

MASTERS DEGREE THESIS IN GLOBAL REFUGEE STUDIES

**A COMPARATIVE ANALYSIS OF THE US
IMMIGRATION POLICY TOWARDS UKRAINIAN AND
AFGHAN REFUGEES**



**NAME: STEPHEN MBU NJANG
STUDENT NUMBER: 20211474**

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ABSTRACT

The case study of this project compares and contrasts US Refugee policies towards Afghans and Ukrainians. In order to decipher the similarities and variations in the policies, I used designated refugee resettlement pathways contained in legal documents on the United States Citizenship and Immigration (USCIS) and US State Department websites, specifically between 2021 and 2023. Longitudinally, the project explores the US refugee policy attitude towards both countries from the Cold War to present.

To grasp an understanding of the policy variations, I examine the United States' historical and diplomatic relations with both countries. US refugee resettlement is founded on the liberal ideology of humanitarianism; as a durable solution for those seeking protection but will also analyze the US Refugee Policies through the prism of foreign policy behavior towards different countries. Although the US Refugee laws are founded on the Liberal theory of universal human rights and humanitarianism, applying classical realism, I argue that power politics, strategic self-interests and geopolitical dynamics influence the US refugee policies. I also opine that the securitization of muslims influences refugee policy-making in the US. The historical, theoretical and speech analysis will enable us to understand the differences in US refugee policies towards Afghans and Ukrainians in the international relations perspective.

KEYWORDS: *Refugees, US immigration policy, Ukraine, Afghanistan, foreign policy, USRAP, USCIS*

CHAPTER 1

INTRODUCTION

1.1 MOTIVATION

According to the United Nations High Commissioner For Refugees (UNHCR), there were 32.5 million refugees, 4.9 million asylum seekers and 5.3 million persons in need of international protection as of mid 2022. (UNHCR, 2022).

Statistically, the number of refugees worldwide has increased dramatically in the past 10 years. The United States that was hitherto the leader in refugee resettlement has seen a steep decline in the number of refugees admitted to the country compared to pre-2015 levels (UNHCR)

Afghanistan and Ukraine are facing a huge humanitarian crisis requiring urgent protection measures. Afghanistan has suffered the disaster of war for 40 years. Due to the Taliban takeover after the US withdrawal, there has been a mass displacement of Afghans who are vulnerable to terror while Ukrainians are displaced due to Russian aggression.

At least 76 000 Afghans were airlifted out of Afghanistan due to the chaotic withdrawal of the US military and government takeover by the Taliban. As of January 31st, 2022, more than 68000 Afghans relocated to the US through a resettlement program dubbed 'Operation Allies Welcome'. The massive arrival of Afghans prompted the government to rapidly mobilize to resettle them. (state.gov)

This humanitarian resettlement challenge was exacerbated as US President Joe Biden decided to admit 100,000 Ukrainians fleeing the Russian Invasion that started in February 2022. The US immigration system has become so overwhelmed that the US government has decided to create ad hoc pathways for Afghans and Ukrainians entering the United States.

Ukrainian and Afghan refugees, who have fled their countries due to war have however been beneficiaries of the US humanitarian protection, which falls within its principles of humanitarianism.

According to the DHS Operation Allies Welcome Afghan Evacuee Report in 2021, 76,000 Afghans had entered the US by June 2022 and at least 72,500 had been paroled while for Ukraine, 39000 of 73000 arrivals were parolees. It is very significant because these two groups represent the largest nationality-specific parole program since the 1980 US Refugee Resettlement system was instituted.

1.2 RESEARCH AREA: US REFUGEE POLICY TOWARDS AFGHANS AND UKRAINIANS

Studies in forced migration have been extensive since World War II. There is a vast amount of scholarly work on refugee studies but a gap still exists in studying a link between forced migration and foreign policy. Refugee Policies are highly replete with political connotations and linked to state foreign policy behavior, but this nexus is being neglected in academia.

It is important to understand why states pursue certain refugee Policies over others and understand why there are variations in policies enacted towards specific groups of refugees. By analyzing US refugee policies enacted towards Afghanistan and Ukraine, we shall

understand the dynamics of national interest, security, power and dominance in the international system of politics.

In this thesis, I shall focus on the post-cold war pathways implemented by the US government to resettle refugees.

Before the enactment of the US Refugee Act in 1980, parole was the legal option used to admit refugees under the Immigration and Nationality Act (INA). "The DHS may grant parole of the agency determines that there are urgent humanitarian or significant public benefit reason for a person to be in the United States and that the person merits a favorable exercise of discretion" (USCIS 2022)

The present parole system applied to the Afghans and Ukrainians aligns with the old tradition under the Immigration and Nationality Act, which gives the secretary of Homeland Security to use his discretion to parole any non-citizen applying for admission into the United States for humanitarian reasons (USCIS)

Parole is implemented when there is urgent need for protection considering limitations in the refugee resettlement system. For Afghans, the US has designated the Operation Allies Welcome (OAW), later transitioned to the Operation Enduring Welcome (OEW), the Special Immigration Visa (SIV) and Humanitarian parole.

In the wake of Russian invasion of Ukraine in February 2022, on April 21st, 2022, the US launched the Uniting For Ukraine (U4U) Program which provides a pathway for Ukrainian citizens and their immediate family members who are outside the US to come to the US and stay temporarily in a 2 year period of parole. (<https://www.dhs.gov/ukraine>)

This "new streamlined process provides Ukrainian citizens who fled Russia's unprovoked war of aggression opportunities to come to the United States, fulfilling President Biden's commitment to welcome up to 100,000 Ukrainians and others fleeing Russia's aggression as a result of the ongoing Russia-Ukraine Crisis" (DHS.gov).

Our study is therefore focused on these refugee resettlement pathways towards Afghans and Ukrainians and understanding their similarities and differences within international relation theories. This lead us to the following research questions;

1.3 RESEARCH QUESTIONS

- i) What are the differences and similarities between the US Refugee policy approach towards Ukrainian refugees and Afghan refugees as seen within a historical context ?
- ii) How can we understand the difference between the US Refugee policy towards Ukrainian refugees and Afghan refugees as seen in the IR perspective?.

