

## **Testimony of Irina Manelis, Esq.**

I am tremendously honored to appear before the Commission, alongside such distinguished panelists, and express my profound gratitude for your critical support of Ukraine at this stark and solemn moment. A moment which likewise compels a robust, moral, and effective immigration response.

As an immigration lawyer, I know firsthand how our immigration policy can take either a crushing toll, or offer an essential lifeline, and the deep precarity in between. This difference between being lifted up or being left behind also echoes in my family history. I was born in Odesa, Ukraine and immigrated to the United States with my family as Jewish refugees from the former Soviet Union. Not far from my birthplace, my paternal grandparents were murdered in the Holocaust, while my then-toddler father narrowly escaped.

My family and I now watch in abject horror as Russia brazenly brutalizes the Ukrainian people, forcing around 6 million, mostly women and children, to flee.

Our allies have shown up in remarkable ways, and while our response was overdue, a month ago, we launched the Uniting for Ukraine parole program, which deserves to be commended for its innovative efficiency. The Administration has also designated Ukraine for Temporary Protected Status, commonly known as TPS. Both initiatives are highly welcome.

But the manner of their rollout has already resulted in many falling through the cracks.

In some cases, administrative action could help.

For example, under Uniting for Ukraine, the principal beneficiary must be a Ukrainian citizen and can be accompanied by a spouse or children, but mixed-nationality families can face a catch-22: if the father is the Ukrainian citizen but must remain behind, the mother is not eligible, nor are their minor Ukrainian children as they must travel with a parent or guardian. The Administration could fix this by redefining parents of Ukrainian children as eligible relatives.

Further, many Ukrainians arrived after the eligibility window for TPS had closed, but before Uniting for Ukraine began, leaving them in limbo. The Administration could grant timely extensions of status and redesignate TPS for Ukraine, extending the TPS eligibility window. Similarly, individuals previously granted parole could be re-paroled.

More broadly, without decisive action, the vast delays afflicting our immigration system will undermine the efficacy of these programs. But the “secret sauce” of Uniting for Ukraine parole—streamlining, automation, and simplification—could be replicated to expedite processing of vital employment and travel authorizations and TPS.

Still, more is needed. While parole is an important part—it is only a part—of a tenable solution. Many Ukrainians will want to return home once it is safe, but given the devastating wreckage, we cannot assume that this will be feasible or desirable soon. Meanwhile, our immigration laws and backlogs prevent or obstruct parolee access to most other immigration options. Amid immense

dislocation and uncertainty, those who need it should have a legal pathway towards permanent residence, a lifeline Congress could provide.

There is also deep concern over the potential precedent of using parole to bypass the refugee protections forged in the ashes of WWII—all while Russian forces commit war crimes and cause Europe's largest refugee crisis since the Second World War.

Although the Administration's April 21<sup>st</sup> announcement mentioned vulnerable groups, refugee admissions, and Lautenberg—a historic protection for religious minorities—it lacked concrete details on implementation, or how our beleaguered refugee processing capacities could be resourced and equipped to respond to this and similar crises. We need solutions, and here we can also draw on precedents like our operation to resettle Kosovar refugees and strategic use of the Priority-2 Direct Access Program.

In this dire hour, Americans overwhelmingly support providing Ukraine's courageous people with safety here—and we must meet this historic moment with morality and modernity. It will make all the difference.