



# United States Immigration and Public Benefits Eligibility for Ukrainians

Presentation for Safe Space for  
Russian-speaking Professionals

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## Today's Topics

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Temporary Protected Status

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Asylum

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Humanitarian Parole via Uniting  
for Ukraine

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Public Benefits

# What is Temporary Protected Status (TPS)?

- The Secretary of the Department of Homeland Security may designate a country for TPS because of ongoing armed conflict; an environmental disaster like an earthquake or hurricane; and epidemic; or other extraordinary and temporary conditions.
- For all TPS designations, an official notice is published in the Federal Register to describe filing instructions, registration dates, and other requirements.

# Benefits of TPS

If granted, TPS provides the following benefits throughout the designation period:

- Protection from deportation
- Eligibility for work authorization, and pursuant to work authorization, a Social Security number
- Possibility of applying for Advance Parole to travel abroad and return to the United States
- Eligibility for Medicaid or subsidized health insurance on the New York State of Health marketplace
- Individuals in removal proceedings or with final removal orders may apply for TPS

# Limitations of TPS

- TPS is temporary and its benefits expire after the designation period
- Not a pathway to lawful permanent residence or citizenship
- Not a means of obtaining admission to the US from abroad
- If TPS application is denied and applicant is otherwise out of status, could be placed in removal proceedings

# General TPS eligibility requirements (Ukraine)

- Ukrainian national or person without nationality who last habitually resided in Ukraine
- File during the initial registration period, meaning prior to October 19, 2023
- Continuous physical presence in the US since **April 11, 2022**
- Continuous residence in the US since **April 11, 2022**

# Filing Requirements

Final application packet to USCIS should include the following:

- Cover letter
- I-821 Application for TPS + supporting documentation
- I-765 Application for Employment Authorization Document + 2 passport photos
- Check or money order made out to US Department of Homeland Security **OR**
- I-912 Application for Fee Waiver



# Asylum

## Eligibility requirements

- Suffered past persecution or fear future persecution
- On the basis of race, religion, nationality, political opinion, or membership in a particular social group
- Government is unwilling or unable to protect
- Widespread violence and conflict generally not a basis for asylum, which requires a showing of particularized persecution

*Lots of bad things happen that do not give rise to asylum eligibility.*



# Benefits of Asylum

- Strong protection against return to country
- Path to green card and citizenship
- Can apply for work permit after case has been pending for 150 days
- Can include spouse and minor children

# Limitations of Asylum

- Uncertain timelines. Some cases may be interviewed immediately; some may end up in a years-long backlog
- Approximately 430K pending applications at asylum offices.
- Approximately 1.5M cases on immigration court dockets.
- Can't leave US while case is pending
- Can't go back to Ukraine at least until you have a green card

# Humanitarian Parole- Uniting for Ukraine (U4U)

- Special expedited program to parole Ukrainians into the U.S.
- Ukrainian abroad must have a sponsor in the U.S.
- Sponsor files I-134 declaration of financial support
- Ukrainian receives email to set up USCIS account, uploads passport and vaccine attestation, receives travel authorization.
- Parole for 2 years
- Eligible to apply for work permit

# Benefits of U4U

- Really fast
- Eligible for public benefits
- Eligible for work authorization
- Travel abroad possible but only with advance parole

# Limitations of U4U

- Work permit is not incident to status
- No path to green card or citizenship
- Very hard to switch into another status
- Can be placed in removal proceedings while on parole
- Difficulty in connecting sponsors and beneficiaries—but see [Welcome.us](https://www.welcome.us)
- Potential for abuse and exploitation

# Public Benefits Eligibility

- All parolees (whether at border with Mexico or U4U) eligible for FEDERAL public benefits: SNAP, cash assistance, Medicaid. No housing assistance.
- TPS applicants/TPS holders NOT eligible for federal public benefits. Limited eligibility for state benefits, depending on the state.
- Asylees (if pending) NOT eligible for federal public benefits. Limited eligibility for state benefits, depending on the state.
- Asylees (if approved) eligible for FEDERAL public benefits.

# Public Charge

- Medicaid (with exception of nursing home care), SNAP, WIC, and housing benefits do NOT count for public charge
- Only cash assistance, SSI or federally-funded Medicaid institutional (nursing home) care count toward public charge
- Many categories of immigration statuses that are exempt



# Public Charge

- Benefits received while having TPS, U visa, T visa, VAWA, refugee or asylee status do not count for public charge.
- While there are still some open questions regarding benefits received while having humanitarian parole status, attorneys experienced in immigration and benefits issues believe that the receipt of any benefits is not likely to be a public charge bar to green cards in the future for Ukrainians

# FAQs

- How can someone get a Social Security number before they have a work permit?
- If they don't have an SSN, how can they open a bank account?
- Can someone have TPS and another immigration status at the same time?
- Can someone whose TPS/asylum application is pending travel abroad?
- Can someone with TPS/asylum/humanitarian parole travel abroad?
- What happens when the TPS designation period expires after October 19, 2023?
- What happens when someone's humanitarian parole expires?
- What are the consequences if someone works without authorization in the US?
- Will U4U sponsors have to pay back the money if their beneficiaries get benefits?



# Thank you!

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