

Congress of the United States

Washington, D.C. 20515

June 30, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528

RECEIVED
By ESEC at 9:55 am, Jul 01, 2022

Dear Secretary Mayorkas:

While we applaud the administration's establishment of a humanitarian parole program for Ukraine, Uniting for Ukraine, we write to express our concern with the program's citizenship requirement, which restricts entry from some who are fleeing Russia's invasion.

As of June 1, 2022, approximately 6.98 million refugees have left Ukraine since the invasion.¹ This includes tens of thousands of third-country nationals and stateless persons who are not immediate family members of Ukrainian citizens but who had made Ukraine their home.² Many of these third-country nationals are refugees who had resettled in Ukraine after escaping conflict or persecution in their home countries.³ Despite the universal outcry against Russia's invasion of Ukraine, the United Nation's International Organization for Migration received verified reports of discrimination, violence and xenophobia against third-country nationals fleeing Ukraine and seeking entry to neighboring European countries.⁴

Uniting for Ukraine has a racially disparate impact by imposing a citizenship requirement for eligibility. Only Ukrainian citizens and their non-Ukrainian immediate family members may have their application fees and consular processing waived under this program.⁵ Third-country nationals such as those from Africa and the Middle East who are fleeing Ukraine must instead wait in limbo and danger while their refugee applications are processed through a backlogged U.S. refugee admission program.

¹ UNHCR, "Ukraine Refugee Situation." *Operational Data Portal* (June 1, 2022), <https://data.unhcr.org/en/situations/ukraine/location?secret=unhcrrestricted>.

² Lisa Schlein, "UN Agency Calls for End to Discrimination Against Third-Country Nationals Fleeing Ukraine." *VOA* (March 6, 2022), <https://www.voanews.com/a/un-agency-calls-for-end-to-discrimination-against-third-country-nationals-fleeing-ukraine/6472312.html>.

³ Jeffrey Gettleman and Monika Pronczuk, "Two Refugees, Both on Poland's Border. But Worlds Apart." *N.Y. Times* (March 16, 2022), <https://www.nytimes.com/2022/03/14/world/europe/ukraine-refugees-poland-belarus.html>.

⁴ Schlein, *supra* note 2; *see also* Gettleman, *supra* note 3.

⁵ "Uniting for Ukraine." *U.S. Citizenship and Immigration Services* (May 27, 2022), <https://www.uscis.gov/ukraine>.

In keeping with the mandate of Executive Order 13985 to recognize and redress inequities in agency policy and programs that serve as barriers to equal opportunity, we ask that you remove the citizenship requirement from Uniting for Ukraine.

Sincerely,



Eleanor Holmes Norton
Member of Congress



Lisa Blunt Rochester
Member of Congress



Jamaal Bowman
Member of Congress

/s/

André Carson
Member of Congress



Dwight Evans
Member of Congress



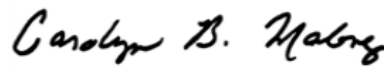
Jesús G. "Chuy" García
Member of Congress



Raúl M. Grijalva
Member of Congress



Barbara Lee
Member of Congress



Carolyn Maloney
Member of Congress



James P. McGovern

Member of Congress



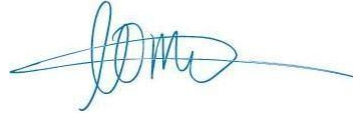
Gwen Moore

Member of Congress



Alexandria Ocasio-Cortez

Member of Congress



Ilhan Omar

Member of Congress



Mark Pocan

Member of Congress



Ayanna Pressley

Member of Congress



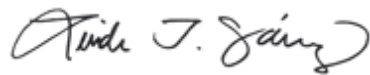
Mike Quigley

Member of Congress



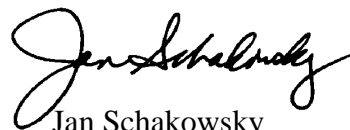
Bobby L. Rush

Member of Congress



Linda T. Sánchez

Member of Congress



Jan Schakowsky

Member of Congress



Albio Sires

Member of Congress



Melanie Stansbury

Member of Congress



Juan Vargas

Member of Congress



Bonnie Watson Coleman

Member of Congress



Nikema Williams

Member of Congress



**U.S. Citizenship
and Immigration
Services**

September 26, 2022

The Honorable Eleanor Holmes Norton
U.S. House of Representatives
Washington, DC 20515

Dear Representative Holmes Norton:

Thank you for your June 30, 2022, letter to the U.S. Department of Homeland Security (DHS) expressing your concern for non-Ukrainian nationals who have fled Ukraine following Russia's brutal and unprovoked invasion. Secretary Mayorkas asked that I respond on his behalf.

On April 21, 2022, the United States announced a key step toward fulfilling President Biden's commitment to welcome Ukrainians fleeing Russia's invasion. Uniting for Ukraine (U4U) provides a pathway for displaced Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and temporarily stay for a two-year parole period. Ukrainians participating in U4U must have a supporter in the United States who attests to provide them with financial support for the duration of their stay in the United States.

We appreciate concerns you raised regarding non-Ukrainian nationals, including those from Africa and the Middle East, who are also fleeing Russia's continued aggression and their need for protection. While the U4U process provided a path to safety for many people fleeing Russia's invasion of Ukraine, we recognize the importance of ensuring all individuals impacted by Russia's unjustified invasion, regardless of their citizenship, have greater access to support. This is why the United States continues to provide protection to Ukrainians and others fleeing as a result of Russia's aggression through the full range of legal pathways, including immigrant and nonimmigrant visas and the U.S. Refugee Admissions Program.

Non-Ukrainians who are stateless or who last habitually resided in Ukraine may also seek other forms of relief, including Temporary Protected Status and humanitarian parole. Non-Ukrainian nationals who fled Ukraine and are currently outside of the United States may be able to request parole into the United States based on urgent humanitarian or significant public benefit reasons. USCIS reviews these requests to determine whether the request warrants expedited processing for an urgent or time-sensitive reason. The agency is not expediting parole requests based on nationality alone. After arrival, individuals who are authorized parole may then apply for employment authorization.

DHS is fully committed to ensuring the equitable treatment of refugees and migrants, regardless of their country of origin. On his first day in office, President Biden affirmed his Administration's belief that "advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government" through his *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (EO 13985).¹ DHS is committed to supporting the implementation of this important directive and taking steps to work towards the advancement of racial equity and human rights.

Thank you again for your letter and for raising these important issues. We will continue to explore other measures for those impacted by Russia's unprovoked aggression and invasion of Ukraine, including non-Ukrainian nationals, in ways that remove barriers and offer equitable access to protection. The cosigners of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

¹ *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (EO 13985) is available online at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>