1.4 STRUCTURE

To answer the research questions, I split the thesis into nine chapters

Chapter one entails the introduction which provides the general aspects of the thesis as well as the research field within international relations. It also gives the research questions that will help us have an understanding of the US refugee policy towards two groups; Ukrainians and Afghans.

Chapter two contains the methodology which legitimizes my research and the approach I used to come out with my findings about the US Immigration policies towards Ukraine and Afghanistan. I shall explain my choice and source of data used in analyzing the US immigration policy in the context of Ukrainian and Afghan refugees.

In a bid to understand the reason for the differences in refugee policies in this context, I used three IR theories; liberalism, realism and securitization. These theories are introduced in Chapter three.

Chapter four will be a literature review of relevant research on US immigration policy synthesizing it with theoretical knowledge to bring the research field into IR context.

Chapter five is a historical overview of the US Refugee policy; how the laws have evolved overtime and its influence in current refugee policy-making.

In Chapter six, I shall present the current US Refugee policy applicable to Ukrainians and Afghans and vividly outline the US refugee policies towards the Ukrainian refugees and Afghan Refugees. In this chapter, I shall analyze the similarities and differences of the laws. I shall later delve into a brief analytical design in Chapter seven that shall give leeway to our theoretical analysis in chapter eight.

Chapter eight shall be a theoretical analysis that will enable us to understand the similarities and differences of US refugee policy towards Ukraine and Afghanistan as seen within the International Relations perspective. I will merge historical elements, the current refugee policies towards Ukrainians and Afghans and relevant speeches to underpin my arguments. Chapter nine will give a closure to the reader by summarizing my findings and giving a reflection about the content of the general thesis.

CHAPTER 2

Chapter two explains the methodology used in conducting my research, data collection and the selection of theories to explain the US immigration policies as seen within the International relations perspective.

2.1 METHODOLOGY

I will use the qualitative method of Historical research or historiography, Document Analysis and Speech analysis in order to develop inference from the US refugee policy history and laws of the two groups of refugees; Afghan and Ukrainian refugees.

Historical research will help in the process of investigating past events systematically to give an account of past events.

Berg (2000) stressed that it is crucial to distinguish nostalgia from historical research since the former is the retelling of comfortable past pleasantries, events or situations that lacks research vigor while the later attempts to methodically recaptures the complex nuances, people, meanings, events and even ideas of the past that have impacted and shaped the present (Hamilton, 1993; Leedy 1999 as cited in Berg, 2000). My objective here is to delve into historical data detailing the US' diplomatic relationships with Ukraine and Afghanistan, past US immigration policies in order to draw meaning and how it has shaped the present refugee policies.

Berg (2001) states that historical research is important to search and identify the relationship of past happenings and their links with the present

The data used for my historical research are taken from primary sources or secondary sources. Most of the primary sources used are relevant historical documents from the US State department website <https://www.state.gov/history-of-dss/> .

My secondary sources are from scholarly articles about the US Refugee policies. I use secondary sources to underpin and verify data collected from the primary sources.

Levy (2001:51) underpins the importance of historical analysis by stating that it is "the conventional wisdom in both history and political science that all empirical observations are filtered through a priori mental frameworks, that all facts are 'theory laden'.

Merging history and primary sources of documents will help me eliminate bias in presenting my arguments and support my theoretical analysis. Gaddis (2001:301-302) states that "We think it is important to keep an open mind, and we see theory- at least theory that purports to account for history rather than simply reflecting history- as more often than not closing minds" .

Historical research will enable us to understand the past diplomatic relations between the US and two groups of refugees ; Ukrainian and Afghani. This also falls under the case study research method.

Case study methods involve systematically gathering enough information about a particular person, social setting, event, or group to permit the researcher to effectively understand how it operates or functions. The case study is not actually a data-gathering technique, but a methodological approach that incorporates a number of data-gathering measures (Hamel, Dufour, & Fortin, 1993).

2.2 DOCUMENT ANALYSIS

According to Fischer (2006) document analysis is a systematic procedure for reviewing or evaluating documents, both printed and electronic material. Document analysis requires that data be examined and interpreted in a bid to decipher meaning, gain understanding, and develop empirical knowledge.

My Qualitative Document Analysis process entailed the following steps adapted from Altheide's 'Process of Document Analysis' (1996). Altheide's process comprises; setting inclusion criteria for documents, collecting documents, articulating key areas of analysis, document coding, verification; and analysis.

In selecting relevant documents for my analysis, I considered the specific migration groups; Ukraine and Afghanistan and sorted specific policy designations for them under the United States Refugee Admission Program; humanitarian parole and Temporary Protected Status (TPS). I also considered the time of publication and release of those documents to make sure they fall within the time-frame of 2022/2023.

I chose documents from the United States Citizenship and Immigration Service (USCIS) in a bid to ensure impartiality and dependability. The laws shall be outlined using detail and quotes from the documents. An analysis is considered 'dependable' if another reader would have 'reached the same general conclusion given the opportunity to analyze the same set of documents under similar conditions' (Altheide 1996).

In the analytical chapters, I used relevant speeches by 3 presidents; George Bush, Donald Trump and Joseph Biden. The speeches are collated from the Presidential website [whitehouse.gov](https://www.whitehouse.gov) . I considered the role of presidential discourse in agenda-setting and influencing political dynamics. It is widely believed that presidents have the ability to influence the priorities of government, the media and American people by setting the agenda (Peake & Eschbaugh-Soha, 2008).

2.3 DATA COLLECTION

The primary data I shall utilize in this section are unclassified documents, Presidential remarks and laws culled from official US websites ; United States Citizenship and Immigration Services (USCIS), State Department ([state.gov](https://www.state.gov)), and WhiteHouse Gov. The specific data selected from the USCIS are designated legislation for Afghan and Ukrainian refugees.

