Emgage Action  
Empowering Pacific Islander Communities (EPIC)  
Episcopal Network for Economic Justice  
Equality Labs  
Ethiopian Community Development Council, Inc.  
Evangelical Lutheran Church in America  
Faith in Public Life  
Franciscan Action Network  
Franciscan Sisters of the Sacred Heart  
Friends Committee on National Legislation  
Haitian Bridge Alliance  
HIAS  
Hispanic Federation  
Human Rights First  
ICNA Council for Social Justice  
Immigration Hub  
International Rescue Committee  
J Street  
Jean-Michele's Cousteau Ocean Futures Society  
Jewish Council for Public Affairs  
Jewish Federations of North America

Justice Action Center  
Kids in Need of Defense (KIND)  
Leadership Conference of Women Religious  
Leadership Team of the Felician Sisters of North America  
Lights for Liberty  
Lutheran Immigration and Refugee Service  
NAFSA: Association of International Educators  
National Asian Pacific American Families Against Substance Abuse  
National Association of Evangelicals  
National Council of Jewish Women  
National Immigrant Justice Center  
National Immigration Forum  
National Immigration Law Center  
National Iranian American Council  
National Justice for Our Neighbors  
National Organization for Women  
National Partnership for New Americans  
NETWORK Lobby for Catholic Social Justice  
Network of Jewish Human Service Agencies  
Niskanen Center  
Path With Heart  
Presidents' Alliance on Higher Education and Immigration  
Project Lifeline  
Quinnipiac University School of Law Civil Justice Clinic  
RAICES  
Refugee Congress  
Refugees International  
RefugePoint  
Revolutionary Love Project  
Robert F Kennedy Human Rights  
Sisters of Charity Federation  
Sisters of Mercy of the Americas Justice Team  
Sisters of St. Francis, Clinton, Iowa  
Student Clinic for Immigrant Justice  
Tahirih Justice Center  
The Episcopal Church  
The Hidden Dream  
U.S. Committee for Refugees and Immigrants (USCRI)  
U.S. Federation of the Sisters of St. Joseph  
Ukrainian American Bar Association  
Ukrainian National Women's League of America  
UndocuBlack Network  
Union for Reform Judaism  
Unitarian Universalist Association  
Unitarian Universalist Service Committee  
United Stateless  
Welcoming America  
Win Without War  
Witness at the Border  
Women's Alliance for Theology, Ethics, and Ritual (WATER)  
Women's Refugee Commission (WRC)

## Workplace Fairness

### **State/Local**

Adhikaar  
Al Otro Lado  
Alianza Sacramento  
Arkansas United  
Ayuda  
Bellevue Program for Survivors of Torture  
Benedictine Sisters of Chicago  
Benedictine Sisters of FL  
Benson & Loesch, PLLP  
Broward for Progress  
Cabrini Immigrant Services of NYC, Inc.  
Catholic Charities Boston  
Catholic Charities of SW Kansas  
Central American Resource Center  
Central American Resource Center of Northern CA - CARECEN SF  
Centro Romero  
Church of Our Saviour/La Iglesia de Nuestro Salvador  
Church of the Ascension  
Church Women United in New York State  
Cleveland Jobs with Justice  
Congregation Kol Ami  
Cooperative Baptist Fellowship of Texas  
Council for the Spanish Speaking Inc DBA Centro Hispano  
Dominican Sisters of Mission San Jose  
Family Action Network Movement  
Farmworker Association of Florida  
Florence Immigrant & Refugee Rights Project  
Greater Cleveland Immigrant Support Network  
Heartfelt Tidbits, Inc.  
HIAS and Council Migration Services of Philadelphia DBA HIAS PA  
Hope Border Institute  
IHM Sisters Justice, Peace and Sustainability Office  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Action Alliance  
Immigrant Advocates Response Collaborative Inc.  
Immigrant Defenders Law Center  
Immigrant Hope - Brooklyn, NY  
Immigrant Law Center of Minnesota  
Indivisible Chicago-South Side  
Intercommunity Justice and Peace Center  
International Institute of New England  
Jewish Federation of Chicago  
Justice for Our Neighbors Michigan  
Law Office of Peggy J Bristol  
Long Island Immigration Clinic  
Lutheran Church of Our Redeemer  
Mainers for Accountable Leadership Action

Migrant Center for Human Rights  
MinKwon Center for Community Action  
New Sanctuary Movement of Atlanta  
New York Annual Conference Board of Church and Society  
New York Justice for Our Neighbors, Inc.  
Oasis Legal Services  
Oregon Chapter of Fellowship of Reconciliation  
Oregonizers  
Pennsylvania Council of Churches  
Pilipino Workers Center  
Seattle Immigrant Rights Action Group  
Sisters of Charity of New York  
Sisters of St Joseph Brentwood  
Sisters of St. Dominic of Blauvelt, New York  
Sisters of St. Joseph of Boston  
Sisters of St. Joseph of Carondelet, LA  
St. Matthew's Episcopal Church Tucson  
Tennessee Justice for Our Neighbors  
The Compassionate Justice Project  
The Legal Project, Inc.  
TRUE ALLIANCE CENTER INC  
Ugryn Law  
Ukrainian Community Center of Washington  
Ukrainian Student Association of Purdue University  
United Vision for Idaho  
University YMCA New American Welcome Center  
Venezuelans and Immigrants Aid (VIA)  
Wallingford Indivisible  
Wayne Action for Racial Equality  
WESPAC Foundation, Inc.  
Westchester Citizen Therapists Indivisible  
Westchester Jewish Coalition for Immigration  
Wind of the Spirit Immigrant Resource Center