

HOW UKRAINIAN REFUGEES INVADED THE U.S. SOUTHWEST BORDER

An NPG Forum Paper
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NPG, along with the vast majority of Americans, supports the Ukrainian people in their struggle to remain independent and free. This paper focuses on long-standing problems with U.S. refugee policy.

Refugees in general - Ukrainian or not - are accorded benefits not available to ordinary (legal) immigrants. For example: two years after being granted asylum, they can petition to have immediate family members join them as legal immigrants via the chain migration process. Legal immigrants must wait five years for this privilege.

Very few Americans are aware of this preferential treatment, or the troubling implications it has for U.S. population growth. Hopefully this paper will raise awareness of these issues.

INTRODUCTION

The U.S. has always been a safe haven for individuals fleeing persecution in their home country. In recent years, however, asylum has become a mass movement, available to any alien claiming persecution on account of race, religion, sexual identity, nationality, or political opinion.

Fear of persecution at the hands of an invading army is NOT, repeat, is NOT, among the legal pretexts for making a valid

asylum claim in the U.S. The Biden administration refers to the 100,000 Ukrainians it wishes to resettle here as “**humanitarian refugees,**” a term denoting a moral, but not necessarily a legal, basis for entering the country.

There were 26.6 million refugees in the world in mid-2021, according to the U.N.¹ The Russo-Ukrainian war has added about 7 million to that total, so we are looking at about 34 million refugees – **each a potential asylee in the U.S.** Under U.S. immigration law, a

refugee is someone who requests protection while still overseas, while an asylee seeks protection when in the U.S. The difference is purely a matter of location.

Over the past decade an average of about 29,000 individuals per year have been granted asylum. That figure is trivial alongside the 1 million plus legal immigrants granted legal permanent resident (LPR) status annually, pre-COVID. Asylum grants, however, are the tip of a much bigger iceberg. Nearly 180,000 individuals apply for asylum each year, and a backlog of more than 330,000 asylum claims await adjudication. From 2010 to 2016, while the foreign-born population rose 9%, the asylum backlog more than doubled.²

Compared to legal immigrants, asylees are on a fast track to citizenship. Two years after being granted asylum they can petition to have immediate family members – spouses, children, and parents – join them as legal immigrants via the chain migration process. Legal immigrants must wait five years for that privilege.

The inescapable conclusion: under current asylum laws asylees are on track to become the fastest growing segment of the foreign-born population.

Question: What do Ukrainian refugees know that the Russian army does not know?
Answer: How to exploit weaknesses in national border controls.

Within two months of the Russian invasion more than 5 million refugees fled to neighboring EU countries. Most want to return to their home country when it's safe to do so – and the EU made this easy. In an **“historic decision”** on March 2, 2022, the EU granted **“temporary protection”** status (which entails a residence permit, access to

employment, housing, social welfare, medical treatment, education, etc.) to Ukrainian nationals for an initial period of one year.³

Fantasy: This move was presented as a quick fix, a temporary expedient to avoid overwhelming the standard EU asylum system. **Reality:** there is nothing more **permanent** than **“temporary”** protection status granted to refugees – whether in the EU or the U.S.

Initially the U.S. pledged to provide Ukrainian refugees with economic and humanitarian assistance while they were in neighboring countries, restricting permanent refugee status only to those individuals deemed **“unsafe”** in the countries they fled to – **which is the real purpose of refugee resettlement.**⁴

But pro-immigration groups had other ideas in mind. One month into the conflict they pressured President Biden to resettle 100,000 Ukrainians in the U.S., with priority given to those with family members here. The 100,000 number will likely grow as the war continues.

But the impact of any refugee – Ukrainian or otherwise – on American population growth is greater than their numbers alone suggest:

- For two years after they arrive, refugees can petition to have immediate family members – spouses, parents, children – join them as legal immigrants.
- Refugees themselves are required to apply for LPR status one year after their arrival.
- Five years after their arrival, refugees may apply for citizenship.
- As naturalized citizens, they can petition to have other family members

– unmarried adult sons and daughters, married sons and daughters, brothers and sisters, enter as LPRs.

The chain migration process, by which one generation of refugees can sponsor future generations of legal immigrants, has been part of U.S. immigration policy since the 1965 Immigration Act.

The process is replete with fraud. DNA testing reveals that as much as 90% of “**family connection**” claims are bogus.⁵ This explains why refugee groups from small, sparsely populated countries often trigger unexpectedly large inflows of legal immigrants.