The following sites were primary sources;

<https://www.uscis.gov/ukraine> to gather laws applicable to Ukrainians and

<https://www.uscis.gov/humanitarian/information-for-afghan-nationals> for laws concerning Afghan refugees. The data will enable me to outline the specific refugee laws enacted for Ukraine and Afghanistan. The legal framework will help to decipher similarities and differences in the US refugee policy towards the two groups.

I also gathered speeches and remarks from The Whitehouse website

<https://www.whitehouse.gov/> and US State Department Website [state.gov](https://www.state.gov) which are two sites that provide first-hand state information.

I also used secondary data collated from IR scholarly works related to the US Refugee policy, paying special attention on the nexus with US foreign policy.

I shall provide a historical analysis of their bilateral ties, followed by the specific refugee policies towards both groups. Most of the historical materials explore the evolution of the US Refugee policy from World War II.

I also collated secondary data in the form of media briefings, from news outlets like abcnews, guardian, CNN.

CHAPTER 3

THEORETICAL FRAMEWORK

In the field of International Relations, theories play an important role in explaining the world and how, based upon different time periods, one approach may speak to us more than another. To give a comprehensive analysis that explains the difference between the US Refugee policy towards Ukrainian refugees and Afghan refugees as seen in the IR perspective, I shall use the two traditional IR theories; Liberalism and Realism. I also argue that on the heels of 9/11 attacks by Al Qaeda, Muslims have been systematically securitized; considered an existential threat to the United States Security.

3.1 LIBERALISM

Liberal political theory takes its bearings from the thought that all men have equal rights to govern their actions. It is premised on the thought that men are equal in the sense that they are free by nature. The principle of human freedom and equality is part of the universal ideology; which entails all men are subject to the law and are entitled to equal treatment. Liberal ideas are espoused by John Locke, who is considered the father of modern Liberalism.

In John Locke's "Second Treatise To Government" (1689), he explained the relations between individual, community and government in a manner compatible with a stable political order. He justified legal and institutional forms and procedures that establish the rule of law and identified how the shortcomings of the law could be overcome without abandoning the principle of the rule of law.

While depicting the State of Nature, he opined that;

" To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man".

In John Locke's political writings, if men are naturally free and equal individuals, the formation of political community and political authority requires explanation. And if there is to be legitimate political subjection, it must somehow be compatible with natural individual rights. Liberalism finds compatibility in equal subjection to reasonable laws. (Ruth Grant on John Locke's Liberalism)

Liberalism proponents crave for a state of equality and freedom of persons.

" A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or

subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty - (John Locke, 1689)

According to John Locke, liberal government is the solution to the problem of defining legitimate government, because only the liberal state can meet standards set by the natural law; only the liberal state is compatible with the liberal premise.

The American revolutionary generation drew many of its concepts from John Locke (1632-1704) . He is credited as the founder of modern Liberal thought as he pioneered the concepts of natural law, social contract, religious toleration, the right to revolution which proved to be essential in the American Revolution and subsequently in the establishment of the US Constitution. (US history.org)

Liberal democracies are enthusiastic about international cooperation considering that;

- Transnational actors such as nongovernmental organizations and private corporations succeed in liberal democracies
- Democratically elected officials rely on delegation to multilateral bodies to commit to a stable policy line and internationally lock in fragile domestic policies and constitutional arrangements
- Powerful liberal democracies such as the United States and its allies, voluntarily bind themselves into complex global governance arrangements to demonstrate strategic restraint and create incentives for other states to cooperate, thereby reducing the costs for maintaining international order. (Bertrand Badie et Al 2011)

According to Immanuel Kant, states that share liberal values should have no reason for going to war with each other. The more liberal states there were in the world, the more peaceful it would become, since liberal states are ruled by their citizens and citizens are rarely disposed to go to war. (McGlinchey & Dana, 2022)

Kant's ideas have resonated and have continuously been developed by modern liberals. The US President Woodrow Wilson practiced liberal ideas as addressed in his 'Fourteen Points' to the US Congress in January 1918 during the final year of the First World War. The last of his 'points' bore the ideas for a rebuilt world beyond the war. This idea culminated in the setting up of a general association of nations which later became the League of Nations (<https://history.state.gov/>)

Different strands of liberalism have emerged within the field of International relations. The liberal universalist and utilitarian strands of thought are imperative for my analysis since they are rooted in the equality of refugees.

THE LIBERAL UNIVERSALIST STRAND

Liberal universalism provides a cogent grounding for theories of duties to non-nationals, and its assumptions about the moral equality of human-beings deeply pervade moral and political discourse in liberal democratic societies. It is not surprising, then, that liberal universalist

theories have a virtual monopoly on arguments for admitting greater numbers of refugees, and more generally for recognising moral duties beyond borders. (Boswell 2001)

The Universalist moral or political theory is one which gives equal weight to the interests or well-being of all human beings. Universalist theories are grounded on the premise of moral equality of human beings. It gives equal consideration to the interests of each individual, regardless of their particular characteristics, ties or other non-universal features.

UTILITARIAN STRAND

Utilitarianism is a liberal strand of thought used by Robert Goodin (1988) to construct accounts of duties to non-nationals. The theory attaches no special moral relevance to nationality, over and beyond duties to humanity in general. It is based on equal consideration to the interest of all human beings. By legislation, the United States refugee policy embraces an egalitarian principle which aims to achieve equal utility for all, giving equal consideration to the welfare of each individual.

Goodin's theory of Universal duties defends the consequentialist theory of duties to non-nationals that is defined on the basis of an objective criterion of well-being- the concept of vulnerability. He argues that individuals have a duty to protect and assist those who are dependent on them or vulnerable to their actions and choices. "The state's special responsibility to its own citizens is, at root, derived from the same considerations that underlies its general duty to the refugee" (Goodin 1988). Liberal ideas have accounted for respect for human rights, democracy and good governance across the world.

