

Ukrainians in the U.S. Who May Qualify for Temporary Protected Status: An Overview

Introduction

On February 24, 2022, Russia launched a military invasion of Ukraine and advanced toward the capital of Kyiv.¹ The invasion has led for calls for humanitarian protections for Ukrainians—both in the United States and abroad—including a new Temporary Protected Status (TPS) designation.²

TPS is a temporary immigration status provided to nationals of a country that is experiencing problems that make it difficult or unsafe for their nationals to be deported there.³ TPS has been a lifeline to hundreds of thousands of people who are in the United States when problems in their home country make their departure or deportation untenable. This fact sheet provides a demographic overview of the population of Ukrainians in the United States who may qualify for TPS, and what benefits TPS would confer upon those individuals. On March 3, 2022, Secretary of Homeland Security Alejandro Mayorkas announced the designation of Ukraine for TPS, stating that Ukrainians who have continuously resided in the United States since March 1, 2022 would potentially be eligible for TPS once the designation has gone into effect.⁴

What is Temporary Protected Status?

Congress created TPS as part of the Immigration Act of 1990.⁵ It is a temporary immigration status provided to nationals of specifically designated countries that are experiencing an ongoing armed conflict, environmental disaster, or other extraordinary temporary conditions. It provides a work permit and stay of deportation to foreign nationals from those countries who are in the United States at the time the U.S. government makes the designation.

Who is eligible for TPS?

In order to qualify for TPS, an individual must:

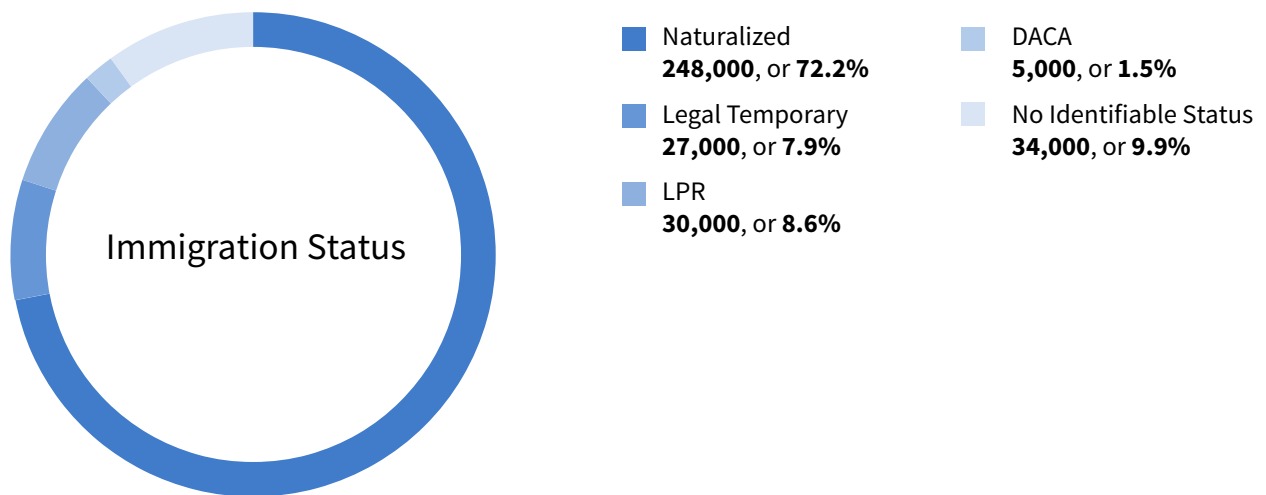
- Be a national of the foreign country that has a TPS designation (or if stateless, have last habitually resided in a country with a TPS designation);
- Be continuously physically present in the United States since the effective date of designation;
- Have continuously resided in the United States since a date specified by the secretary of the U.S. Department of Homeland Security;
- Not have been convicted of a felony or two or more misdemeanors committed in the United States; and
- Not be barred from asylum for persecuting an individual, inciting terrorist activity, or other violations; or be found inadmissible under immigration rules for other criminal or national security reasons.

Nationals of a designated country do not automatically receive TPS, but instead must register during a defined registration period and pay significant fees. In addition, an individual’s immigration status at the time of application for TPS has no effect on their eligibility, nor does the previous issuance of an order of removal. An individual who is eligible for TPS must submit an application to U.S. Citizenship and Immigration Services (USCIS), an agency of the Department of Homeland Security (DHS). If a person demonstrates eligibility and USCIS grants TPS, that person receives a temporary stay of deportation and temporary authorization to work in the United States. TPS beneficiaries are also eligible for advance parole, which provides permission to travel abroad and return to the United States, but they must apply for it separately. Beneficiaries are not eligible for any public assistance by virtue of their TPS status.

