



IMMIGRATION UPDATE - APRIL 25, 2022

Posted on April 25, 2022 by Cyrus Mehta

Headlines:

[DHS Announces TPS Registration Process for Sudan and Ukraine](#) – The notices provide information about how to register for temporary protected status under each country's designation and apply for an employment authorization document. The 18-month registration period ends on October 19, 2023.

[Biden Administration Announces New Measures for Ukrainians](#) – President Biden announced new measures for Ukrainians, including "Uniting for Ukraine," which includes a new streamlined process to provide Ukrainian citizens with opportunities to come to the United States.

[CBP Continues Vaccination Requirements at U.S. Borders With Canada, Mexico](#) – U.S. Customs and Border Protection will continue to require non-U.S. travelers entering the United States via land ports of entry and ferry terminals at the U.S.-Mexico and U.S.-Canada borders to be fully vaccinated against COVID-19 and provide related proof of vaccination upon request.

[Foreign Student Measures Announced: Extension of SEVP Guidance, and Relief for Nonimmigrant Student Citizens of Sudan and Ukraine](#) – Several measures related to foreign students were announced.

[EOIR to Stop Holding Hearings in Pittsburgh](#) – EOIR announced that it will no longer hold hearings in Pittsburgh, effective at the close of business on April 29, 2022.

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DHS Announces TPS Registration Process for Sudan and Ukraine

The Department of Homeland Security (DHS) posted Federal Register notices on temporary protected status (TPS) for Sudan and Ukraine. The notices provide information about how to register for TPS under each country's designation and apply for an employment authorization document. The 18-month registration period for both countries began on April 19, 2022, and ends on October 19, 2023. All individuals who want to request TPS under the designation of Sudan or Ukraine must file an application.

Sudan

To be eligible under the Sudan designation, individuals must demonstrate their continuous residence in the United States since March 1, 2022, and continuous physical presence in the United States since April 19, 2022. Individuals arriving in the United States after March 1, 2022, are not eligible for TPS under this designation and may be subject to removal if they have no other authorization to be in the United States.

U.S. Citizenship and Immigration Services (USCIS) estimates 3,090 individuals may be eligible for TPS under the designation of Sudan. This includes an estimated 2,390 newly eligible individuals as well as an estimated 700 current TPS Sudan beneficiaries, whose TPS-related documentation has been automatically extended pursuant to court orders through at least December 31, 2022. These individuals must file a new application for TPS under the new Sudan designation to avoid losing protection if the court injunctions are lifted.

Ukraine

To be eligible under the Ukraine designation, individuals must demonstrate their continuous residence in the United States since April 11, 2022, and continuous physical presence in the United States since April 19, 2022.

USCIS estimates 59,600 individuals currently in the United States may be eligible for TPS under the designation of Ukraine. Ukrainian nationals currently outside the United States are not eligible for TPS under this designation, and they will not become eligible by relocating to the United States. Such Ukrainians are encouraged instead to apply for a visa or other legal pathway at a U.S. consulate abroad.

[Details:](#)

- DHS news release, Apr. 18, 2022, <https://www.uscis.gov/newsroom/news-releases/dhs-announces-registration-process-for-temporary-protected-status-for-ukraine-and-sudan>
- Sudan notice, 87 Fed. Reg. 23202 (Apr. 19, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08363.pdf>
- Ukraine notice, 87 Fed. Reg. 23211 (Apr. 19, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08390.pdf>

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Biden Administration Announces New Measures for Ukrainians

On April 21, 2022, President Biden announced new measures for Ukrainians, including "Uniting for Ukraine," which includes "a new streamlined process to provide Ukrainian citizens...opportunities to come to the United States." In addition, the Department of State announced increased refugee resettlement processing and "broadened access" to visa processing at consular posts overseas. President Biden has committed to admit "up to 100,000 Ukrainians and others" fleeing Russia's war against Ukraine. An estimated 5 million people have left Ukraine so far following the Russian invasion. Below are highlights of the new measures:

- Uniting for Ukraine allows Ukrainians displaced by the war to apply for humanitarian parole in the United States. To be eligible, Ukrainians must have been residents in Ukraine as of February 11, 2022; have a sponsor in the United States; complete vaccinations and other public health requirements; and pass biometric and biographic screening and vetting security checks. Ukrainians approved via this process will be authorized to travel to the United States and be considered for parole, on a case-by-case basis, for up to two years. Once paroled through this process, Ukrainians will be eligible for work authorization.
- The Department of Homeland Security (DHS) said Ukrainians should not travel to Mexico to pursue entry into the United States. Following the launch of *Uniting for Ukraine*, Ukrainians who present at land U.S. ports of entry without a valid visa or without pre-authorization to travel to the United States through *Uniting for Ukraine* "will be denied entry and referred to apply through this program."
- Beginning on April 25, 2022, U.S.-based individuals and entities can apply

to the Department of Homeland Security (DHS) to sponsor displaced Ukrainian citizens through the "*Uniting for Ukraine*" process, which will go live that day on the DHS website. Any U.S. citizen or individual, including representatives of nongovernmental organizations (NGOs), can sponsor Ukrainian applicants. Individuals and organizations seeking to sponsor Ukrainian citizens in the United States must declare their financial support and pass security background checks. Eligibility requirements include required vaccinations and other public health requirements, as well as biographic and biometric screening, vetting, and security checks.