3.2 REALISM

The first assumption of realism is that the state is the principal actor in international relations. Other bodies exist, such as individuals and organizations, but their power is limited. Secondly, the state is a unitary actor. National interests, especially in times of war, lead the state to speak and act with one voice. Thirdly, decision-makers are rational actors in the sense that rational decision-making leads to the pursuit of the national interest. Here, taking actions that would make your state weak or vulnerable would not be rational. Realism suggests that all leaders, no matter what their political persuasion, recognise this as they attempt to manage their state's affairs in order to survive in a competitive environment. Finally, states live in a context of anarchy – that is, in the absence of anyone being in charge internationally. The often-used analogy of there being 'no one to call' in an international emergency helps to underline this point.

Realism constantly draws on references of the past. Much emphasis is laid on the idea that humans are essentially held hostage to repetitive patterns of behavior determined by their nature. Realists hold the view that human beings are egoistic and desire power. (SANDRINA ANTUNES & ISABEL CAMISÃO, 2018)

After World War II, Hans Morgenthau (1948) developed a comprehensive international theory called Realism in order to throw light on the relationship between interests and morality in international politics. In contrast to the pre-World War II liberal ideas, Morgenthau set out an approach that emphasized power over morality. He portrayed morality as

something that should be avoided in policymaking. According to Morgenthau, every political action is geared towards keeping, increasing or demonstrating power. (Morgenthau, 1948) Kenneth Waltz modernized Morgenthau's idea in his work "Theory of International Politics" (1979) by explaining realism through the lens of structure called Neorealism. He argues that all states are constrained by existing in an international anarchic system (structure) and any course of action they pursue is based on their relative power when measured against other states.

INTEREST DEFINED IN TERMS OF POWER

This concept explains the assumption that statesmen think and act in terms of interest defined as power, and the evidence of history bears that assumption out. According to Neo-realist scholar John Mearsheimer (2001), Great powers are rarely content with the current distribution of power; on the contrary, they face a constant incentive to change it in their favor. They almost always have revisionist intentions, and they will use force to alter the balance of power if they think it can be done at a reasonable price. At times, the costs and risks of trying to shift the balance of power are too great, forcing great powers to wait for more favorable circumstances. But the desire for more power does not go away, unless a state achieves the ultimate goal of hegemony. Since no state is likely to achieve global hegemony, however, the world is condemned to perpetual great-power competition. (Mearsheimer 2001)

He also argues that states operating in a self-help world almost always act according to their own self-interest and do not subordinate their interests to the interests of other states, or to the interests of the so-called international community. The reason is simple: it pays to be selfish in a self-help world. This is true in the short term as well as in the long term, because if a state loses in the short run, it might not be around for the long haul. (Mearsheimer 2001)

3.3 SECURITIZATION

In the aftermath of the 9/11 terrorist attacks in the US, there has been increasing global discourse that links migration with terrorism.

The Copenhagen School defines securitization as a speech-act process 'through which an intersubjective understanding is constructed within a political community to treat something

as an existential threat to a valued referent object and to enable a call for urgent and exceptional measures to deal with the threat' (Buzan and Waever, 2003; 491). But the threat only becomes securitized 'only if and when the audience accepts it as such' (Buzan et al, 1998; 25). The Copenhagen school sees security as a 'speech act', where a certain issue can be socially constructed as an existential threat. Successful securitization depends on the acceptance of such an act by an audience, making intersubjectivity (against mere subjectivity) security's defining characteristic (Buzan et al., 1998).

(Buzan, Wæver and de Wilde 1998, 26), a discourse that takes the form of presenting something as an existential threat to the referent object and the audience accepts it. It is an extreme version of politicization.

The securitisation theory holds the view that political issues are framed as extreme security issues to be dealt with urgently (emergency measures) when they have been labeled as 'dangerous', 'menacing', 'threatening', 'alarming' and so on by a 'securitising actor' who has the social and institutional power to move the issue 'beyond politics'. (Buzan, Wæver and de Wilde 1998, 26)

In essence, security issues are not simply 'out there' but rather must be presented as problems by securitising actors (Eroukhmanoff, 2018). For instance, calling Muslims a threat to 'national security', shifts immigration from a low priority political concern or normal politics to a high priority issue (Beyond politics) that requires urgent action, such as securing borders or extreme vetting.

According to Buzan et Al (1998), there are three elements that are necessary for a successful securitization; the referent object, the audience and facilitating conditions.

For the purpose of this thesis, I shall be using the second generation of securitization exponents like , Thierry Balzacq, Huysmans and Didier Bigo. Balzacq in his work "Three Faces of Securitization: Political Agency, Audience and Context", opines that for more context-oriented approach when it comes down to securitization through speech act, where context is vital;

"In reality, the speech act itself, i.e literally a single security articulation at a particular point in time, will at best only very rarely explain the entire social process that follows from it. In most cases, a security scholar will rather be confronted with a process of articulations creating sequentially a threat text which turns sequentially into securitization" (Balzacq 2005)

CHAPTER 4

This chapter reviews the relevant field of literature used in conducting my analysis. I examine the variation in US refugee policy enactment and implementation through the lens of the theories of realism, liberalism and securitization. Historical literature on US immigration policy and US bilateral relationship with Ukraine and Afghanistan within the prism of foreign policy form the basis of this thesis. The historical and theoretical literature backs up my research in deciphering the similarities and variations between the US immigration policy towards Afghans and Ukrainians.

LITERATURE REVIEW

Liberal Democratic States and Responsibilities to Refugees (1999) by Matthew Gibney explores how liberalism is grounded on impartialism. He states that "Impartialism upholds the claims to equal concern and respect of human beings qua Human beings". He also states that humanitarianism is the framework within which a state is required to assess and defend its response to refugees.

As one of the pillars in liberalism, humanitarianism is the primary value that attracts the refugee issue as a significant phenomenon for liberalism. Humanism will be derived from the moral obligation for any champions of Liberalism to solicit help or salvation for refugees (Helton, 2002: 8).

