# Ukraine and Double Standards on Refugees

Ilya Somin

April 24, 2022

Russia's brutal invasion of Ukraine has created a massive refugee crisis, with over 5 million Ukrainians fleeing the country. Many Western countries have admirably accepted Ukrainian refugees in response.  But critics argue that this relative openness by the US and Europe involves a pernicious double standard under which white European refugees from Ukraine are welcomed, but non-white ones from Syria, Africa and elsewhere, are mostly shut out, even though many are fleeing comparably grave dangers from war and oppression. Pope Francis, among others, has said that the differential treatment of refugees is driven by "racism."

The critics have a legitimate point. But the right way to address the problem is not to close our doors to Ukrainians, but to be more open to other migrants and refugees fleeing horrific conditions.

Non-white refugees from Africa and the Middle East really do often face violence and oppression comparable to that which threatens Ukrainian refugees, and many Western nations have been less willing to let them enter. In the case of the US, the difference is less glaring than in Europe, because the Biden administration has so far taken only modest steps to open US doors to Ukrainians. Some of those steps, such as granting Ukrainians already in the US "Temporary Protected Status" have parallels in similar policies adopted towards some predominantly non-white groups of refugees, such as Venezuelans (regardless of their actual skin color, Venezuelans and other Hispanics are usually not considered "white" in the US). The contrast is greater in Canada and various European nations that have been relatively more open to Ukrainians than the United States has been so far.

Although racial and ethnic bias surely plays a role, it probably isn't the only factor at work. It is also significant that the US and its European allies have an important strategic stake in the Russia-Ukraine War that is either smaller or entirely absent in the cases of Syria and various African conflicts. Openness to Ukrainians is not only a moral gesture, but also a way of opposing Vladimir Putin's brutal war of aggression, which threatens Western security interests.

It's also worth noting that the US and its European allies have done little or nothing to open their doors to Russian refugees fleeing Putin's intensifying repression, despite the strong moral and strategic case for doing so. Most Russian refugees are white, just like most Ukrainian ones. Western nations' unwillingness (so far, at least) to take them is likely driven by shortsighted unwillingness to distinguish them from the very regime they are fleeing.

That said, racial and ethnic bias clearly is a factor. Some European officials openly admit it. For example, Bulgarian Prime Minister Kiril Petkov said in February that his country is welcoming Ukrainians in part because "[t]hese are not the refugees we are used to.… These people are Europeans…These people are intelligent."

But, as I explained in one of my earliest pieces making the case for admitting Russian and Ukrainian refugees, the right way to combat such disparities is "leveling up" the treatment of non-white refugees, not barring Ukrainians.

There are some cases where it is perfectly legitimate to end discrimination by "leveling down" the treatment of the previously favored group. For example, if the government gives subsidies to white-owned businesses that aren't available to others, there is nothing wrong with just abolishing the subsidy program entirely.

But barring refugees fleeing war or repression is a grave wrong even if it is done in a "race-neutral" manner. It still unjustly consigns people to oppression or even death merely because they happen to be born to the wrong parents or in the wrong place. That itself is an injustice similar to racial discrimination. In the same way, if police brutality is directed against African-Americans more often than whites, the problem could not be justly "solved" by having the police abuse whites more often. Rather, the only defensible approach in that situation is to curb brutality directed at blacks.

In my view, there should be a strong presumption against barring any peaceful migrants, especially those fleeing war, authoritarian regimes, or other severe oppression. But I recognize this ideal is unlikely to be fully achieved anytime soon, if ever. In the meantime, we should seek whatever incremental improvements are feasible, which may include measures focused on specific refugee crises, even as others remain (relatively) neglected.

And while I have long argued it is essential to make the general moral case for migration rights, there is nothing wrong with also noting considerations that may only apply to a specific situation. For example, there are specific strategic advantages to opening our doors to Russians fleeing Putin, because doing so strengthens the West's position against one of the world's most dangerous illiberal authoritarian regimes.

In my view, Russians fleeing Putin's regime (like others fleeing repression) should be accepted even in the absence of those strategic advantages. But these points still add to the case for openness, and they may be more decisive for observers who are less generally pro-migration rights than I am.

The issue of racial and ethnic double standards on migration rights often comes up when I speak about admitting Ukrainians and Russians during the present war. Reporters and interviewers routinely ask about it. I always emphasize that my support for migration rights is not and never has been bounded by race or ethnicity.

For members of the media and anyone else who may be interested, here is a convenient, though not exhaustive, list of my writings advocating migration rights for predominantly non-white

groups (as "white" is usually defined in US political discourse). Unless otherwise noted, these are all posts at the Volokh Conspiracy blog:

1. "The Moral and Strategic Case for Admitting Syrian Refugees," Nov. 23, 2015.

2. "Obama's Cruel Policy Reversal on Cuban Refugees," Jan. 14, 2017. While many Cuban migrants are light-skinned, they are not usually considered white in the US.

3. "Supreme Court Ruling on Travel Ban Ignores Religious Discrimination," *USA Today*, June 26, 2018. This piece and the next one are just a small sampling of my extensive writings opposing Donald Trump's anti-Muslim travel bans.

4. "Trump's Expanded Travel Ban Compounds the Wrongs of Previous Versions," Feb. 2, 2020.

5. "Let Hongkongers Immigrate to the West - And other Victims of Chinese Government Oppression, too," May 29, 2020. This is just one of several pieces I have written on Asian refugees.

6. "Immigration Restrictions and Racial Discrimination Share Similar Roots," *The Hill,* Nov. 24, 2020.

7. "The Case for Accepting Afghan Refugees," Aug. 20, 2021.

8. *Free to Move: Foot Voting, Migration, and Political Freedom*, (Oxford University Press, rev. ed. 2021). In Chapters 5 and 6 of this book, I include an extensive critique of justifications for racial, ethnic, and cultural discrimination in migration policy. In the case of the US and many other Western nations, such restrictions most often target non-whites.

9. "The Case Against Covid-19 Pandemic Migration Restrictions," Cato Institute, Feb. 1, 2022. In the US, these restrictions have most heavily impacted  non-white migrants from Latin America. That's especially true of the Title 42 "public health" expulsions, against which I also authored an amicus brief when their legality was challenged in court.

This list could easily be expanded. But it's enough to give a representative sampling of my work on this issue.

Committed conspiracy theorists (though not Volokh Conspirators!) might still say I only wrote the above because I anticipated there would someday be a refugee crisis involving whites. My previous writings about non-white refugees would store up credibility that I could then make use of. But that just goes to show there's no satisfying hard-core conspiracy theorists!

UPDATED: I have made a few small additions to this post.