Examining Possible Beneficiaries of TPS Status Among Ukrainian Immigrants

Current Status of Possible Beneficiaries

The American Immigration Council estimates that of the 344,000 Ukrainian immigrants in the United States, approximately 34,000 do not have an otherwise defined immigration status.⁶ These 34,000 Ukrainian immigrants, already present on U.S. soil, would be the ones who could benefit from a TPS designation from the administration.⁷



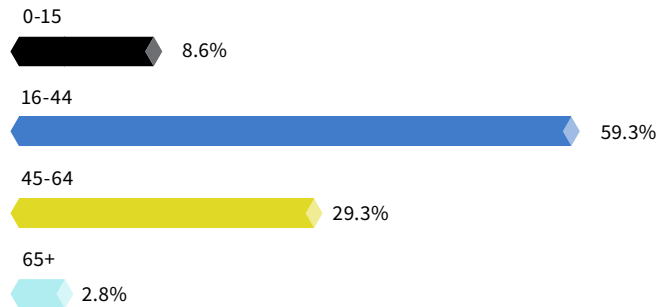
Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.⁸

Characteristics of the Ukrainian Potential TPS Beneficiary Population

AGE

The vast majority (89.6 percent) of potential TPS beneficiaries are between the ages of 15 and 65. Almost 60 percent are between the ages of 15 and 45.

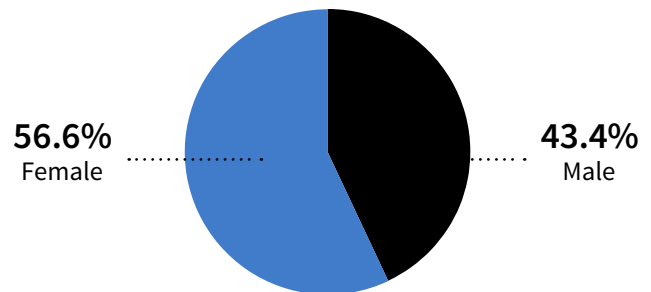
Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.⁹



SEX

There are slightly more women (56.6 percent) than men (43.4 percent) among the potentially eligible population.¹⁰

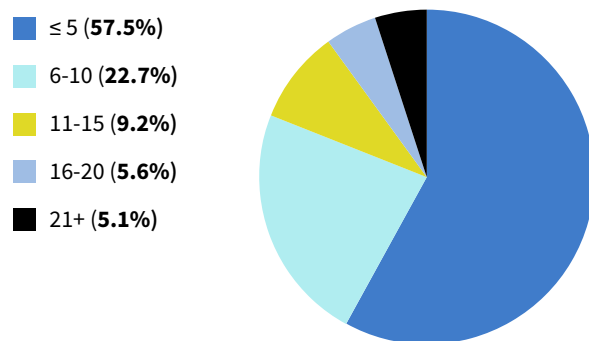
Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.¹¹



NUMBER OF YEARS IN THE UNITED STATES

More than half (57.5 percent) of the potentially eligible population have come since 2014. More than 80 percent have been in the United States for a decade or less.

Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.¹²

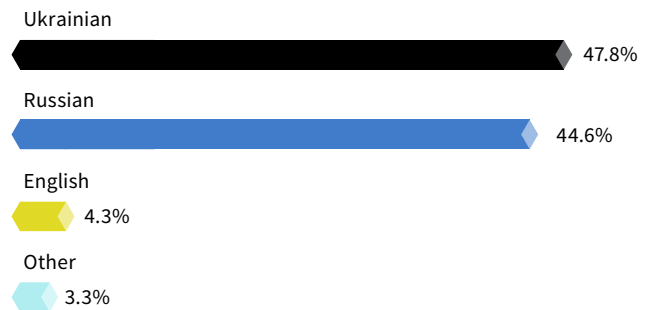


Characteristics of the Possible Ukrainian TPS Beneficiary Population (cont.)