The values of Americans consist of "liberal, democratic, individualistic, and egalitarian values," according to Samuel P. Huntington (Huntington 1982, 1). He however argues that there is a lack of consistency between American ideals and institutions that are supposed to reinforce these values (Huntington 1982, 1). This view is underpinned by Pantoja (2006), stating that American values are ; "humanitarianism, egalitarianism and individualism" but criticizes that these values are related to the "ethnic and racial overtones" connected to immigration (Pantoja 2006, 516, 519)

Mitchelle holds the view that humanitarianism along with anti-communism were core values and a part of the national ideology that affected immigration policies in the 1980s (Mitchell 1989, 698, 702

Mearsheimer in his work "The Tragedy of Great Power Politics" (2001), points out that the gap between rhetoric and reality usually goes unnoticed in the United States' policy making. To him, realist policies sometimes coincide with the dictates of liberalism, in which case there

is no conflict between the pursuit of power and the pursuit of principle. In this case, realist policies can be justified with liberal rhetoric without having to discuss the underlying power realities.

Although the relationship between states according to this theory is naturally "competitive," this does not eliminate the possibility of cooperation, especially when cooperation is aligned with fulfilling a state's national interests (Mastanduno, Lake and Ikenberry 1989, 459).

The major concepts that proponents of realism emphasize are anarchy, security, and power. Realists hold the assumption that states exist in an anarchic world (Donnelly 2000, 7; Waltz 1979). States' interests derive from their need to ensure their own security and survival (Snyder 2004, 55). Furthermore, states are assumed to act rationally and serve as the central actors in international affairs (Keohane 1986, 164-165). In this anarchic system where states are the primary actors, national interests drive foreign policy (Mastanduno, Lake and Ikenberry 1989, 459-460)

Security and self-interest plays an important role in determining refugee policies . For instance, in 1996, there were refugee reforms instituted to deter asylum seekers from coming to the US because of the "broader fear of potential terrorists gaining legal entry into the country through an overburdened asylum system" (Holmes and Keith 2010, 431).

Since realists perceive states as rational actors whose behavior is solely based on "narrow self-interest," humanitarianism or human rights concerns are considered "cheap talk," and give way to more substantive interest (Keith, Holmes and Miller 2015, 157).

Therefore, leaning on the realist theoretical assumption, the United States may not have interest in admitting certain refugees since this may influence national security. However, looking at the US' Refugee policy generally, the United States would more likely admit an individual from an allied country since the particular country does not pose a threat to its security. It is also in the US' strategic interests to maintain good relations with its allies and partners.

Securitization theory explains the US' restrictive policies towards muslim nations because they are being constructed as an existential threat to national security. Buzan et al.'s book *Security: A New Framework for Analysis* (1998) explores the analytical framework of securitization. The Copenhagen School states that "Security is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics", which requires extraordinary measures. This security move is backed by a speech act. Contemporary literature shows how George Bush and Donald Trump's speeches bear elements of Securitization. The Copenhagen School views Securitization as an "intersubjective" practice of the Securitisation actor acting towards the audience, as the audience plays an important role in accepting the discourse.

The US Refugee Policy has significant foreign policy dimensions as looked in the prism of international relations. Also George Modelski defines foreign policy as "the system of activities evolved by communities for changing the behavior of other states and for adjusting their own activities to the international environment. Foreign policy must throw light on the

ways states attempt to change and succeed in changing the behavior of other states" - (Feliks G 1994)

In *Calculated Kindness*, Gil Loescher and John A. Scanlan argues that the US government has applied a half-open door immigration policy since 1945. Loescher and Scanlan chronicle the history of immigration into the US, describing the political and humanitarian forces that have shaped US Refugee policy.

After having given a relevant literature contextualized within the field of IR, I shall delve into the analytical chapters which include a creating a nexus between US refugee policy and foreign policy, historical overview of the US Immigration policy, the current US refugee policy and specific designations for Ukrainian and Afghan refugees. Here, I shall present the similarities and differences.

CHAPTER 5

5.1 HISTORICAL CONTEXT

In this chapter, I shall first present the significance of Afghanistan and Ukraine in my research. Later, I shall explore a historical background of the United States diplomatic ties with both countries; Ukraine and Afghanistan, which is a major influence in state behavior in policy-making. This historical account will provide evidence that the US has more strategic interest in one country than the other and to an extent proves that US refugee policies have a connection with its foreign policy choices. Firstly, I will create that connection between Refugee policy and Foreign policy. Secondly, I will give an overview of the US Refugee Legislation and procedure. Fourthly, I will explore diplomatic ties between the US and the two migration groups.

5.1.1 THE SIGNIFICANCE OF AFGHANISTAN AND UKRAINE IN THIS RESEARCH

The United States has had long-standing diplomatic relations and significant geopolitical interests in both Afghanistan and Ukraine. I chose to specifically research migrants from these countries because overtime, the United States has been involved in their socio-political and economic dynamics. Also, the United States has had a rift of geopolitical interest and power relations with Russia in both countries. (state.gov). In this thesis, I argue that Russia influenced the United States immigration policy towards Ukraine.

The United States has had a roller-coaster relation with Russia from World War II, Cold War and post-cold War era.

Russia has attempted to position itself as a great power competitor to the United States by undermining norms within the existing international system using a suite of hybrid tools. Russia's campaign aims to undermine core institutions of the West, such as NATO and the EU, and to weaken faith in the democratic and free-market system. The United States seeks to deter Russian aggression by projecting strength and unity with U.S. allies and partners, building resilience and reducing vulnerability among allies and partners facing Russian pressure and coercion. (<https://www.state.gov/u-s-relations-with-russia/>)

The United States' major concern has been power relations and ideological antagonism with the Soviet or present day Russia that was the reason for the Cold War. (Mark Kramer 1999).

