



# Practice Pointer

## Practice Pointer: NIV/IV Options for Ukrainian Nationals

By: DOS Liaison Committee<sup>1</sup>

### Background:

This practice advisory provides information about current NIV/IV options for Ukrainian nationals who are able to leave Ukraine in light of the Russian invasion of Ukraine.

On [February 12, 2022](#), the U.S. Department of State (DOS) ordered the departure of U.S. direct-hire employees from Embassy Kyiv and on February 13, 2022, suspended consular services. [On February 24, 2022](#), following further Russian attacks in Ukraine, DOS suspended consular operations in Lviv. On February 24, 2022, in the wake of the Russian invasion, based on [multiple news reports](#), Ukrainian President Volodymyr Zelensky signed a decree stating that all males aged 18 to 60 are prohibited from leaving Ukraine for 90 days to “*ensure the defence of the state, maintaining combat and mobilization readiness.*” Citing safety concerns, on February 24, 2022 Ukraine closed its airspace to civilian flights suspending all air travel in the country.

On March 1, 2022, the State Department issued an [Announcement of Processing Posts for Visa Applicants from Ukraine](#) stating that effective immediately, the following designations and assignments will be made for IV, fiancé visas, adoption cases, as well as A/G diplomatic and official visas.

- **IVs** (other than adoption cases) will be processed at the **U.S. Consulate in Frankfurt, Germany**. This includes **Diversity Visas** and **K-1 visas**.
  - IV and DV applicants who already have been scheduled for appointments in Frankfurt or Warsaw may request their cases be transferred to another post. To do so, the applicant should contact the alternate post to request a case transfer, and the transfer is contingent upon the alternate post’s acceptance of the case.
  - IV and DV applicants who have not yet been scheduled will be **automatically reassigned to Frankfurt and will be notified once their appointment is on the calendar**.
  - Unscheduled Ukrainian DV applicants who need to interview outside of Frankfurt can send requests to: [KCCDV@state.gov](mailto:KCCDV@state.gov).
  - DOS directs applicants to contact the following email address for questions about Ukrainian IV and fiancé visa cases: [KyivIV@state.gov](mailto:KyivIV@state.gov).
- **Adoption cases as well as A and G** diplomatic and official visas will be processed at the **U.S. Embassy in Warsaw, Poland**.

It should be noted that Ukrainian nonimmigrant visas (NIV) applications were not addressed in this announcement. Below, we have gathered information from regional posts that may be helpful for both NIV and IV applicants that do not fall under the March 1, 2022 announcement above.

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## **Third Country National (TCN) Visa Processing**

On March 2, Ukrainians were formally [added to the State Department's list](#) of Homeless Nationalities published at 9 FAM 504.4-8(E). In the FAM, DOS defines 'Homeless Cases' as follows: *“Generally, a homeless visa applicant is one who is a national of a country in which the United States has no consular representation or in which the political or security situation is tenuous or uncertain enough that the limited consular staff is not authorized to process IV applications.”* DOS only has the authority to designate an alternate post in IV cases, not NIV cases.

As such, [both Frankfurt and Warsaw have been designated posts](#) for IV applications for Ukrainian nationals. The National Visa Center (NVC) will screen and assign all petitions for homeless beneficiaries to the designated post for processing.

Members should refer to the [AILA DOS Liaison Meeting Q&A with the State Department](#) (AILA Doc. [22011002](#)) for our discussion regarding homeless applicants as well as TCN processing, and the interplay between NVC and post.

In general, as provided by [9 FAM 403.2-4](#), applicants for NIV visas may apply in any country in which they are a resident or physically present. As each U.S. Embassy has specific application procedures, you should contact the U.S. Embassy or Consulate where you wish to apply directly. Members should also check visa/travel requirements for Ukrainian nationals as some countries will require a valid visa to enter.

If you have an IV case currently pending with U.S. Embassy Kyiv and would like to transfer processing of your case to another U.S. Embassy, outside of the designated post at Frankfurt, Germany you must contact the receiving U.S Embassy in that country to authorize and initiate transfer. The Embassy will have a list of requirements which must be satisfied in order to begin the transfer process. Contact the following email address for questions about Ukrainian IV cases: [KyivIV@state.gov](mailto:KyivIV@state.gov).

