



GMS Flash Alert

Immigration Edition

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United States – New U.S. Immigration Measures for Ukrainians Due to War

On March 3, 2022, the U.S. Department of Homeland Security designated Ukraine for Temporary Protected Status (TPS) for a duration of 18 months as a result of the Russian invasion.¹

Furthermore, the U.S. Department of State announced that the U.S. Mission to Ukraine has suspended its visa services and has directed Ukrainians to the U.S. Consulate in Frankfurt, Germany for immigrant visas (IV); the U.S. Embassy in Warsaw, Poland for adoption cases, and A & G diplomatic and official visas; and any U.S. Embassy or Consulate in the country where the Ukrainian applicant is physically located for nonimmigrant visas (NIV).² Those affected by the invasion of Ukraine and other extreme situations may be able to avail themselves of certain immigration relief through U.S. Citizenship and Immigration Services (USCIS).³

WHY THIS MATTERS

Companies with foreign-national employees from Ukraine should be aware of the new immigration measures put into place by the U.S. Administration in light of the humanitarian crisis in Ukraine. Employers are encouraged to work closely with their immigration counsel to assist affected Ukrainian employees and their families in navigating the new immigration measures to maintain their status in the United States and obtain any additional required U.S. immigration benefits.

Temporary Protected Status (TPS) Designation for Ukraine

On March 3, 2022, the Secretary of the Department of Homeland Security, Alejandro Mayorkas, announced the designation of Ukraine for Temporary Protected Status (TPS) for an 18-month period.

TPS is offered to a foreign country when the conditions in that country temporarily prevent its nationals from returning safely, or when the country is unable to adequately handle the return of its nationals.⁴ Often this occurs in the event of an ongoing armed conflict, environmental disaster, epidemic, or other extraordinary and temporary conditions.

In order to be eligible for TPS under Ukraine's designation, applicants must (1) be a national of Ukraine, or a person without nationality who last habitually resided in Ukraine; and (2) have continuously resided in the U.S. since March 1, 2022. Individuals who travel to the U.S. after March 1, 2022, will not be eligible for TPS.

During the designated TPS period, individuals who are TPS beneficiaries or who are found preliminarily eligible for TPS upon initial review of their cases (*prima facie* eligible):

- are not removable from the United States;
- can obtain an employment authorization document (EAD); and
- may be granted travel authorization.

Next Steps

Ukraine's 18-month TPS designation will go into effect on the publication date of the forthcoming *Federal Register* notice. The *Federal Register* notice will further provide instructions for applying for TPS and an Employment Authorization Document (EAD). TPS applicants must meet all eligibility requirements and undergo security and background checks. At the time of this newsletter's publication, the notice has not yet been published in the *Federal Register*.

Consular Operations Suspended in Ukraine, Other Processing Posts Designated

The U.S. Mission to Ukraine has suspended all consular operations, and the Department of State has designated processing posts for visa applicants from Ukraine.

The U.S. Consulate General in Frankfurt, Germany has been designated as the primary processing location for immigrant visas (IVs) for residents of Ukraine, except for adoption cases.⁵ Applicants who have not yet received an appointment notice for an immigrant visa interview at the U.S. Embassy in Kiev from the National Visa Center (NVC) will be sent an appointment notice for their interview in Frankfurt. Individuals, whose cases were with the U.S. Embassy in Kiev and have received an appointment notice for another consular location, should proceed with the instructions indicated. Finally, those who have already had their immigrant visa interview in Kiev, but required administrative processing, will need to request that their case be transferred to Frankfurt by contacting FrankfurtVisaInquiries@state.gov.

IR-3 and 4 adoption cases, as well as A or G visas, will be processed by the U.S. Embassy in Warsaw, and eligible Ukrainians should apply there.

All nonimmigrant visa (NIV) applications for Ukrainians may be filed in any country where the applicant is physically present and where appointments are available.⁶ Due to the fact that each U.S. Embassy and Consulate has unique application procedures, applicants should contact the specific location in which they wish to apply. A list of U.S. Embassies and Consulates can be found [here](#).

USCIS Assistance Available for Those Affected by Invasion of Ukraine

USCIS has made available special services to individuals affected by extreme situations, including the invasion of Ukraine. On a case-by-case basis, such individuals may request:

- to change nonimmigrant status or extend a nonimmigrant stay for those currently in the United States, even if they fail to apply for the extension or change before expiration of their authorized period of admission;
- re-parole of individuals previously granted parole by USCIS;
- expedited processing of advance parole requests;
- expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- expedited adjudication of petitions or applications, including employment authorization applications, when appropriate;
- consideration of fee waiver requests due to an inability to pay;
- flexibility for those who received a Request for Evidence or a Notice of Intent to Deny but were unable to submit evidence, or otherwise respond in a timely manner;
- flexibility for those unable to appear for a scheduled interview with USCIS;
- expedited replacement of lost or damaged immigration or travel documents issued by USCIS; and
- rescheduling of a biometric services appointment.

Individuals interested in requesting any of the above services should be prepared to explain how the impact of the invasion of Ukraine created a need for the requested relief.

For more information on requesting the above measures, please see the USCIS' [Special Situations](#) page.

KPMG NOTE

KPMG Law LLP in Canada is tracking this matter closely. We will endeavor to keep readers of *GMS Flash Alert* posted on any important developments as and when they occur.

FOOTNOTES:

- 1 Department of Homeland Security, "[Secretary Mayorkas Designates Ukraine for Temporary Protected Status for 18 Months](#)," March 3, 2022.
- 2 Department of State, "[Announcement of Processing Posts for Visa Applicants from Ukraine](#)," March 1, 2022).
- 3 USCIS, "[Immigration Help Available to Those Affected by Special Situations, Including the Invasion of Ukraine](#)," March 4, 2022.
- 4 For more information on TPS, see USCIS, [Temporary Protected Status](#), updated March 2, 2022.
- 5 U.S. Embassy in Ukraine, [Immigrant Visas](#), March 4, 2022.
- 6 U.S. Embassy in Ukraine, [Nonimmigrant Visas](#), March 4, 2022.

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Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in Canada.

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