It is important to understand that the US foreign policy during the Cold War extended its involvement in the Soviet-Afghan War (1979-1989). <https://history.state.gov/milestones/1977-1980/soviet-invasion-afghanistan> Afghanistan is the only state to have been occupied by Great Britain (twice in the 19th Century), the Soviet Union (1980s) and the United States (2001-2021) Russia's invasion of Afghanistan and Ukraine on the heels of the Cold War has been a provocation that bolstered US foreign policy objectives (Lowenstein 2016).

5.1.2 THE NEXUS BETWEEN US REFUGEE POLICY AND FOREIGN POLICY

Gil Loescher published extensive research work to give a better understanding of competing policies and principles that have regulated immigration practices in the United States.

In 'Refugee and International Relations', Gil Loescher postulates that "government responses to refugee movements from neighboring or distant countries are greatly influenced by the relations between sending and receiving nations". Loescher's idea creates a nexus between refugee policies and foreign policy.

Foreign policy is formulated in accordance with national interest. Throughout the Cold War, US Refugee policy was, until the passage of the 1980 Refugee Act explicitly based on foreign policy. (Loescher, Gil 1986)

Loescher further asserts that the US maintained a double standard in the admission of refugees, extending welcome to victims of the "evil empire" - those facing persecution from Communist regimes. To him, it is largely ideological. It was geared towards the overarching motive of defeating and stalling the communist expansion by the Soviet Union. The National Security Council Memorandum of 1953 characterized the Refugee Relief Act of 1953 as a means to "encourage defection of all USSR nationals and key personnel from the satellite countries" and mentioned that it would "inflict a psychological blow on communism" and though less important, ...material loss to the Soviet Union (Robert Tucker 1990, Immigration and US foreign policy)

Several policies implemented by the United States in the past have proven that refugee policies are foreign policy tools. For instance;

On November 26, 1956, Eisenhower announced parole for 15000 Hungarians into the United States on a temporary basis and subsequently raised the amount of parolees to 32000. These Hungarians were fleeing Soviet aggression.

Another instance where the US used refugee Resettlement to undermine communism was in Cuba.

On April 20, 1961, President Kennedy made a public statement titled "The Lesson of Cuba" in which he conceded that refugee flow revealed the bankruptcy of Communism's promise. In a bid to meet the threat of Castro's Communism, the US and other nations of Latin America asserted its own will in 'a struggle in many ways more difficult than war' - (Loescher 1986)

The US maintained generosity towards Cuban refugees as an ideological fight against Castro's Communism.

According to Loersher, Cubans "were perceived as brothers and sisters of the European and rare Asian 'escapees' who fled communism after World War II and sought liberty in Democratic America...great attention was paid to the general ideological import of their departure, little to the individual motives of each entrant".

Contrarily, in the 1990s Haitians were classified as "economic migrants", interdicted, and deported. The ideological connotation is that admitting Cubans as refugees was aimed at helping to further American foreign policy against communist Cuba, while there was no underlying foreign policy goal to protect fleeing Haitians.

Haitian asylum seekers were denied or even encouraged to return back to Haiti. On the other hand, Cuban asylum seekers were accepted and received "preferential treatment" (FitzGerald, Cook-Martin and Garcia 2014, 125).

Even though both of these groups were from Southern American countries, they were treated differently since Cubans were fleeing from a communist country and the Haitian asylum seekers were not (FitzGerald, Cook-Martin and Garcia 2014; 125). This example proves that there is an ideologically based discrimination in this asylum policy.

Loescher and Scanlan call America's refugee policy "calculated kindness" because it is both generous but selective in who benefits from its generosity.

The 1965 amendments to the Immigration and Naturalization Act created a preference system for admission into the US . The seventh preference was exclusively favorable for individuals fleeing "Communist or Communist-dominated countries", which was embedded in ideological foreign policy. (B. Soucek 2015)

Between 1965 and 1972, approximately 68000 of migrants who departed from "Communist and Communist-dominated" countries were admitted to the US under "seventh preference". (Loersher 1986)

With the institution of the 1980 Refugee Act , the legal basis of admitting refugees in the United States changed from the Realist principle of national interest to humanitarian principle. With the enactment of this law, geographical grounds and ideological grounds were eliminated for granting refugee status by the US.

The US Refugee policy has continued to change overtime depending on its relations with particular countries in the international environment. As the Cold War era receded toward the mid-90s, US Refugee policy became more designed within the prism of foreign policy. Preventing, responding to, controlling or ending refugee outflows is an increasingly important objective of US foreign policy.

The Cold War had a significant impact on US immigration policy, leading to the implementation of laws and regulations that aimed at preventing the entry of individuals who were considered to be a threat to national security.

5.1.3 COLD WAR AND IMPACT ON US IMMIGRATION LAW

The International political dynamics of the post-World War II era were characterized by intense ideological rivalry and competition between the Soviet Union and the United States. This rivalry became known as the Cold War.

The Soviet Union instituted a strict communist regime inspired by Karl Marx's 1848 Communist Manifesto, which was characterized by nationalizing almost all means of

production, the disintegration of people's liberty and the communist expansion policy. (Marxists.org)

The United States, which identified itself as a democratic and capitalist state, strongly opposed the communist ideology and expansionism. This expansionist vision threatened US economic and strategic interests. As a consequence, the US and Soviet Union engaged into a vicious rivalry to expand their respective spheres of influence and achieve global hegemony. This antagonism lasted until 1991. Although the Cold War did not lead to any armed conflict between the two superpowers, the rivalry extended in various proxy wars in Vietnam, Korea, Yemen and Afghanistan. The United States was expanding its sphere of influence while curbing the spread of the Soviet Union and Communism (John Lewis, 2005)

George Kennan , career Foreign Service Officer, formulated the policy of "Containment", a US strategy for fighting the Cold War (1947-1989) with the Soviet Union. His ideas formed the basis of US President Truman's foreign policy. In the so-called "X-Article", Kennan wrote "The main element of any United States Policy towards the Soviet Union...must be that of long-term, patient but firm and vigilant containment of Russian expansive tendencies". He called on the US to counter "Soviet Pressure against the free institutions of the Western World", through the "adroit and vigilant application of counter-force at a series of constantly shifting geographical and political points, corresponding to the shifts and maneuvers of Soviet policy". (history.state.gov. Kennan).