If you have already paid the MRV application fee in Ukraine but wish to apply for an NIV in another country, members should note that visa fees paid to apply in a specific country cannot be transferred to another country. If you have already paid the visa application fee in Ukraine, you cannot use that payment in a different country, so you [must pay a new visa fee](#).

### **Visa Processing Tips and Information:**

As of the date of this document, all consular services in Ukraine remain suspended.

As an initial matter, the first hurdle for AILA members is to confirm the ability of the Ukrainian traveler to be able to exit Ukraine via land border crossing to a neighboring third country, given the military conscription restrictions noted above for males aged 18-60.

Due to airspace closures and lack of availability of commercial flights in the region, Ukrainians seeking to travel to the U.S. may more easily seek consular services at U.S. Embassies in the following neighboring EU countries which can be reached via land border crossings:

- **Poland**
- **Moldova**
- **Hungary**
- **Romania**
- **Slovakia**

Applicants should check each consular post’s website for visa appointment eligibility and wait times for third country nationals, as well as ability to request expedited or emergency appointments.

Information about Ukraine Land Border Crossing Options [can be found here](#). As of the date of this publication, most border crossings into Poland and all main crossing points into Moldova are severely backed up and some are experiencing extremely long wait times (well over 30 hours in per some reports). Travelers may want to consider redirecting to border crossings with Hungary, Romania, and Slovakia, which are currently experiencing lower wait times to cross.

As of the date of this practice resource, the [US Embassy-Warsaw](#) webpage for Ukrainians provides the most illustrative and detailed information for Ukrainian visa applicants under various scenarios, which are detailed below. Members should check the consular post websites for most up-to-date information for Ukrainian travelers/applicants at various EU posts.

### **Tips from the U.S. Embassy in Warsaw, Poland**

The following information was obtained via the U.S. Embassy & Consulate in Warsaw’s page on Humanitarian Assistance and Visa Information for Ukrainians who have evacuated to Poland. This information [can be found here](#).

#### **IV applicants & Fiancé Visas:**

##### **A. Ukrainian spouse or child of a USC or LPR seeking to travel to the US on an IV:**

- a. If you have an approved I-130 pending processing at the NVC, the designated post is **now Frankfurt, Germany**. You can submit a request to expedite and transfer [through the NVC Contact Form](#): and/or by submitting an email to the following email address: [ImmigrantVisasWarsaw@state.gov](mailto:ImmigrantVisasWarsaw@state.gov).
- b. If you have not yet filed an I-130 petition and wish to do so, you may contact the US Embassy Frankfurt to inquire about a possible local filing . Currently, we have the following contact information for Frankfurt:
  - i. The U.S. Embassy-Frankfurt has an inquiry form [for visa applications here](#).
  - ii. Email: [FrankfurtVisaInquiries@state.gov](mailto:FrankfurtVisaInquiries@state.gov). Email: [support-germany@ustraveldocs.com](mailto:support-germany@ustraveldocs.com)
  - iii. This applies ONLY to US citizens filing petitions for spouses, unmarried children under 21, and parents.

- iv. Both the petitioner and the applicant must be present in Germany.
- c. If you have a pending IV case that has already been transferred to Kyiv and is pending scheduling of the appointment and processing, and want to transfer to Frankfurt, send an email request with the IV case number (KEV+10 digits) to U.S. Consulate General Frankfurt.
- d. If you have a question about an IV case already in process/pending at the US Embassy-Warsaw, email to: [support-Poland@ustraveldocs.com](mailto:support-Poland@ustraveldocs.com), or [ImmigrantVisasWarsaw@state.gov](mailto:ImmigrantVisasWarsaw@state.gov).

**B. Ukrainian fiancé of a USC seeking to travel to the U.S. on a K-1 visa with pending I-129F:**

- a. If I-129F petition is still pending with USCIS (e.g. not approved), you can submit a request for expedited processing of the I-129F with USCIS [as indicated here](#).
- b. Note: U.S. Embassies are prohibited from accepted I-129F petitions for local filing; USCIS must first approve the K visa petition.

