

## **Explainer: Uniting for Ukraine**

### **Introduction:**

The Biden administration announced the launch of the [Uniting for Ukraine](#) (U4U) program on April 21, 2022. The U4U program is intended to be: “a new streamlined process to provide Ukrainian citizens who have fled Russia’s unprovoked war of aggression opportunities to come to the U.S., fulfilling President Biden’s commitment to welcome up to 100,000 Ukrainians and others fleeing Russia’s aggression as a result of the ongoing Russia-Ukraine crisis.” The official Department of Homeland Security (DHS) website for the U4U program launched on April 25, 2022 and will continue to be updated as more [information](#) becomes available.

U4U represents a significant step for the Biden administration in following through on its [pledge to](#) welcome up to 100,000 Ukrainians impacted by the conflict.

In addition to U4U, the Biden administration is also working to process Ukrainians through the regular refugee resettlement system, family petitions, and other nonimmigrant processes, as well as pledging \$1 billion in assistance to support European countries accepting Ukrainians refugees.

The Biden administration’s response to Ukrainian displacement, including the announcement of U4U, reflects the American public’s strong support to aid Ukrainian refugees and a [growing recognition](#) of the need for [a nimble humanitarian response](#). Along with the recent Afghan crisis, the Ukrainian situation has highlighted the inefficient nature of both our refugee and immigration systems to rapidly respond to humanitarian emergencies. U4U is an important step to overcome these inefficiencies and rapidly help displaced Ukrainians find protection in the U.S.

### **Uniting for Ukraine Program**

- *Necessity of the U4U*

Before the announcement of the Uniting for Ukraine program, Ukrainians had no viable option to seek protection in the U.S. that was safe and expedient. The announcement of [Ukrainian Temporary Protected Status \(TPS\)](#) was helpful for Ukrainians present in the U.S. as of April 11, 2022, but does not help Ukrainians outside of the U.S. seeking safety. The existing refugee resettlement process and visa system (both immigrant and nonimmigrant pathways) are [heavily backlogged](#) and are unable to respond effectively. These inefficiencies were most recently highlighted during the Afghan evacuation.

In response to the inefficiencies and the dire need for safety, thousands of Ukrainians have flown to Mexico and applied for protection at the U.S.-Mexico border. “U.S. immigration officials have processed nearly 15,000 undocumented Ukrainians in the past three months, most of them along the Mexican border,” according to a [CBS News article](#). For those with the means to do so, this had been the best available option to obtain protection in the U.S. Of course, this process is far from efficient and only created additional strains, adding to the influx of people seeking protection along the U.S. southern border, and adding to the asylum backlog. While CBP has managed to process Ukrainians in a matter of days, devoting processing resources has added to backlogs elsewhere in the system. In addition, it has led to [concerns](#) about the disparate treatment of Ukrainians at ports of entry in comparison to that of other nationalities. U4U aims

to reduce the need to seek protection at the U.S.-Mexico border and mitigate some of these growing concerns.

- *Eligibility and Benefits under U4U*

U4U will enable Ukrainians to apply for [humanitarian parole](#) to the U.S. if they have “have been residents in Ukraine as of February 11, 2022, have a sponsor in the U.S., complete vaccinations and other public health requirements, and pass rigorous biometric and biographic screening and vetting security checks.” Under U4U, parole is granted for a two-year period, on a case-by-case basis. Unless and until Congress passes an adjustment act, parolees lack a pathway to permanent residence – they are ineligible for green cards. Ukrainian parolees are eligible for work authorization, but (absent congressional action) are ineligible for refugee benefits or most other public benefits. Unaccompanied Ukrainian children will not be eligible for the program.

- *Sponsor Eligibility*

The Uniting for Ukraine program utilizes [private sponsorship](#), where a U.S.-based individual or non-government organization applies to sponsor a named Ukrainian applicant. The sponsor has to be based in the U.S. and commit to financially supporting the Ukrainian for the duration of the parole. While additional details are forthcoming, DHS has stated, “The supporter will then be vetted by the U.S. government to protect against exploitation and abuse, and ensure that they are able to financially support the individual(s) whom they agree to support.”

