

US VISA OPTIONS FOR UKRAINIANS FLEEING WAR

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Ukrainians fleeing war have some visa avenues under current law to reunite with US-based family members who can financially support them in the US, although advocacy efforts are underway to make these options more feasible and faster to process. Below is a discussion of each visa avenue, with the challenges and opportunities each one presents:

1. **Family Petitions.** US citizens (USCs) can petition for parents, spouses and children while US lawful permanent residents (LPRs) can petition for spouses and unmarried children. Current wait times for such family petitions are **1-14 years**, depending on the beneficiary's degree of relationship to the USC/ LPR, age and marital status: faster times for immediate relatives such as parents/ spouses/ minor children of USCs, longer times for married/ adult/ siblings of USCs. Of note, there is a recent Department of State policy that allows the adjudication of immediate relative petitions directly at US embassies abroad **if the US citizen is present there**, presumably with faster processing. An attorney or political representative can also assist with requesting expedited processing.
2. **Non-immigrant visitor/ student visas.** Ukrainian nationals are allowed to apply for non-immigrant visas in any country with a US Embassy. They could try B-2 visitor visa or F-1 student visa, although they may be denied if they cannot make a good case for temporary stay in the US or sufficiency of financial resources for the stay.
3. **Work Visas/ Employment Sponsorships.** Even if there is a US company which desires to sponsor Ukrainian workers, it is too late for the H-1B visa season which ended on **March 18, 2022** and employment-based green card sponsorships can take 12-18 months to process.
4. **Humanitarian Parole Outside of the US.** While this remedy exists to bring someone to the US for "compelling emergency and ... urgent humanitarian reason or significant US public benefit", it is rarely granted outside US border checkpoints. For example, most humanitarian parole applications for Afghan nationals with compelling cases of being at risk of Taliban persecution were denied nationwide by USCIS.
5. **UNHCR-designated refugee status/ resettlement to the US is not available from EU countries.** The regular way "refugees" are designated as such abroad and then relocated to the US is not currently available in Europe because all EU countries are considered "safe" for refugees and thus the UN takes the position that they need no further resettlement, certainly not at the expense of other refugees in refugees camps around the world located in less "safe" places, vying for limited numbers of refugee spots to the US.
6. **Temporary Protected Status (TPS) covers those who arrived in the US before March 1, 2022.** Once Ukrainians touch US soil, they cannot claim the TPS because it only covers Ukrainians who arrived before March 1, 2022. They could, however, solicit

asylum or a variety of other status options available to those already on US soil (employment sponsorships, student status, etc).

7. **Humanitarian Parole at US Border Checkpoints.** Due to lacking viable/ timely visa options to the US, Ukrainian refugees are traveling to the US-Mexico border asking for humanitarian parole, which is a legal way of entering the US if there is a US-based sponsor willing to assume financial responsibility. While this is a less ideal way of processing Ukrainian refugees due to the risks associated with navigating Mexican customs and human trafficking, it is quickly emerging as the leading option for many seeking to reunite with their US relatives. Of note:
 - a. **There is a limited practical window for Ukrainians to access humanitarian parole at US border checkpoints through May 23, 2022 when President Biden has announced the rescission of Title 42 expulsion policy. After May 23 Ukrainians will compete with other nationalities for attention at the border checkpoints.**
 - b. **AVOID HUMAN TRAFICKING: Ukrainians can legally enter Mexico via Tijuana airport with a Ukrainian biometric passport, round trip ticket and proof of temporary lodging in Mexico corresponding with the return ticket. There is no need for intermediaries. At the Tijuana airport there is an organized effort by legitimate Ukrainian-speaking volunteers to transport Ukrainians to the US border safely and for free. Volunteer attorneys like myself will be waiting at the border checkpoint to assist with safe and legal passage into the US.**
8. **Work Permit after Admission on Humanitarian Parole.** After receiving Humanitarian Parole at the border, Ukrainian nationals may apply for work permit on [form I-765](#) and use code (c) (11) on page 3 Q 27.
9. **Asylum.** Available to Ukrainians who have reached US soil through whatever avenues (including Humanitarian Parole) and have a well founded fear of returning to Ukraine because of persecution on account of their ethnicity/ nationality, membership in a social group, race, religion or political opinion.