During the Cold War, the US was engaged in a struggle with the Soviet Union and other communist nations. As a result, the US government was highly suspicious of individuals who were suspected of being communist sympathizers or spies. This suspicion extended to immigrants, who were viewed as potential agents of foreign powers.

The US implemented a series of immigration policies that were designed to limit the entry of people from countries that were considered to be hostile to US interests. These policies included the McCarran-Walter Act of 1952, which established a quota system for immigration that favored individuals from Western European countries and limited the number of immigrants from Eastern Europe and Asia.

(<https://history.state.gov/milestones/1945-1952/immigration-act>)

Again, the US government implemented a program known as the McCarran Internal Security Act, which prompted the deportation of individuals who were suspected of being affiliated with communist organizations.

(<https://www.mtsu.edu/first-amendment/article/1047/mccarran-internal-security-act-of-1950>)

Having given a historical overview of the US refugee policy, I shall explain the bilateral relations the US shares with Ukraine and Afghanistan. States usually cooperate in the international community in order to advance their foreign policy goals.

5.2 THE UNITED STATES' DIPLOMATIC RELATIONS WITH AFGHANISTAN AND UKRAINE

The US has diplomatic ties with both Ukraine and Afghanistan, the nature of these relationships is shaped by a variety of factors, including historical, political, and security considerations...]

During the Cold War, the United States and the Soviet Union sought to gain footholds in Afghanistan. The United States has had strategic interest in Ukraine from 1991 when it gained its independence.

Bilateral diplomacy is essential in determining how countries interact with each other. By engaging with each other, states strengthen their foreign objectives. (diplomacy.edu)

The State Department has four main foreign policy goals;

- To protect the United States and Americans;
- Advance democracy, human rights, and other global interests;

- Promote international understanding of American values and policies; and

- Support U.S. diplomats, government officials, and all other personnel at home and abroad who make these goals a reality. (<https://2009-2017.state.gov/>)

It is very important to understand that Diplomacy is the best way used to protect the US States and the American people. The United States uses diplomacy to solve challenges that crosses national boundaries and affects them like terrorism, humanitarian needs of migrants and refugees. (<https://2009-2017.state.gov/>)

In the following sections, I shall uncloak the diplomatic relationship the US shares with Afghanistan and Ukraine as well as the various refugee policies towards both migrant groups. This historical research will serve as a foundation on which I base my arguments about the discriminatory refugee policies.

5.2.1 BILATERAL RELATIONS BETWEEN THE US AND AFGHANISTAN

In 1979, the Soviet Union invaded Afghanistan, which sparked worldwide condemnation. The United States and its European allies guided a doctrine of containment, castigating the Soviet coercive move into Afghanistan.

On January 4, 1980, President Jimmy Carter in an address stated that; "Massive Soviet Military forces have invaded the small, nonaligned, sovereign nation of Afghanistan". (Speech on Afghanistan January 4, 1980)

Carter was resolute that all the nations in the region have to be free and independent. They devised several measures to compel the Soviet Union to withdraw from Afghanistan. The tumultuous political landscape in Afghanistan complicated the relationship between the US and Soviet. The US government under Carter started supplying non-lethal aid to Afghan Mujahideen, or Islamic insurgents.

The Carter administration vowed to protect Middle Eastern Oil supplies from encroaching Soviet power. The US also enacted economic sanctions and trade embargoes against the

Soviet Union, calling for the boycott of the 1980 Moscow Olympics. The US stepped up their aid for Afghan insurgents Mujahideen.

US funding began with 60 million dollars per year from 1980 to 1985, 470 million dollars in 1986, and reached 630 million dollars per year from 1987 to 1989 (Steve Coll, Ghost Wars 2001)

After a debacle, Moscow withdrew at the cost of millions of lives and billions of dollars. The Soviet Union left a devastated country in which the Talibans seized power and made it a training base for launching terrorist operations across the world. This prompted US to invade Afghanistan to dismantle Al Qaeda. (State.gov : Soviet Invasion of Afghanistan and the US Response , 1978-1980)

The United States' colossal support for the Mujahideen propagates the idea that it was appalled by the Soviet Union's invasion of Afghanistan and sought to forestall Soviet expansion into South Asia and the Middle East. The United States' primary strategic value of the Soviet War in Afghanistan was the opportunity to deplete the Soviet Union's resources and make Soviet operations "as politically costly as possible" - (United States National Security Council, 1979)

In a televised address on January 4, 1980, President Carter declared the Soviet invasion of Afghanistan is "an extremely serious threat to peace because of the threat of further Soviet expansion into neighboring countries in Southwest Asia, and also because such an aggressive military policy is unsettling to other people throughout the world" . He concluded by saying "The response of the international community to the Soviet attempt to crush Afghanistan must match the gravity of the Soviet action. With the support of the American people and working with other nations, we will deter aggression, we will protect our nation's security, and we will preserve peace". (Speech on Afghanistan, January 4, 1980)

The US support to anti-communist rebel group Mujahideen was intended to escalate the Afghan insurgency in order to draw the Soviet Union into a devastating war in Afghanistan. According to Brzezinski, the covert aid to the Mujahideen ``had the effect of drawing the Russians into the Afghan trap" - (Jauvert, Les Revelations d'un Ancien Conseiller de Carter".

The US and its allies depicted the Soviet invasion of Afghanistan as a war against Islam. This propaganda triggered thousands of Muslim recruits around the Middle East to flock to Afghanistan with the urge to fulfill their religious duty in the fight against the Soviet Union. The Muslim recruits were "Ideologically charged with the spark of holy war" - (Hamid Hussein, 2002)

Osama Bin Laden and Abdullah Azzam were two recruits who traveled to Afghanistan to fight the Soviet-Afghan War. In 1984, they founded the Office of Services, a recruitment and support network for Mujahideen soldiers. After Azzam's death in 1989, Bin Laden merged the Offices of Services with other Islamic Terrorist Groups to form "Al-Qaeda". Al-Qaeda became a global terrorist group that carried out attacks in the US on September 11, 2001. The US launched an invasion of Afghanistan in October 2001 in response to the 9/11 terrorist attacks, which toppled the Taliban regime. US presence in Afghanistan lasted for two decades with a huge death toll and heavy financial loss.