Fraud aside, the nexus between today’s refugees and tomorrow’s legal immigrants has troubling implications for U.S. population growth. The Vietnam experience is instructive:

More than 350,000 Vietnamese refugees were admitted in the years following the communist takeover in 1975.⁶ In recent years their numbers have dwindled – to a total of just 386 refugees over the decade FY2011 to FY2020. Yet a whopping 333,900 Vietnamese were granted LPR status over those same 10 years, most sponsored by (alleged) family members who entered as refugees in the post war period.⁷

Similarly, after averaging 40,000 to 60,000 per year after the collapse of the Soviet Union in 1990, the number of communist bloc refugees fell to 426 in 2008. Over this period, however, an average of roughly 30,000 individuals from Russia, the Ukraine, and other components of the former Soviet Union were granted LPR status each year.⁸

Iraq and Afghanistan could be next, albeit with considerably fewer refugees and LPRs.

Three months in, and already the Ukrainian exodus dwarfs any other post World War II refugee episode. More than ever before, the U.S. refugee program looks like a population time bomb.

This is not the first time that the population consequences of immigration have been grossly understated: The 1965 immigration law was marketed to the American people as a law that would cap legal immigration at around 200,000 per year. But the fine print was conveniently ignored – namely, that immigrants (including refugees) with relatives already in the country **were not subject to the cap.** Like compound interest, the impact of this oversight was imperceptible in the early years, but huge after decades.

HUDDLED (UKRAINIAN) MASSES YEARNING TO BE FREE? NOT.

Ukrainians at our southern border are hardly the desperate group portrayed in some media accounts. As war refugees, they have likely **rejected** more great settlement options than were available to any other such group since World War II.

The EU, you must remember, is a 27-nation system committed to open borders. Each EU country is obligated to accept migrants admitted to any other EU member, with no questions asked.

As a relatively poor country, Ukraine has been the main source of Europe’s economic migrants for many years.⁹ But **poverty is not persecution**, and “**fear of poverty**” is not a legitimate ground for asylum under U.S.

immigration law.

EU countries – even the least wealthy of them – offer Ukrainian citizens better jobs and economic opportunities than are available in their homeland. Press reports suggest that many refugees have already availed themselves of those opportunities, and will likely settle in the EU for the duration of hostilities.

While most Americans sympathize with the Ukrainians, deeming them worthy of refugee status, the law begs to disagree. U.S. immigration judges will ask them if they had an opportunity to seek asylum in countries they passed through en route to the U.S.

Former Judge D. Anthony Rogers, who adjudicated asylum cases in Dallas for 18 years, says an applicant’s refusal to apply for asylum while en route to the U.S. is a key consideration:

“That [rejection] is a negative factor...” Rogers told an interviewer.¹⁰ **“The question would be, ‘why didn’t you stay in Poland? Why didn’t you go to one of the EU countries?’ They can’t get here without going through the European Union...”**¹¹

Ukrainians have also turned their back on a generous welcome from Mexican President Manuel Lopez Obrador: **“All of those who ask for refuge in our country will be received and protected and welcomed,”** he said during a March 2nd news conference, citing his country’s history as a site of refuge.¹²

With 82% of Mexican exports going to the U.S., the Biden administration has plenty of leverage to push President Obrador to honor his commitment.¹³

The Ukrainian Tourists Are Coming! The Ukrainian Tourists Are Coming!

The Russian invasion of Ukraine started on February 24th; the run for the U.S. border started months before.

Customs and Border Patrol (CPB) data show a little more than 1,000 Ukrainians were apprehended in the first four months of FY2022 (October 2021 through January 2022) compared to 680 for all of the prior year. Russians also sensed something bad was imminent, as evidenced by the 6,400 of them apprehended in the four months prior to the war compared to 4,100 for all of the prior year.¹⁴

Taken together, Russians and Ukrainians accounted for a slim fraction of the 670,000 apprehensions made by CPB during the pre-war months. Most were from Mexico and Central America; the vast majority ejected swiftly under a protocol euphemistically known as **“expedited removal.”**¹⁵

Yet almost all Russians and Ukrainians have been allowed to remain in the U.S.¹⁶ For them, the months before the war were a time of **“expedited approval”** rather than **“expedited removal.”**

Why care about the Russians, you say? In fact, many of them are victims of Vladimir Putin’s war. Russian troops in eastern Ukraine are reportedly engaged in the forcible deportation of ethnic Russians from Ukraine to Russia, passing them off as **“refugees.”** Russian government figures acknowledge 932,220 Ukrainian refugees had gone to Russia as of May 23rd.¹⁷ While this may be yet another example of Russia using innocent civilians to shield their military from attack, some of the civilian victims may – indeed, probably should – be eligible for resettlement

under Biden’s humanitarian refugee program, now apparently capped at 100,000.

