

Designation of Ukraine for Temporary Protected Status: Impact and Other Considerations

March 14, 2022

On February 24, 2022, Russia launched a full-scale [attack](#) on Ukraine, a country of 43.7 million people. The United States and its allies have [condemned](#) the invasion, and are imposing [trade and financial sanctions](#) on Russia and enhancing their own [military deterrence posture](#), while also providing aid to Ukraine. More than [2 million people](#) have fled as refugees to neighboring countries, and the United States pledged humanitarian [assistance](#) in response to the crisis. The United States maintains deep and multifaceted [relations](#) with Ukraine, and the country is a leading [recipient](#) of U.S. foreign and military aid.

As of 2019, more than [350,000](#) foreign-born individuals from Ukraine resided in the United States. Some have U.S. citizenship and others have [lawful permanent resident](#) (LPR) status. Still others have [temporary statuses](#) (such as students, tourists, and temporary workers) and could see their authorized periods of admission end before it is safe to return; and some have no lawful immigration status. Those with temporary or no legal status could benefit from certain temporary immigration relief options.

Temporary Protected Status Designation for Ukraine

On March 3, 2022, the Department of Homeland Security (DHS) [announced](#) the designation of Ukraine for [Temporary Protected Status](#) (TPS) for 18 months. DHS cited the armed conflict and extraordinary conditions in Ukraine resulting from Russia's attack on that country.

The DHS Secretary, after consultation with other U.S. government agencies, [may designate](#) a country for TPS if (1) there is an armed conflict preventing the safe return of nationals from that country; (2) there has been an environmental disaster in the country that substantially disrupts living conditions; or (3) there are "extraordinary and temporary conditions" that prevent foreign nationals from safely returning. The DHS Secretary may designate the country for periods of 6 to 18 months and may extend these periods if the country continues to meet the conditions for designation.

To qualify for TPS, an applicant from a designated country must [meet certain criteria](#), including physical presence in the United States since the effective date of the country's TPS designation, continuous residence in the United States since a date specified by the DHS Secretary, and [admissibility](#) to the United

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States (though, as discussed below, some admissibility criteria may be waived). A TPS recipient may remain in the United States for the period in which the TPS designation is in effect and apply for work authorization.

According to DHS, Ukrainian nationals who have continuously resided in the United States since March 1, 2022, and meet the other eligibility requirements may apply for TPS. However, Ukrainian nationals who travel to the United States *after* March 1, 2022, will **not be eligible**. DHS **estimates** that 75,100 Ukrainians are eligible to apply for TPS.

DHS's TPS designation will allow many Ukrainian nationals, including those without lawful immigration status, to remain and work in the United States for at least 18 months. DHS could potentially extend that period if Ukraine continues to meet the conditions for TPS in the future. TPS recipients may also simultaneously hold or pursue another immigration status. The grant of TPS, however, **does not confer** a direct path to LPR status. Additionally, a TPS recipient who unlawfully entered the United States and later obtained TPS is **not considered to be "inspected and admitted"** for purposes of establishing eligibility for **adjustment of status** (e.g., based on a marriage to a U.S. citizen).

Statutory restrictions could bar some Ukrainian nationals from TPS. Although DHS may waive many **grounds of inadmissibility** that would otherwise make an applicant ineligible for TPS, there are no waivers for those who are inadmissible because of specified criminal offenses (e.g., drug trafficking) or certain security-related grounds (e.g., terrorist activities). Further, an individual is **barred from TPS** if that person was convicted of any felony or two or more misdemeanors in the United States or if that person falls within the **enumerated categories** of applicants barred from asylum.

Other Potential Immigration Relief Options

Regardless of whether they are eligible for TPS, some Ukrainian nationals within the United States might qualify for other forms of temporary immigration relief. Some forms of relief are discussed below.

Special Student Relief

Most international students enter the United States on **F-1 visas**, which allow for temporary admission to pursue full-time academic study. According to DHS, there are currently 2,616 F-1 students from Ukraine in the United States. Generally, F-1 students must maintain a full course of study and may only work under **limited circumstances**. In some situations, however, the DHS Secretary may suspend certain regulatory requirements related to full-time study and employment for students from countries experiencing conflict, natural disaster, or other **emergent circumstances**. This suspension is called **special student relief** (SSR). SSR is currently applicable to students from **nine countries/regions**, which do not include Ukraine, all of which have also been designated for either TPS or **Deferred Enforced Departure** (DED). Ukraine has not been added to the SSR list. In addition to SSR, individual F-1 students may apply for permission to work off-campus if they face severe economic **hardship** due to unforeseen circumstances.

Extensions and Changes of Status

Some Ukrainians who are in the United States in nonimmigrant (i.e., temporary) statuses may wish to extend their stay past the current period of authorized admission. Eligible individuals can apply to DHS for an **extension** or **change of status**. DHS has discretion to excuse delayed applications when the delay is due to **extraordinary circumstances** beyond the applicant's control.

Deferred Action

Commonly referred to as *deferred action*, DHS may opt not to remove an individual pursuant to [its broad enforcement discretion](#). Although there does not appear to be one central, publicly available agency document that governs the criteria and procedures, DHS may exercise this discretion and decline to remove an inadmissible or deportable Ukrainian national.

Alternatively, DHS has discretion to suspend removal flights to particular countries. Recently, the agency [reportedly suspended](#) removal flights to Ukraine and other countries in that region.

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