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Murtha Cullina Immigration Attorney Seeks 'Travel Lane' for Ukrainians to United States

'We do not have a dedicated refugee status for Ukrainians to come to the United States,' says Dana R. Bucin.

By Andrew Larson | March 15, 2022



Dana R. Bucin of Murtha Cullina. Courtesy photo

While President Joe Biden says the United States will welcome Ukrainians “with open arms,” he has yet to articulate how a pathway for them to relocate to American soil will work. And in the meantime many seeking refuge from Russia’s onslaught are having their requests for tourist visas declined.

Dana R. Bucin, chairwoman of Murtha Cullina’s immigration practice, says the current system is inadequate to allow Ukrainian refugees into the United States. She’s advocating for a “travel lane” to help Ukrainians with relatives in the United States to reach the country—and stay for the foreseeable future.

“We do not have a dedicated refugee status for Ukrainians to come to the United States,” said the Romanian-born Bucin.

Canada already has established the Canada-Ukraine Authorization for Emergency Travel, which allows Ukrainians to stay in the country for at least two years (<https://www.canada.ca/en/immigration-refugees-citizenship/news/2022/03/canada-to-welcome-those-fleeing-the-war-in-ukraine.html>), with extensions.

Bucin, the honorary consul of Romania to Connecticut, says the United States has outdated immigration laws, making it unprepared to legally admit Ukrainian refugees, even if they have family ties to the country.

“It’s not like Ukrainians can afford to wait 14 years in Ukraine,” Bucin said. “Many say they can afford to wait it out in the EU. Fine. At the same time, there may be cases where it is justified to give some sort of special permit for Ukrainians to come to the United States, [for] the Ukrainians who do have relatives here who can sponsor them, support them financially, help them integrate.”

She’s asking the public to place pressure on decision-makers to reform immigration laws or reform the adjudicatory standards of the U.S. Citizenship and Immigration Services so that existing options, such as humanitarian parole, can become more effective at allowing refugees to enter the country; or to create a dedicated “parole” program similar to Canada’s.



In the meantime, Ukrainians are resorting to traditional methods of immigration—the same ones that nonrefugees use. But they don't work for the dire situations. For example, to obtain a tourist visa, an immigrant must show they intend to return to their homeland, which might be unrealistic in the near-term. Another option—a family petition, which allows individuals in the United States to sponsor a family member to immigrate to the United States—can take 14 years.

The U.N. High Commissioner for Refugees also cannot help Ukrainians obtain refugee status once they reach a European country where they're considered "safe." Thus, while the European Union has granted protected status to Ukrainians, it cannot help them relocate to the U.S., Bucin explained.

Ideally, she says, Ukrainians should be able to obtain humanitarian parole, which allows an individual to be admitted into the United States for a temporary period due to urgent humanitarian reasons.

But humanitarian parole proved ineffective with Afghan refugees last year, due to USCIS's "rigid interpretation" of the requirements, according to Bucin.

"Thus, unless USCIS reforms its way of adjudicating humanitarian parole, it cannot be used as a 'dedicated lane' for Ukrainians to come to the U.S.," she said.

Political asylum is only available to immigrants after they step foot on U.S. soil, so it isn't an option for refugees living abroad.

To fill the gap, volunteers in Romania are waiting at the border, eager to help, Bucin said. Her homeland is offering free transportation to Ukrainians, and taxi drivers won't accept money.

"Romania right now is filled with generosity towards refugees," Bucin said. "When they [refugees] see people offering them shelter and food or any other statement of support, they just break down and cry."

Her family, which owns a furniture factory in Romania called Bucin Mob (<https://bucinmob.ro/>) (“mobilă” is the Romanian word for furniture), has invited three Ukrainians into their home. They’re giving the refugees food, and will help them acclimate into Romanian society if they decide to stay in the country.

Some Ukrainians may opt to stay in Eastern Europe. Countries such as Romania, a member of the European Union, have growing economies and even import labor.

But those with family members in the United States might find it easier to acclimate to American society, where they already have ties.

Bucin, who was named Attorney of the Year in 2019 by the Connecticut Law Tribune, has contacted local Ukrainian-American organizations and is assisting roughly 30 Ukrainian families that have fled to Romania. She is offering them free counseling on their U.S. visa options and is also working with the St. Michael the Archangel Ukrainian Catholic Church in New Haven to collect items such as pain medicine and clothing for Ukrainian soldiers.

Bucin asks people to donate to the Romanian United Fund’s fundraiser for Ukrainian refugees in Romania (https://www.romanianunitedfund.org/ukrainian_peace_fund). It is supported by the Romanian embassy and 100% of the funds raised go to reputable nongovernment agencies in Romania, which are on the front lines of assisting refugees, including the Red Cross, Save the Children and World Vision Romania, she said.

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