Those Russians and Ukrainians lucky enough to make it to the SW border were treated like **Refugee Royalty**. In the months leading up to the invasion they routinely **turned themselves in** to border agents, confident that they and their under-aged children would be fast tracked for asylum. Their presence was particularly notable at border area shelters aimed at **“helping newcomers.”**¹⁸

If you think that sounds more like a **“welcome wagon”** than a border control measure, you are not alone. Representative Lou Correa, a Democrat from California, was **“taken aback”** by the number of Russian and Ukrainian migrants arriving by car when he visited the San Ysidro point of entry a few weeks before the Russian invasion. A BP agent pointed out 20 cars that had been pulled over, saying that they were full of migrants from those countries, Correa recalled.¹⁹

The Mexico route is preferred because U.S. tourist visa requirements are far more stringent than those in Mexico. It’s relatively easy for Russians and Ukrainians to fly to Mexico as tourists before heading to the U.S. border.

Social networks facilitated the invasion. Migrants claiming to have gained entry to the U.S. via Mexico **“...are now sharing tips with hopefuls on Russian YouTube and through private group chats on secure apps like Telegram.”**²⁰ They describe routes, and share names and numbers of contacts who can help them procure cars.

The most notable among these tips: **“Migrants arriving on foot at designated**

border crossings are usually turned back before they reach American soil. Vehicles are stopped less frequently.” Thus, a growing number of Russians and Ukrainians fly directly to Mexico, buy throwaway cars, and drive across the border to seek asylum.

“It’s a way to jump the line,” notes former U.S. Border Patrol Chief Rodney Scott.²¹

As usual, Mexican drug dealers are ready and willing to lend a hand. But they do not come cheap, charging at least **\$1,500 per person** for a one-way automobile trip into the U.S.²²

Title 42’s Termination Threatens U.S. National Security

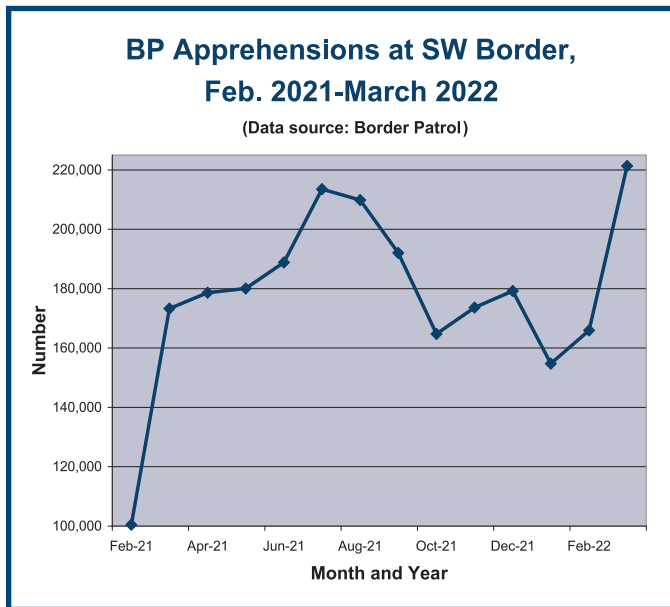
The first Ukrainian war refugees to apply for asylum in the U.S. – a mother and her three children – flew from Romania to Mexico City, crossed to southern California at the San Ysidro port of entry on March 11th, drawing press attention when Border Patrol personnel barred their entry to comply with Title 42.²³

Title 42, you may recall, was issued in March 2020, when the Centers for Disease Control realized it could not contain COVID without curtailing immigration into the country. **At the start of the pandemic nearly all illegal aliens apprehended by the Border Patrol were expelled under the rule.**²⁴

Reality check: Title 42 is a public health measure; it was not intended for border control, *per se*. The decline in illegal entrants that occurred in early 2020 was due mainly to other policies that the Trump administration **implemented** to deter illegal immigration. Most notable of these was the **Migration**

Protection Protocols (MPP), better known as the “**Remain in Mexico**” policy, under which aliens encountered at the SW border were sent back across the line to await their immigration court hearings.²⁵

The Biden administration kept Title 42, but quickly terminated the **Remain in Mexico** protocols. The results are predictable:



Since February 2021 (Biden’s first full month in office) CBP has apprehended more than 2.5 million aliens, by far the largest 13-month total since the U.S. began keeping records in 1960.²⁶

BP data for March 2022 (latest available at this writing) show more than 221,000 migrants were apprehended, the largest monthly total in at least two decades.²⁷

The vast majority request an asylum interview, at which they may assert, with no evidence required, a “**fear of harm**” if they were to be returned to their homeland. At that point a court date is set, and the prospective asylee is released into the country. Many of them never show up in court, or any other public venue, again.