- The Department of State will expand U.S. resettlement operations in Europe to provide more resources to process Ukrainian citizens for refugee resettlement under the Lautenberg program, and will expand referral mechanisms for Ukrainian citizens and others fleeing the war to the U.S. Refugee Admissions Program (USRAP). To do so, the United States is working with European partners, the United Nations High Commissioner for Refugees, and NGOs to identify particularly vulnerable Ukrainian citizens and others fleeing the conflict who may warrant permanent resettlement through USRAP.
- DHS said that European embassies and consulates are also increasing, to the extent possible, the number of nonimmigrant visa appointments and ensuring there is an expedited visa appointment program for individuals with humanitarian, medical, or other extraordinary circumstances.

Details:

- DHS notice, Apr. 21, 2022, <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>

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CBP Continues Vaccination Requirements at U.S. Borders With Canada, Mexico

U.S. Customs and Border Protection will continue to require non-U.S. travelers entering the United States via land ports of entry and ferry terminals at the U.S.-Mexico and U.S.-Canada borders to be fully vaccinated against COVID-19 and provide related proof of vaccination upon request. These requirements continue to apply to non-U.S. travelers who are traveling both for essential and non-essential reasons, but do not apply to U.S. citizens, lawful permanent

residents, or U.S. nationals, the Department of Homeland Security (DHS) said. Non-U.S. travelers entering the United States via land ports of entry and ferry terminals, whether for essential or non-essential reasons, must:

- Verbally attest to their COVID-19 vaccination status;
- Provide, upon request, proof of a CDC-approved COVID-19 vaccination;
- Present a valid Western Hemisphere Travel Initiative (WHTI)-compliant document, such as a valid passport, Trusted Traveler Program card, or Enhanced Tribal Card; and
- Be prepared to present "any other relevant documents" requested by a U.S. Customs and Border Protection (CBP) officer during a border inspection.

COVID-19 testing is not required to enter the United States via a land port of entry or ferry terminal, DHS said.

Details

- DHS release, Apr. 21, 2022, <https://www.dhs.gov/news/2022/04/21/dhs-extends-covid-19-vaccination-requirements-non-us-travelers-entering-united>
- Canada notice, 87 Fed. Reg. 24048 (Apr. 22, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-04-22/pdf/2022-08743.pdf>
- Mexico notice, 87 Fed. Reg. 24041 (Apr. 22, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-04-22/pdf/2022-08741.pdf>

Foreign Student Measures Announced: Extension of SEVP Guidance, and Relief for Nonimmigrant Student Citizens of Sudan and Ukraine

Several measures related to foreign students were announced:

SEVP March 2020 guidance continued. The Student and Exchange Visitor Program (SEVP) announced via a broadcast message issued April 18, 2022, that it is extending the guidance originally issued in March 2020 for F and M students to the 2022-23 academic year. This guidance enables schools and students to engage in distance learning in excess of regulatory limits due to the continuing public health concerns related to the COVID-19 pandemic. The March 2020 guidance applies to nonimmigrant students who were actively enrolled at a U.S. school on March 9, 2020, and are otherwise complying with the terms of their nonimmigrant status, whether from inside the United States

or abroad. Significantly, there are no changes to the original guidance, which will remain in effect during the 2022-23 academic year.

DHS notices of special student relief for Sudan, Ukraine. The Department of Homeland Security (DHS) announced that it is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Sudan or Ukraine. Effective through October 19, 2023, affected students may request employment authorization, work an increased number of hours while the school is in session and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. The Department of Homeland Security (DHS) will deem an F-1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a "full course of study" for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

Details:

- SEVP broadcast message, Apr. 18, 2022,
- ICE March 2020 guidance to SEVIS users,
<https://www.ice.gov/doclib/sevis/pdf/bcm2003-01.pdf>
- DHS Sudan student notice, 87 Fed. Reg. 23195 (Apr. 19, 2022),
<https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08362.pdf>
- DHS Ukraine student notice, 87 Fed. Reg. 23189 (Apr. 19, 2022),
<https://www.govinfo.gov/content/pkg/FR-2022-04-19/pdf/2022-08357.pdf>

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EOIR to Stop Holding Hearings in Pittsburgh

The Department of Justice's Executive Office for Immigration Review (EOIR) announced that it will no longer hold hearings in Pittsburgh, effective at the close of business on April 29, 2022, due to "space and personnel limitations."

Those with cases assigned to the Pittsburgh hearing location can have their cases heard in person at the Philadelphia Immigration Court or remotely. All parties will be notified of their options before their scheduled hearing dates, EOIR said.

Details:

- EOIR notice, Apr. 21, 2022, <https://bit.ly/3EUQck9>

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