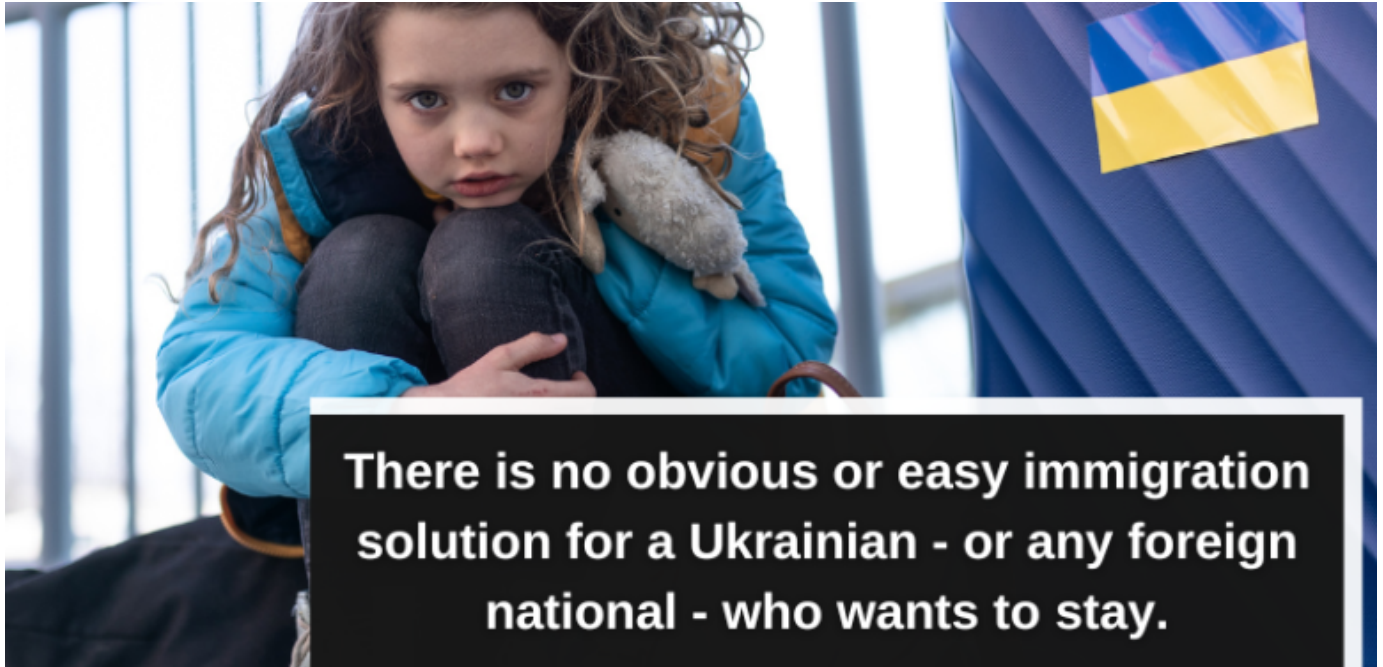


What happens now? Ukrainian parolees face an uncertain future



by Koula Glaros-King, staff attorney

In last week's Big Ideas, we shared the journey of one family fleeing the war in Ukraine. We caught a glimpse of what it would be like to travel to a foreign country, experience an unfamiliar culture, and overcome various challenges in order to establish a new life in a new world.

[Stories like these](#) help us celebrate what's going right on the humanitarian side of our country's immigration policies and point out where there's still work to be done.

The United States has a very complicated immigration process explicitly defined by statutes that haven't changed in more than a generation. Entry into our country is

limited to very specific groups - one of which is those we want to protect for humanitarian reasons. People in distress who need protection and a safe haven are a constant across the globe and over time. Many such humanitarian considerations are exclusively within the Constitutional authority of the Executive branch - through the work of the agencies within the Departments of State and Homeland Security.

[“Uniting for Ukraine”](#) or “U4U” is one such humanitarian pre-approval tool. U4U was meant to provide short-term shelter to Ukrainians fleeing the war. The program required those fleeing Ukraine (as parolees) to have a U.S. sponsor who would help provide financial support and assist parolees in acclimating to their new surroundings. It was created at a time when the world anticipated a very short Russian-Ukrainian War, to bring families to a safe space for a few years to await return to rebuild their country. The program specifically provides up to two years of U.S. shelter (called parole) in addition to lawful employment authorization and access to basic public assistance. It has no renewal process. U4U vets and “pre-approves” its participants to come to and be admitted as parolees into the U.S, and a Ukrainian already in the U.S. cannot obtain U4U parole.

As a result of U4U, over [170,000 Ukrainians](#) have been granted this temporary parolee status. And many, like the family we met last week, want to stay longer. Or forever. They seek to escape the violence and turbulence - to put down roots - to take advantage of opportunity - to contribute to society - and to make a better life for their families. They know there is no end in sight to the war in their homeland, and no way to predict what it will look like when it's over.

As two year deadlines loom, do Ukrainian parolees have any clear path to stay?

The short and sad answer - today - is no.

Looking back through history, the U.S. has used a variety of parole processes before for people from Afghanistan, Vietnam, Hungary, Haiti, Iraq, Cuba and other conflict areas. Some of these groups have also benefited from Congressional action that made laws specifically granting them eligibility for “green cards” then naturalization.

Unfortunately, the U4U parole program does not have access to this path. U4U parolees have no such statutory eligibility just because they fled from war in Ukraine. However, they are free to apply for some other immigration status they might be eligible to seek. The unique statutory requirements and vetting for these various permanent and temporary options are very explicit and complex. It depends on each individual’s and family’s personal details on what, if any, category they might be able to pursue. There is no obvious or easy immigration solution for a Ukrainian - or any foreign national - who wants to stay.

Ukrainian parolees who do not find another solution and remain in the U.S. after their temporarily protected U4U stay has ended become undocumented. They are considered an “overstay” and are referred for removal back to their country of origin. The removal process is extremely difficult, very expensive, and unbelievably delayed. Further, there is no public assistance and very limited work authorization for those awaiting removal proceedings with the immigration courts.

In good news, there is a strong expectation that a new humanitarian action will soon be announced by the Executive branch or new legislation will be passed by Congress to keep U4U parolees from “falling out of status” and into removal. A renewal specifically for the U4U program, however, is not expected as there is no way to legally extend the financial obligations of the U4U sponsors.

Today - even as they navigate uncertainty - most U4U parolees are contributing positively to our society and integrating into its economic and social fabric. Some [preliminary evidence](#) suggests over 80,000 U4U parolees are working and therefore

also paying taxes and contributing to Social Security.

America is a melting pot of diverse ethnicities and cultures, working together to find ways to build a better life for future generations. This has proven to be a strength, not a weakness, of our nation. As we consider the future of U4U parolees, let us be mindful of the invitation etched on our Statue of Liberty “Give me your tired, your poor, your huddled masses yearning to breathe free...” And let us consider all we stand to gain by extending opportunities for these families to make this their forever home.

This article is part of Legal Aid’s [“Big Ideas” series](#).

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Table of Contents

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