



# Biden's Empty Promise Leaves Ukrainian Refugees in the Cold

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Two weeks ago, the White House announced that the United States would open its doors to 100,000 refugees from Ukraine. To many observers, this was the very least the U.S. could do to protect civilians from a war characterized by displacement, atrocity and siege, and on which the West has largely decided to sit it out. But there are several enormous problems with Biden's refugee relief plan.

The first is that there is no actual plan. The announcement was made in a fact-sheet that has not yet been backed by an Executive Order. In fact, the homepage of the U.S. Embassy in Hungary has not updated its information for Ukrainians since March 10. It currently refers them to information on seeking asylum in Hungary—a move that, if followed, would foreclose them from ever seeking asylum elsewhere—but provides no pathway for them to seek asylum in the U.S.

To ask for asylum in the U.S., the current policy is that a refugee must first get to U.S. territory. But the U.S. continues to prohibit Ukrainians from entering the country without a visa, which entails an extended application process. The U.S. has a visa waiver program for individuals fleeing some war-torn countries, but, incredibly, it has not yet added Ukraine to that list.

This level of red tape creates difficult hurdles for Ukrainian refugees hoping to take advantage of the White House's new policy. Yana Nepliuieva, whose family was among those who reached out to me recently while I was helping with the relief effort at the Polish border, fled the central-eastern Ukrainian city of Dnipro under heavy bombardment, with her husband, mother and three children. She visited the U.S. Embassy in Hungary in the hopes of bringing them all to Massachusetts, where her sister lives, only to be turned away.

Her family members in Massachusetts told me they, like so many other Ukrainian-American families with Ukraine-based relatives, feel confused in the face of the significant hurdles blocking the path to reunification in the United States. Under President Joe Biden's announcement, refugees like them, who already have relatives in the U.S., should receive priority. But because the details of the 100,000-refugee policy are still unclear, they must instead seek paths to the U.S. via normal immigration channels—and they don't quite qualify.

Although Nepliuieva's sister is married to a U.S. citizen, she herself is only a permanent resident, so her sibling bond with Nepliuieva would not guarantee her relatives entry. The Nepliuieva family could attempt to apply for tourist visas, but that could take months. Time, too, is a problem: The family has found refuge on a Hungarian horse farm, but their hosts' resources are limited and they can't stay there much longer. This is on top of the economic devastation of the war. The Nepliuievas, who left everything behind, are now crowdfunding to raise money for tickets as well as fees for lawyers to assist with the complexities of their asylum claim.

Families like the Nepliuievas don't have time to wait for tourist visas, so those with family in the U.S. are scattering to third countries hoping to make their way into the U.S. by car. Some Ukrainian families have traveled to Mexico and attempted to cross the United States' southern border. Some have made it, creating a flood of humanitarian need in places like San Diego, and inspiring accusations that the U.S. is enforcing a double standard by allowing them in over migrants from Central and South America. But like other asylum seekers arriving from the south, some Ukrainian refugees have instead been turned back, detained or told to await processing in dangerous camps on the southern side of the border.

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Canada, which does not require Ukrainians to have a tourist visa to enter, is seen as a safer transit country for some families hoping to end up in the U.S. But traveling through Canada could create legal problems as well, due to former President Donald Trump's "safe third country" rule, which requires asylum-seekers that have traveled through a "safe" country on their way to the U.S. to first apply for asylum there. Nepliuieva's family is considering this route, but their U.S. relatives are anxious that they may be turned back once they reach the border because the U.S. considers Canada one of these "safe third countries." And even if they were able to get across that border to make an asylum claim within the U.S., it is completely unclear whether they would be able to obtain one of those 100,000 new slots, because the Biden administration has not yet issued any guidance on the conditions under which asylum-seekers can apply for them or how priority is to be awarded.

Worryingly, Massachusetts, where the Nepliuievas are headed, has a particularly byzantine asylum process, as was recently revealed in a new human rights report from American Civil Liberties Union's Maine chapter. According to the report, which was released two weeks ago, the Boston Asylum Center has the second-lowest refugee acceptance rate in the nation, partly due to exorbitant levels of red tape and a culture of suspicion toward asylum-seekers. Its practices may violate international law.