**NIV applicants:**

**A. Ukrainian NIV applicant who wants to travel to the United States with no immediate USC family members:**

- a. Demand is extremely high, availability is low, and wait times and processing times are likely to be very lengthy.
- b. If you already began an NIV application/appointment at U.S. Embassy in Ukraine and wish to transfer to Warsaw, Poland send an email request with supporting documents/information (DS-160 confirmation, name, passport bio, etc.) to [Support-Poland@ustraveldocs.com](mailto:Support-Poland@ustraveldocs.com) to ask for transfer of your “profile” to Warsaw.
- c. If you already had an NIV appointment at U.S. Embassy Warsaw but wish to expedite it, you [may request expedition here](#).
- d. If you are seeking an NIV appointment at U.S. Embassy Warsaw or U.S. Consulate Krakow, you may [try to schedule one here](#), however availability is extremely limited.

**B. Ukrainian spouse or child of a USC seeking to travel to the US on an NIV:**

- a. If you are unable to schedule an appointment using the methods described above, you may instead try to [request a “group appointment” at this link](#). You will suggest a date convenient for you.

- b. Once submitted, wait for an e-mail response from the Embassy, which should permit you to schedule an appointment.
- c. Note: The group option is available only for a Ukrainian spouse or child of a US citizen seeking to travel on an NIV. Others will be refused.
- d. You should select “Ukrainian with U.S. citizen immediate family” in Step 3, while scheduling the appointment.

### **Tips from the U.S. Embassy in Germany:**

U.S. Embassy in Germany’s [inquiry form page](#) also provides the following information for Ukrainian nationals seeking visa services in Germany:

*If you or your relative has fled from the armed conflict in Ukraine and is looking for United States visa service in Germany, please contact:*

U.S. Consulate General Frankfurt

Email: [FrankfurtVisaInquiries@state.gov](mailto:FrankfurtVisaInquiries@state.gov)

Please use the following subject line: **C22 - UKRAINE - FULL NAME.**

*Provide your full name, date and place of birth as it appears on your passport or other travel document, along with the details of your situation, including whether you are the spouse, child, son, daughter, or parent of a U.S. citizen or Lawful Permanent Resident (“green card” holder).*

*Additionally, you may view other, non-visa options at this link:*

<https://www.uscis.gov/forms/explore-my-options/humanitarian-parole>

*We will respond to you as soon as practicable with any guidance we can provide you.*

Currently, we have the following contact information for U.S. Embassy-Frankfurt:

- The U.S. Embassy-Frankfurt has an inquiry form for [visa applications here](#).
- Email: [FrankfurtVisaInquiries@state.gov](mailto:FrankfurtVisaInquiries@state.gov).
- Email: [support-germany@ustraveldocs.com](mailto:support-germany@ustraveldocs.com)
- The U.S. Embassy-Berlin has an inquiry form [for visa applications here](#).

Under certain circumstances, the U.S. Consulate in Frankfurt *may* accept filing of the Form I-130, Petition for Alien Relative under two circumstances. First, petitions filed by qualified U.S. military service members for any immediate relative case, when the active duty military service member is stationed at a military base in Germany. This exception does not apply to service members assigned to non-military bases, such as embassies or civilian institutions. Second, U.S. Consulate Frankfurt may accept filing of the Form I-130 for petitioners who believe they have exceptional situations that would merit an exception from filing by mail to the USCIS Dallas Lockbox. USCIS [published guidance on circumstances that may qualify](#) as exceptional.

For IV cases, if you believe that your situation merits an exception, email [FrnUSCISinquiries@state.gov](mailto:FrnUSCISinquiries@state.gov) to request an exception and explain your circumstances in detail, along with supporting documents. If your request to file an I-130 petition with the U.S. Consulate General Frankfurt is not authorized by USCIS, then you must file the petition with USCIS.

### Local/direct filing of I-130:

USCIS has delegated authority to DOS to accept and adjudicate a Form I-130 filed by a U.S. citizen petitioner for an immediate relative if the petitioner establishes '**exceptional circumstances**' or falls under blanket authorization criteria defined by USCIS. This policy applies even in countries with a USCIS presence. Without such delegation, DOS [has no authority](#) to permit a U.S. embassy or consulate to accept a local Form I-130 filing abroad.

