

DHS Announces Expansion Of Temporary Protected Status to Ukrainian Nationals

The designation allows Ukrainians in the United States as of March 1 to live and work in the U.S. for the next 18 months without fear of deportation.

QUEENS, NEW YORK, UNITED STATES, April 5, 2022 /EINPresswire.com/ -- In early March, the Department of Homeland Security announced that it would designate Temporary Protected Status (TPS) for Ukrainians living in the United States. This latest initiative to help nationals of the war-torn country will impact an estimated 30,000 Ukrainians who are currently living in the United States under a temporary status. This order would allow them to continue living, studying, and working in the US legally for an extension of 18 months.



Queens immigration attorney Scott Messinger

The announcement comes after dozens of senators signed a letter addressed to President Biden urging for the extension of TPS. In the letter, senators urged the administration to act swiftly in order to prevent Ukrainians from being forced to return to Ukraine. The letter reads in part, "In light of Russia's military invasion of Ukraine, we respectfully request that your Administration promptly take all necessary steps to ensure that Ukrainian nationals present in the United States are not forced to return to Ukraine, including the designation of Ukraine for temporary protected status (TPS)."

The initiative garnered bipartisan support in an effort to help support Ukrainians during this time of unprovoked attack. Homeland Security Secretary Alejandro Mayorkas shared in a statement, "Russia's premeditated and unprovoked attack on Ukraine has resulted in an ongoing war, senseless violence, and Ukrainians forced to seek refuge in other countries." Mayorkas adds, "In these extraordinary times, we will continue to offer our support and protection to Ukrainian nationals in the United States."



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TPS is a temporary immigration status that allows foreign nationals to temporarily stay in the US due to safety concerns in their home country. TPS was created as part of the Immigration Act of 1990. The United States grants TPS to eligible nationals of certain countries or parts of certain countries. Currently, there are 12 nations designated for TPS including Myanmar (Burma), El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, Venezuela, and Yemen.

Countries are designated for TPS based on ongoing

conflict, environmental disasters, and extraordinary temporary conditions. Designations for TPS can be made for 6, 12, or 18 months at a time. The secretary of the Department of Homeland Security can always decide whether or not to extend or terminate a nation's TPS designation. As [New York-based immigration attorney Scott Messinger](#) points out, a TPS designation could be extended for many years. “For example, Honduras was designated for TPS in 1999 and continues to have that designation today,” Messinger says.

To be eligible for TPS, foreign nationals must meet the following criteria as detailed by DHS:

- Be a national of the foreign country with a TPS designation;
- Be continuously physically present in the United States since the effective date of designation;
- Have continuously resided in the United States since a date specified by the Secretary of Homeland Security; and
- Not be inadmissible to the United States or be barred from asylum for certain criminal or national security-related reasons. For example, individuals must not have felony convictions or two or more misdemeanors.

While a TPS designation lasts, beneficiaries are not removable from the United States and cannot be detained on the basis of their immigration status. Beneficiaries can obtain an employment authorization document to work in the U.S. and may be granted travel authorization as well. Registering for TPS does not prevent one from applying for nonimmigrant status, filing an adjustment of status based on an immigrant petition, or applying for any other immigration benefit or protection for which they may be otherwise eligible. However, attorney Messinger points out that TPS holders are not generally entitled to public benefits based on their status as TPS beneficiaries.

This latest move to expand TPS for Ukrainian nationals has been met with some criticism; however, an overwhelming majority has approved the decision.

According to the Department of Homeland Security, TPS will only be granted to Ukrainians who are currently in the United States as of March 1. Because of this, the protections will not apply to

the over one million Ukrainians who have sought refuge in nearby European countries such as Poland, Hungary, Romania, and Moldova.

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