

United States Senate
WASHINGTON, DC 20510

February 28, 2022

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden:

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).

As you know, TPS can be granted to nationals of another country who are currently residing in the United States if returning to their country would pose a serious threat to their personal safety because of ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions. TPS allows eligible nationals of designated countries to remain in the United States legally until the expiration of the TPS designation.

Ukraine clearly meets the standard for TPS as it is obviously too dangerous for Ukrainian nationals to return to Ukraine due to the ongoing armed conflict. On February 24, Ukraine declared a state of emergency and closed its airspace to commercial flights after Russia launched a series of military strikes against major Ukrainian cities with forces attacking by land, sea, and air. Russian forces have employed hundreds of missiles against military and civilian targets across Ukraine in clear violation of international law, and troops continue to push to overtake major cities, including Kyiv. Ukrainian officials reported that at least 353 civilians have been killed since the Russian invasion began, and a senior U.S. defense official has warned that Russia plans to decapitate the Ukrainian government. As you mentioned on February 23, "President Putin has chosen a premeditated war that will bring a catastrophic loss of life and human suffering."

Given the dire situation in Ukraine, the United States has closed its embassy in Kyiv and all embassy personnel and their family members have left Ukraine in recent weeks. The most recent State Department travel advisory warns against travel to Ukraine due to armed conflict. The United Nations (UN) High Commissioner for Refugees noted that the UN is "gravely concerned about the fast-deteriorating situation and ongoing military action in Ukraine" and highlighted that people are fleeing their homes to seek safety.

It is important to note that designating Ukraine for TPS will not endanger our security. A noncitizen is ineligible for TPS if the individual has a criminal background or poses a threat to national security. The decision to deny, withdraw, or terminate TPS is in the sole discretion of the U.S. government. TPS does not make a beneficiary eligible for lawful permanent resident

status or U.S. citizenship. When the TPS designation of a country is terminated, beneficiaries revert to the same immigration status they maintained before the designation.

Only a limited number of individuals who are present in the United States will be eligible for TPS, including students, business travelers, and tourists – none of whom can currently return safely to Ukraine. According to the Department of State, 29,510 nonimmigrant visas were issued to Ukrainian nationals in Fiscal Year 2020, the most recent year for which data is available. Granting TPS to the limited population of Ukrainians who are currently in the U.S. on a temporary basis will create a minimal disruption for our country, but forcing these individuals to return to a war zone would be unacceptable.

Forcing Ukrainian nationals to return to Ukraine in the midst of a war would be inconsistent with America's values and our national security interests. As a nation, we must do our part to protect the safety of Ukrainians in the United States by designating Ukraine for TPS.

Thank you for your consideration. We look forward to your prompt reply.

Sincerely,



RICHARD J. DURBIN
United States Senator



ROB PORTMAN
United States Senator



ROBERT MENENDEZ
United States Senator



KEVIN CRAMER
United States Senator

/s/

PATRICK LEAHY
United States Senator



PATTY MURRAY
United States Senator



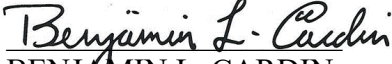
RON WYDEN
United States Senator


/s/

JACK REED
United States Senator

/s/

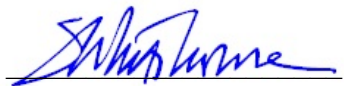
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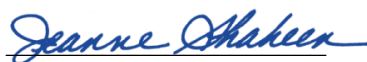

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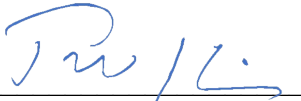

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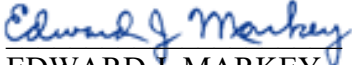
/s/


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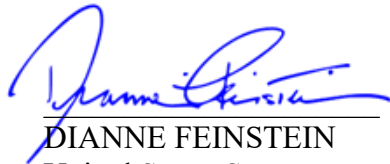

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/s/
RAPHAEL WARNOCK
United States Senator


DEBBIE STABENOW
United States Senator


MARTIN HEINRICH
United States Senator


DIANNE FEINSTEIN
United States Senator

cc: Secretary of the Department of Homeland Security Alejandro Mayorkas
Secretary of State Antony J. Blinken