LANGUAGES SPOKEN AT HOME

There is an almost even split between those who reported speaking Ukrainian at home (47.8 percent) and those who spoke Russian at home (44.6 percent).¹³

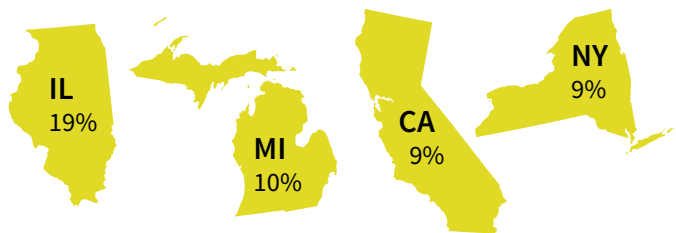
Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.¹⁴



TOP 4 STATES OF RESIDENCE

About one-fifth of Ukrainian potential TPS beneficiaries live in Illinois; one-tenth live in Michigan; and less than one-tenth each live in California and New York.

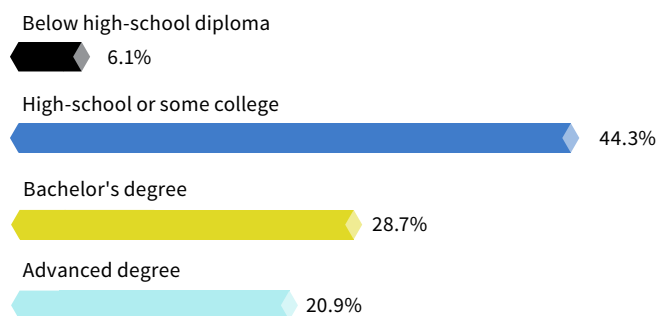
Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.¹⁵



EDUCATIONAL ATTAINMENT¹⁶

The potentially TPS eligible population of Ukrainians is highly educated compared with the overall population of the United States. While about one-third of all foreign-born (32.7 percent) and U.S.-born Americans (33.1 percent) hold at least a bachelor's degree, about one-half (49.6 percent) of Ukrainians who could benefit from TPS hold at least a bachelor's degree.

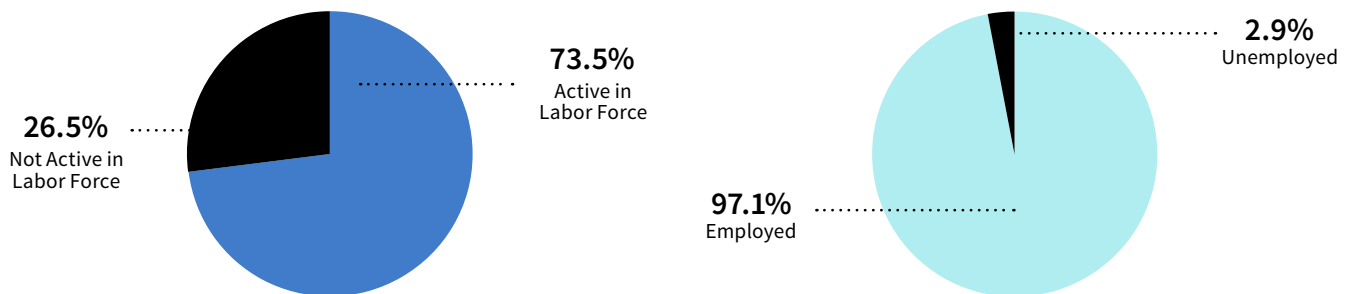
Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.¹⁷



Characteristics of the Possible Ukrainian TPS Beneficiary Population (cont.)

LABOR FORCE PARTICIPATION RATE

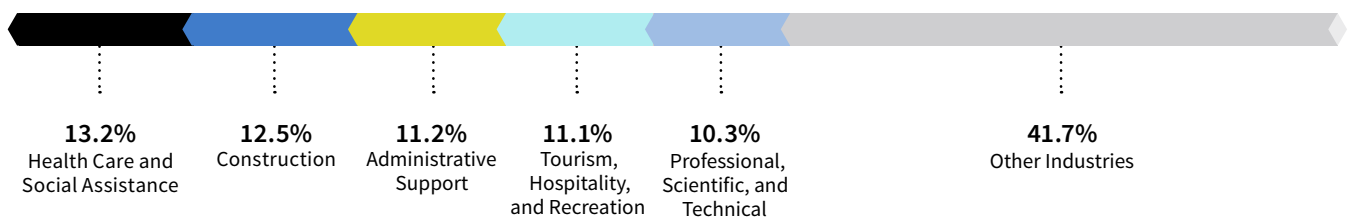
Among those 16 years or older, about three out of four (73.5 percent) are active in the labor force, and nearly all (97.1 percent) of those who are active in the labor force are employed.



Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.^{18,19}

TOP 5 INDUSTRIES

Among employed potential TPS beneficiaries, the most common industry in which they were active was Healthcare and Social Assistance, which includes work in hospitals, health clinics, doctor's offices, and childcare facilities. This was followed by the Construction and Administrative Support sectors.



Source: American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.²⁰

Methodology

These estimates were produced by leveraging microdata from the American Community Survey (ACS) downloaded from the Integrated Public Use Microdata Series (IPUMS) database. The dataset used for this analysis was the 2019 ACS 1-year data. Overall, we define an immigrant as anyone born outside the country to non-U.S. citizen parents who is a resident of the United States. This includes naturalized citizens, lawful permanent residents (LPRS, informally referred to as green card holders), temporary visa holders, refugees, asylees, and undocumented immigrants.²¹

ENDNOTES

1. Austin Ramzy, “The Invasion of Ukraine: How Russia Attacked and What Happens Next,” *The New York Times*, February 24, 2022, <https://www.nytimes.com/2022/02/24/world/europe/why-russia-attacked-ukraine.html>
2. Letter to President Biden, Secretary Mayorkas and Secretary Blinken, “Re: Urgent Request for New 18-Month Designations of TPS or DED and SSR for Ukraine,” February 25, 2022, https://www.americanimmigrationcouncil.org/sites/default/files/research/coalition_urges_admin_designate_tps_ukraine.pdf; Letter from Members of Congress to President Biden, “Re Designation of Ukraine for TPS,” February 28, 2022, <https://www.durbin.senate.gov/imo/media/doc/Senate%20Letter%20to%20President%20Biden%20re%20Designation%20of%20Ukraine%20for%20TPS%20-%20Feb%2028,%202022.pdf>.
3. 8 U.S.C. § 1254a.
4. U.S. Department of Homeland Security, “Secretary Mayorkas Designates Ukraine for Temporary Protected Status for 18 Months,” March 3, 2022, <https://www.dhs.gov/news/2022/03/03/secretary-mayorkas-designates-ukraine-temporary-protected-status-18-months>.
5. Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978 (1990); Summary: S.358–101st Congress, <https://www.congress.gov/bill/101st-congress/senate-bill/358>
6. Not naturalized, LPR, temporary visa status, or DACA.
7. American Immigration Council analysis of the IPUMS microdata from the 2019 American Community Survey, 1-Year Sample.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. This is for the population aged 25 and older.
17. American Immigration Council analysis of the IPUMS microdata from the 2019 ACS 1-year data.
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. Our approach to identifying possible beneficiaries of TPS is built upon our past methodology used to first identify undocumented immigrants in the ACS microdata. This is in line with a paper by the Center for Migration Studies (CMS) published in the *Journal on Migration and Human Security*. Even though their work status is comparable to other legally present non-citizens, we consider TPS holders as otherwise akin to the population of undocumented immigrants. As such, we employ our methodology to determine whether an individual is undocumented (detailed below) first and then apply the TPS eligibility criteria—in this case, Ukraine as the country of birth—to identify cases in the microdata that belong to the population of interest.

To identify undocumented immigrants in the ACS data, we apply the methodological approach outlined by George Borjas to arrive at an estimate of the undocumented immigrant population in the United States and in individual states. The foreign-born population is adjusted for misreporting in two ways: Foreign-born individuals who reported as naturalized are reclassified as non-naturalized if they resided in the United States for less than six years (as of 2019) or for less than three years if married to a U.S. citizen. We use the following criteria to code foreign-born individuals as legal U.S. residents:

 - Arrived in the U.S. before 1980.
 - Citizens and children under age 18 with at least one U.S.-born parent.
 - Recipients of Social Security benefits, Supplemental Security Income, Medicaid, Medicare, military insurance, or public assistance.
 - In households with at least one citizen that received SNAP benefits.
 - Veterans and members of the U.S. Armed Forces.
 - Refugees.
 - Legal permanent residents.
 - International students.
 - Those working in occupations requiring a license.
 - Those working in occupations likely to use H-1B or other temporary work visas, such as computer scientists, professors, engineers, and life scientists.
 - Government employees, and people working in public administration.
 - If any of the above conditions applies to the householder’s spouse.
 - The remainder of the foreign-born population that do not meet these criteria are reclassified as undocumented.