- *Application Process*

The entire application process is anticipated to be online. According to the U4U [website](#), which DHS launched on April 25, 2022, the first step in the process is for the U.S.-based sponsor to fill out Form [I-134, Declaration of Financial Support](#). The sponsors and Ukrainian beneficiaries are then both vetted. Once a Ukrainian receives pre-authorization to travel, he or she can purchase flights. At the port of entry Customs and Border Protection makes a case-by-case determination to grant humanitarian parole.

### **Potential Concerns:**

While U4U is a welcome response to this humanitarian crisis, it raises several concerns. Although intended to be temporary, with many Ukrainians opting to return to Ukraine upon the termination of hostilities, it is unclear how long that might be. Considering the [massive destruction](#) of homes, property, and infrastructure in a number of cities in Ukraine, returning may be difficult for many parolees. Because humanitarian parole is of limited duration and does not confer permanent status in the U.S., it may prove to be inadequate for those seeking to extend their stays in the U.S. Ukrainians admitted under U4U will have to apply for re-parole after 2 years if they desire to stay beyond the initial term. For those that wish to stay permanently, or at least have that option, other immigration options such as asylum or family petitions (if they have eligible family members to apply for them) will be hard to obtain, at least in the absence of a congressionally-enacted adjustment act.

In addition, because Ukrainian parolees under U4U will not qualify for refugee benefits like food stamps, case management, and cash assistance, they may struggle to obtain needed aid. While private sponsorship is intended to fill these gaps, private sponsorship programs remain relatively untested. In the absence of legislation, like the [WELCOMED Act](#) (which provided refugee benefits to Afghan evacuees who were admitted via humanitarian parole), Ukrainians

admitted on humanitarian parole will not have access to any refugee benefits in instances where private sponsorship has failed.

The launch of U4U also raises concerns about what will happen to Ukrainians who present themselves at the U.S.-Mexico border. In announcing U4U, DHS urged Ukrainians not travel to Mexico and [warned](#) that Ukrainians presenting themselves at a land port of entry along the U.S.-Mexico border will be denied entry. Given the likelihood that some Ukrainians might not be able to access U4U if DHS is unable to recruit sufficient numbers of private sponsors, the policy could result in turning away many with valid asylum claims, contrary to [U.S. law](#).

[Critics have charged](#) that U4U continues the disparate treatment of populations, raising questions about the administration of immigration law across different nationalities. With the humanitarian parole generally unavailable for [Haitians, Afghans not currently U.S.](#), and others, the U4U program will almost certainly continue to raise questions of equity.

Finally, [private sponsorship poses various concerns](#). While there has been significant innovation through the use of private sponsorship, particularly in Canada, there are practical concerns in its implementation. Private sponsors lack the governmental oversight of refugee resettlement agencies. They may lack experience in administering culturally relevant and appropriate care, providing language training, or in advocating for available benefits. In addition, there are concerns that some sponsors, including family members, could face financial strains by undertaking the responsibility of supporting parolees. In fact, concerns such as these led to the [modern resettlement agency-focused model](#), which is more structured and accountable.

### **Conclusion:**

U4U is an innovative and welcome addition to the U.S.'s humanitarian response to crisis situations and could prove to be an effective new tool to respond to emergencies. However, as with other private sponsorship programs, it should [supplement, not replace](#), existing refugee resettlement programs. In addition, its use does raise a number of concerns that will need to be addressed in the future, ranging from the unavailability of green cards, to disparate treatment of populations, to questions surrounding private sponsors in general. At a time when Ukrainians are seeking a safe, efficient, and rapid option to obtain protection in the U.S., it looks to be a promising way to help them – one that is an improvement over the previous approach of having Ukrainians present themselves at the U.S.-Mexico border or wait in lengthy refugee or visa backlogs.