



# What Employers Need to Know About Temporary Protected Status for Ukraine and Sudan

Insights

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Citizens of Ukraine and Sudan who are currently in the U.S. may be eligible to receive humanitarian relief and protection, according to a recent announcement from federal immigration officials. However, certain requirements must be met to apply for protected status. On April 18, the Department of Homeland Security (DHS) formally announced the registration process for Temporary Protected Status (TPS) for Ukraine and Sudan. The registration period for both countries will run for an 18-month period from April 19, 2022 to October 19, 2023. What do you need to know about the process and how does it affect employers?

## What is TPS?

TPS is a temporary immigration status granted to eligible citizens of certain countries because conditions prevent them from returning safely to their home country. DHS may designate a country for TPS due to the following temporary conditions:

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

To be eligible for TPS, an individual must be a national of the designated country and must already be in the U.S. during the designated period. Once granted TPS, the beneficiary cannot be removed from the U.S., can obtain employment authorization, and may be eligible for travel authorization.

## What is the Registration Process?

**Ukraine:** For Ukrainian nationals to be eligible for TPS, they must demonstrate continuous residence in the United States since **April 11, 2022**. Ukrainian nationals will need to register and submit Form I-821, Application for Temporary Protected Status, before the October 19, 2023 deadline. Form I-765, Application for Employment Authorization, may also be submitted at the same time if a TPS applicant wishes to apply for work authorization.

**Sudan:** Sudanese nationals must also show that they reside in the U.S. However, they must demonstrate continuous residence since **March 1, 2022**. Qualified applicants must register and submit Form I-821, Application for Temporary Protected Status, before the same October 19, 2023 deadline. Form I-765, Application for Employment Authorization, may also be submitted at the same time if a TPS applicant wishes to apply for work authorization.

Ukrainian and Sudanese nationals who are currently outside the U.S. are unfortunately not eligible for TPS. DHS encourages those outside the U.S. to apply for a either visa or explore other options at a U.S. consulate abroad.

### **How Does This Impact Employers?**

USCIS estimates there are about 59,600 Ukrainian nationals and 3,090 Sudanese nationals who may be eligible for TPS. If you have applicants who also file for work authorization and are granted TPS, be aware they will be issued Employment Authorization Documents (EADs) with an expiration date of October 19, 2023. After they receive their EAD card, TPS beneficiaries can legally work in the U.S. This would indeed benefit employers who are looking to employ individuals who would have no other means to obtain work authorization while they are in the U.S.

Fisher Phillips will continue to monitor developments and will provide additional guidance as it becomes available, so make sure you are subscribed to [Fisher Phillips' Insight system](#) to gather the most up-to-date information. If you have further questions or have an employee who requires assistance with a TPS application, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Immigration Practice Group](#).

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