



## **TEMPORARY PROTECTED STATUS AND SPECIAL STUDENT RELIEF FOR AFGHANS AND UKRAINIANS**

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### **What is Temporary Protected Status (TPS)?**

TPS is a mechanism by which the Department of Homeland Security (DHS) allows nationals of specific countries who are already in the United States to stay for a determined period because of special conditions preventing them temporarily from returning safely to their home countries.

DHS designated Afghanistan and Ukraine for TPS for a period of 18 months. Individuals who meet the eligibility requirements listed below may apply for TPS. As of this writing, TPS for both Afghans and Ukrainians has been published in the Federal Register and registration is open. United States Citizenship and Immigration Services (USCIS) is the federal agency under DHS that processes applications for TPS.

<b>Afghanistan</b>	<b>Ukraine</b>
<p>Date of Designation: March 16, 2022</p> <ul style="list-style-type: none"> <li>▪ Afghans already residing in the U.S. as of March 15, 2022, and who have been continuously present in the U.S. since May 20, 2022, are eligible.</li> </ul>	<p>Date of Designation: March 3, 2022</p> <ul style="list-style-type: none"> <li>▪ Ukrainians already residing in the U.S. as of April 11, 2022, are eligible.</li> </ul>

### **What are the TPS eligibility requirements?<sup>1</sup>**

Afghan and Ukrainian nationals who have been physically and continuously present in the United States since the designation date (see table above) are eligible for TPS. Those who entered the United States after these dates are not eligible.

- Eligibility requirements:
  - File the application during the registration period;
  - Have continuously resided in the United States since a date specified by DHS;
  - Show continuous physical presence in the United States since the effective date of designation;
  - Have not been convicted of a felony or two or more misdemeanors in the United States; and
  - Not subject to certain bars to asylum or inadmissible for certain reasons.

### **What are the benefits of TPS?**

TPS holders from Afghanistan and Ukraine can stay in the United States for 18 months in a legal status. TPS holders are also eligible for a temporary work permit, called the employment authorization document (EAD), and for travel authorization. All applications need to be filed with USCIS.

The information provided in this document is general information and not a substitute for legal advice.

### **Can someone with an F-1 status apply for TPS?**

Yes. Afghan or Ukrainian nationals who hold a nonimmigrant status, such as F-1 status, may apply for TPS. An F-1 student may hold both F-1 and TPS statuses so long as they comply with the terms of both statuses. F-1 students must continue to meet specific educational and work requirements to be in compliance with their F-1 status. Penn State students considering TPS should contact [Penn State Global's International Student and Scholar Advising \(ISSA\)](#).

### **Can a TPS holder apply for Asylum?**

Yes, TPS holders may apply for Asylum. Afghan and Ukrainian nationals may be eligible for Asylum, which is a protection offered to individuals that are physically present in the United States, and who are unable or unwilling to return to their home country because of fear of persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group. An asylum application must be filed within one-year from the date of last arrival to the United States. However, having TPS status may serve as an exception to this deadline.

### **Does TPS provide an independent pathway to a green card?**

No, TPS does not provide a direct pathway to Lawful Permanent Resident status (Green Card), but TPS holders who are otherwise eligible for other immigration options may apply for permanent residence based on the relevant eligibility requirements, such as a family-based or an employment-based pathways to a Green Card.

### **What are the documents needed for TPS applications?**

- Immigration [Form I-821](#) (Note: ALL eligible individuals must file their own, separate form. Fees and waivers may apply.)
- Proof of identity and Afghan/Ukrainian nationality such as identity documents like passports, certified translations of birth certificates etc.
- Proof of arrival to the U.S. by the designated date (see table above) such as passport stamps, [I-94](#) form, travel tickets etc.
- Proof of continuous physical presence in the U.S. such as rent, utilities receipts, work records etc.

### **What are TPS holders' responsibilities?**

- Update their addresses with the USCIS within 10 days of moving to a new residence by submitting the [AR-11 form](#) online, or by mail.

### **What is Special Student Relief for F-1 students from Ukraine and Afghanistan?**

Special Student Relief (SSR) temporarily suspends certain requirements for F-1 nonimmigrant students by permitting students to “request employment authorization, work an increased number of hours while the school is in session and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. The Department of Homeland Security (DHS) will deem an F-1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.”<sup>2</sup>

See table below for important dates and eligibility requirements:

Afghanistan	Ukraine
<p>On May 20, 2022, DHS announced <a href="#">SSR</a> for F-1 students who are Afghan citizens or individuals having no nationality who last resided in Afghanistan before coming to the U.S.</p> <p>SSR runs from May 20, 2022, through November 20, 2023.</p> <p>Eligibility:</p> <ul style="list-style-type: none"> <li>▪ Lawfully present in the United States as F-1 students on May 20, 2022;</li> <li>▪ Enrolled in an SEVP-certified academic institution;</li> <li>▪ Maintaining F-1 nonimmigrant status; and</li> <li>▪ Experiencing severe economic hardship as a direct result of the current situation in Afghanistan.</li> </ul>	<p>On April 19, 2022, DHS announced <a href="#">SSR</a> for F-1 students who are Ukrainian citizens or individuals having no nationality who last resided in Ukraine before coming to the U.S.</p> <p>SSR runs from April 19, 2022, through October 19, 2023.</p> <p>Eligibility:</p> <ul style="list-style-type: none"> <li>▪ Lawfully present in the United States as F-1 students on April 19, 2022;</li> <li>▪ Enrolled in an SEVP-certified academic institution;</li> <li>▪ Maintaining F-1 nonimmigrant status; and</li> <li>▪ Experiencing severe economic hardship as a direct result of the ongoing armed conflict in Ukraine.</li> </ul>

**Can an F-1 student apply for SSR and TPS at the same time?**

Yes. An F-1 student may apply for an EAD under the SSR by filing a Form I-765 and may separately file a TPS application.

**Sources:**

- [Federal Register Notice for TPS Ukraine](#)
- [Federal Register Notice for RSS](#)
- [USCIS Afghans](#)
- [USCIS Ukrainians](#)
- [USCIS on TPS](#)
- [USCIS Application for EAD](#)
- [NAFSA TPS](#)
- [NAFSA SSR](#)
- [Student Legal Services](#)
- [Klasko FAQ](#)

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<sup>1</sup> <https://www.uscis.gov/humanitarian/temporary-protected-status>  
<sup>2</sup> <https://www.federalregister.gov/documents/2022/04/19/2022-08357/employment-authorization-for-ukrainian-f-1-nonimmigrant-students-experiencing-severe-economic>; <https://www.federalregister.gov/documents/2022/05/20/2022-10886/employment-authorization-for-afghan-f-1-nonimmigrant-students-experiencing-severe-economic-hardship>