THINK IT CAN’T GET ANY WORSE? THINK AGAIN.

In April the federal government announced plans to replace **Title 42** with a new border protocol – we’ll call it **Title 42-II** - designed to “**streamline**” the process.

Under the new procedures asylum seekers would have their cases heard by an **asylum officer (AO)**, a process considered friendlier than a court appearance before an **Immigration Judge (IJ)**, because it isn’t a full trial with government lawyers arguing against the applicant. AOs would be given roughly 90 days to consider the case and reach a decision.²⁸

What once took years will supposedly be completed in months.

SOUNDS GREAT: BUT THE DEVIL IS IN THE DETAILS.

Detail #1: The new “**friendlier**” rules are expected to trigger a tsunami of asylum seekers that could overwhelm the system. Some predictions suggest that about 12,000 to 13,000 migrants **per day** could cross the southern border once **Title 42** is no longer in place. The administration is preparing for up to 18,000 illegal crossings daily – more than twice the current rate of about 8,000 a day.²⁹

Detail #2: There were only **840 AOs** at the end of FY2020, the last year for which such statistics are available. The Biden administration plans to hire hundreds more, but given the sheer number of aliens expected per day, and the fact that asylum officers are also tasked with resolving more than 330,000 pending asylum claims, “**...there is no way that even 3,000 asylum officers would be able to interview every illegal migrant seeking to avoid expedited removal...**”

“Even if those migrants were interviewed for credible fear...such interviews would be extremely perfunctory, and if there is any doubt, the migrants will be passed along to apply for asylum. **At that point, these migrants will be released absent some proof they pose a danger to national security or community safety, and will remain in the United States indefinitely.**”³⁰

Detail #3: ICE currently has only 34,000 detention beds on any given day – total. The 25,000 detention beds Biden’s budget requests for FY2023 **“...will not even scratch the surface of the total that will be needed to detain all those aliens for a half a year or more, but that’s the point,”** observes Andrew R. Arthur, a former Immigration Judge now consulting for the Center for Immigration Studies.³¹

Arthur’s **“point”** is that the mismatch between illegal immigrant asylum seekers and Border Patrol resources (personnel and facilities) available to process them, **is deliberate.**

He does not believe the immigration system **“is broken.”** The chaos and danger stems from the failure of various administrations to enforce the law. It’s clear to him that reducing illegal immigration is not an item on the Biden administration’s agenda.

But what is?

DHS Secretary Alejandro Mayorkas answered this question in a Fox News Sunday interview on May 1:

“It is the objective of the Biden administration to make sure that we have safe, orderly, and legal pathways for

individuals to be able to access our legal system.”³²

Translation: **“...the Biden administration’s policy is to allow every person in the world who wants to apply for asylum in the United States to do so provided they can make it to the U.S. border – legally or illegally.”**³³

“You may not like millions of aliens entering illegal per year,” Andrew Arthur warns, **“but you better get used to it.”**³⁴

SUMMARY

World War II. The Vietnam War. The Cold War. Since 1945 the U.S. has provided a safe haven for millions of people whose lives are upended by war. Although details have yet to be worked out, the Ukrainian refugee program will likely resemble its predecessors.

Refugees will be admitted. They will be “sponsored” by relatives already in the country, or by not-for-profit resettlement agencies established specifically for displaced Ukrainians. The first generation will become naturalized citizens, sponsor family members left behind; **the migration chain will be set for generations.**

As humanitarian refugees, the new arrivals are not subject to a congressionally mandated cap. Oversight will be minimal. Local governments will bear most of the fiscal burden.

The federal government has already spent billions to arm and rebuild the Ukraine. The U.S. Border Patrol? Not so much. The border wall? Nothing.

Our invasion will remain unchecked so long as scarce resources are spent elsewhere.

NOTES

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NOTE: The views expressed in this article are those of the author and do not necessarily represent the views of NPG, Inc.



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