An analysis by political scientist Rebecca Hamlin suggests that these cultural attitudes are in fact a widespread problem, with roots in the increasing criminalization of immigration and the siege mentality that followed the 9/11 terrorist attacks. These fears have generated a set of bureaucratic rules that, combined with the further decimation of the refugee resettlement regime under the Trump administration, are now working against the ability of the U.S. to assist those it genuinely wishes to welcome.

The suspicion and antipathy toward refugees and migrants exhibited by the U.S. in recent years, and the red tape they inspired, should not be seen as inevitable, and they should be proactively addressed by the Biden administration—by Executive Order if necessary.

Sanctuary for refugees, especially refugees from the former Soviet bloc, was once considered a bipartisan touchstone of U.S. foreign policy and arguably helped win the Cold War. The Cato Institute argues that refugee protection can again be an important mechanism not only to assist the vulnerable, but to weaken Putin. Far from introducing security risks, refugees can be a huge boon to national security: They supercharge the economy, provide valuable intelligence on U.S. adversaries and increase U.S. soft power relative to autocracies.

The dysfunctional system now facing Ukrainians should also be a wake-up call for the United States on its treatment of refugees in general. Afghans, Syrians, Yemenis and those fleeing violence and persecution in Central and South American countries face similar, if not worse, hurdles than those that Ukrainians are now facing. Indeed, some of them had found refuge in Ukraine prior to the war and are now fleeing for the second time. As they do so, they are encountering racism, xenophobia and bureaucratic barriers that fail to account for their needs.

If there is a silver lining of any kind in the current refugee crisis, perhaps it will be a revitalization of the age-old American principle of welcoming refugees. But that would mean overhauling the country's asylum and refugee resettlement rules. There are some positive signs in this regard of late. The State Department, for example, is now making it easier for ordinary citizens to assist in refugee resettlement. It's as yet unclear whether this program will include financial support for the citizen volunteers who take refugees in, or if it will represent an outsourcing of government responsibility, as has been happening in Poland. But it does indicate a heartening shift in the U.S. view of refugees toward something more consistent with the nation's cultural heritage—something that some argue could invigorate local U.S. communities and supersede partisan divides.

Still, refugees can't be resettled if they can't become refugees in the first place. The willingness to welcome Ukrainians fleeing the war needs to be matched by pathways for them to actually gain refuge in the United States. It's worth noting that 100,000 is a tiny drop in the proverbial bucket—and the current crisis is more like a fire hose. The Ukrainian refugee crisis is now the largest in the world: More than 4 million have fled, mostly into Western Europe. Poland is increasingly overstretched. And this does not even count the additional 6.5 million displaced people inside Ukraine, where older and disabled people; those without cars, resources or family abroad; and thousands of young men have as yet been unable to flee.

Which brings us to the biggest problem of all: Refugee relief cannot ultimately substitute for addressing the problem at its source. Ongoing atrocities and war will only encourage refugee flows that will eventually become unsustainable for NATO countries. A better policy might be to take more drastic action to bring the war to an end so that displaced Ukrainians can return home. And that would require some tough decisions, not just tough talk.

Until then, the least Biden can do to protect civilians is to actually provide the sanctuary he has claimed he will offer. He should also invest resources to support refugees once they arrive, rather

than offloading their care onto citizen volunteers. And before that, he should dismantle barriers to entry by increasing the cap, allowing embassies and consulates to process asylum requests, and adding Ukrainians to the list of war-affected countries whose citizens are eligible for visa-free entry. Otherwise, continuing to prevent war-affected civilians from applying for asylum at embassies near Ukraine or from traveling easily to the U.S. to apply—not to mention maintaining a byzantine snarl of red tape designed to confuse and frustrate an already traumatized group—will lead to a perception that the 100,000-refugee promise was empty at best.