Some examples of exceptional circumstances include:

- Military emergencies – A U.S. service member, who is abroad but who does not fall under the military blanket authorization for U.S. service members stationed abroad on military bases, becomes aware of a new deployment or transfer with little notice. This exception generally applies in cases where the U.S. service member is provided with exceptionally less notice than normally expected.
- Medical emergencies – A petitioner or beneficiary is facing an urgent medical emergency that requires immediate travel.
- Threats to personal safety – A petitioner or beneficiary is facing an imminent threat to personal safety. For example, a petitioner and beneficiary may have been forced to flee their country of residence due to civil strife or natural disaster and are in precarious circumstances in a different country outside of the United States.
- Close to aging out – A beneficiary is within a few months of aging out of eligibility.

If DOS declines to accept a local filing, DOS should inform the petitioner of its decision.

DOS acceptance of Form I-130s abroad is intended to assist petitioners living abroad who demonstrate exceptional circumstances as described above. It should be noted that if an I-130 is already pending with USCIS, DOS is not authorized to accept the local filing. Instead, the petitioner should request expedited processing of the I-130 petition pending with USCIS.

### **Travel Considerations and Requirements for Ukrainian Nationals Entering Neighboring Countries Across Land Borders:**

Currently, until the end of 2022, Ukrainian applicants [do not require a visa](#) to enter countries in the European Union (EU), [which includes the countries below, as well as Germany](#). Outside of the EU, members should check each country's visa/entry requirements for Ukrainian nationals.

- **Poland:** Border crossings from Ukraine to Poland remain open, although long waits are reported. Poland has suspended COVID-19 related entry and testing requirements. Applicants attempting to cross the border should make every attempt to have identity and other travel documents ready at the time of crossing. For up-to-date information and resources for Ukrainian citizens seeking to enter Poland, please [visit the Government of Poland's website](#). This website provides the locations of official reception points along



Poland's border with Ukraine. The Government of Poland may modify COVID-19 entry regulations or quarantine requirements at any time or may apply different requirements for those entering Poland from Ukraine at the land border. Please visit the [Government of Poland's website for the most up-to-date information](#) on COVID-19 entry regulations. The Polish Border Guard can be reached via email [zdsc.kg@strazgraniczna.pl](mailto:zdsc.kg@strazgraniczna.pl) or by phone at +48 22 500 4068, +48 22 500 4568, or +48 22 500 5468. It should be noted that entry requirements for travelers entering by land may differ from the entry requirements for travelers arriving by plane.

- **Hungary:** Complete information on Hungarian Entry Restrictions [can be found at this link](#).
- **Slovakia:**
  - There are five land border crossing points:
    - **Vysne Nemecke/Uzgorod: Main road boarding crossing** – This crossing is located in Uzgorod where H13 crosses into Slovakia from Ukraine. Coordinates – 48° 39' 12.96" N, 22° 15' 57.96" E
    - **Ubl'a/Malyi Bereznyi: Main road boarding crossing** – This crossing is located 3.1km from Malyi Bereznyi where P53 crosses into Slovakia from Ukraine. Coordinates – 48°53'1.57"N, 22°25'14.12"E
    - **Vel'ke Slemence/Mali Selmenci: Bicyclists and pedestrians (as of 25 February 2022, U.S. citizens may use this border crossing).**
    - Cierna nad Tisou/Cop): Passenger trains (no car or pedestrian crossings currently authorized)
    - Mat'ovske Vojkovce/Pavlovo: Cargo trains (no private crossings currently authorized)
  - Current wait times to enter Slovakia at the border for the two road checkpoints and the bike/pedestrian path [are available here](#).
- **Romania:** Information about [entry requirements/border crossing for Romania found here](#). and [also here](#).
- **Moldova:** Important note: travelers should not enter Moldova through the breakaway region of Transnistria. The main Moldova-Ukraine border crossing south of Transnistria is Palanca – Maiaki Udobnoe. North of Transnistria, the first Moldova-Ukraine border crossing is Otaci – Moghileov-Podolsk. Entry & Exit information [can be found here](#).

AILA continues to monitor the situation related to the Russia-Ukraine war and will provide updates as necessary. AILA has established a [Messenger Center Forum on the Ukrainian Crisis](#) where we encourage members to share information, report trends, or ask questions.