



## ALERTS

### Department Of Homeland Security Announces Temporary Protection Status For Ukraine

March 4, 2022

#### Highlights

U.S. Department of Homeland Security has designated Ukraine citizens for Temporary Protected Status

Citizens of Ukraine present in the U.S. on March 1, 2022, may be eligible to apply for TPS

During the 18-month designation period, employment authorization may be available to eligible Ukrainian citizens

Due to the Russian hostilities in Ukraine, the U.S. Department of Homeland Security (DHS) [announced the designation of Temporary Protected Status](#) (TPS) for Ukrainian citizens currently present in the U.S.

The TPS designation will go into effect on the publication date of the upcoming Federal Register notice, which will provide instructions for applying for TPS and an Employment Authorization Document (EAD). The TPS designation period will run for 18 months.

Once granted TPS, an individual cannot be detained by DHS on the basis of immigration status in the U.S.

In order to qualify for TPS, applicants must meet all eligibility

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requirements and undergo security and background checks. And there are key elements to note:

- Ukrainian citizens must have continuously resided in the U.S. since March 1, 2022
- Ukrainian citizens who attempt to travel to the U.S. after March 1, 2022, will not be eligible for TPS

#### Background

DHS may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.

DHS may designate a country for TPS due to the following temporary conditions in the country:

- Ongoing armed conflict (such as civil war)
- An environmental disaster (such as earthquake or hurricane)
- An epidemic
- Other extraordinary and temporary conditions

During a designated period, individuals who are TPS beneficiaries or who are found to be preliminarily eligible for TPS upon initial review of their cases:

- Are not removable from the U.S.
- May obtain an EAD
- May be granted travel authorization

TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status. However, registration for TPS does not prevent an individual from:

- Applying for nonimmigrant status
- Filing for adjustment of status based on an immigrant petition
- Applying for any other immigration benefit or protection for which an individual may be eligible

Further, the DHS TPS designation for Ukraine creates a pathway for legal status and work authorization.

For more information, please contact the Barnes & Thornburg attorney with whom you work or Mercedes Badia-Tavas at 312-214-8313 or [mbadiatavas@btlaw.com](mailto:mbadiatavas@btlaw.com), Michael Durham at 574-237-1145 or [mdurham@btlaw.com](mailto:mdurham@btlaw.com), Sarah Hawk at 404-264-4030 or



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