The Soviet-Afghan War was of strategic importance to the United States' quest for military and ideological dominance in the Middle East. (Lowenstein 2016)

5.2.2 US REFUGEE POLICY TOWARDS AFGHANISTAN

"Afghanistan's displacement crisis is one of the largest and most protracted in UNHCR's seven-decade history. We are witnessing a third generation of Afghan Children born in exile" - UN High Commissioner For Refugees Filippo Grandi.

The Afghan Refugees Crisis was triggered by civil war and the Soviet Military Invasion. In December 25th, 1979, Soviet-Afghan War began when the Soviets led by Leonid Brezhnev launched a military invasion in Afghanistan to support the pro-soviet government that had been installed through the Tajbeg Palace Assault (Operation Storm 333).

From 1979 to 1981, more than 3000 refugees per day crossed into neighboring Pakistan, totalling more than 3 million, while another 2 million fled to Iran. (N. Ghufraan 2011)

"Refugees fled Afghanistan due to their anti-communism, their resentment of foreign rule, the widespread cruelty practiced by the regime and their adherence to Islam" (SK Lischer 2005)

Between 1992 and 2001, the Afghan Civil War caused a new trend of refugee crisis, in which the Taliban insurgency took control over Kabul and most of the Afghan territory.

A huge number of Hazaras - a Shi'a ethnic group who feared religious and ethnic persecution by the Taliban regime were forced to flee to Iran (D. Robert 2007). The Taliban's strict reading of an ancient tribal social code called the Pushtunwali was resisted by a majority of the Afghans who had never been administered under such restrictions.

The US Refugee response was primarily based on repatriation: "With repatriation now a real possibility for many Afghans and Iraqis, we expect to process (resettlement) only extremely vulnerable refugees from those countries who cannot return to their homes" - (US State Department 2004). The US and the UNHCR helped to ease the voluntary return of refugees through a Tripartite Agreement between Afghanistan, Iran and Pakistan.

On September 18th 2001, President George Bush through the Joint Resolution authorized the US armed forces to use all necessary and appropriate force against those national organizations or persons he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001. (Public Law 107-40, 107th Congress).

In order to fight terrorism, the US launched attacks in Afghanistan to topple the Taliban government and dismantle the terrorist network Al Qaeda.

In 2009, the Afghan Special Immigrant Visa (SIV) Program was laid down by Section 602 of the 2009 Afghan Allies Protection Act. It was designated for translators who worked for the US Government during the wars in Iraq and Afghanistan.

The AAPA eligibility criteria was for Afghans who "Provided faithful and valuable service to the US government, as documented in positive recommendation or evaluation by the petitioner's employer; ...

Has experienced or is experiencing an ongoing serious threat as a consequence of the petitioner's employment by the government; " (USCIS 2009)

Afghans were not designated Priority 2, which is for groups of special concern designated by the Department of State as having access to the program by virtue of their circumstances and apparent need for resettlement (Congress Report, 2018)). This is because the US preferred repatriation.

"Our fundamental aim here is to take care of those who took care of us . In my experience, the only way to provide meaningful security is to get them and their immediate families to the United States as expeditiously as possible" . - Ambassador Ryan Crocker, Afghanistan (2011-2012)

UNHCR and the governments of Afghanistan and Pakistan entered a tripartite agreement that for the first time laid down a formal process of bringing a solution to the 23-year-old Afghan refugee problem in Pakistan.

Under the agreement, UNHCR will continue to assist the voluntary repatriation of Afghan refugees from Pakistan for three more years. The agreement is designed to support a gradual organized return that is sustainable (UNHCR.ORG)

In a 2013 report to Congress , the US State Department, it is stated: The United States will continue to work with UNHCR and the government of Pakistan to preserve asylum space and promote alternative stay arrangements. However, presently, local integration is not an option for a majority of the Afghan Refugees.

Congress amended the 2009 AAPA in 2013 with some provisions to "improve the efficiency by which applicants for Special Immigrant Visa...are processed". It stated that "All steps under the control of the respective departments incidental to the issuance of the SIVs including required screening and background checks, should be completed not later than 9-months after the date on which an eligible Afghan submits all required materials to complete an application for such a visa". The amendment also states that "visas in high-risk cases for which satisfaction of national security concerns requires additional time".

(Improvement of the Afghan SIV program Section 1219)

Apparently, the Special Immigrant Visa (SIV) was only for Afghans who worked with the US government and did not take full responsibility for the millions of Afghans displaced in Iran and Pakistan. The US government rather implemented humanitarian funding and repatriation.

Until 2021, the US Refugee policy was based on offering humanitarian aid not resettlement for Afghans.

5.2.3 BILATERAL RELATIONS BETWEEN THE US AND UKRAINE

The United States established relations with Ukraine in 1991, when it gained independence from the Soviet Union. The US attaches importance in Ukraine's transition to a sovereign and democratic state with a flourishing economy . In a State of the Union address , President Joe Biden made it crystal clear that backing Ukraine is imperative , " because it keeps the peace and prevents open season for would-be aggressors to threaten our security and prosperity". (Whitehouse.gov).

After the dissolution of the Soviet Union in 1991, Ukraine had the third largest nuclear arsenal in the territory.

After gaining independence, Russian, Ukrainian and US Presidents signed a Trilateral statement on 14th January 1994 that reaffirmed Ukraine's commitment to transfer all its strategic nuclear warheads to Russia. It also entailed dismantling strategic launchers in its territory. In return, Ukraine received security assurance from the US, Russia and Britain; compensation for the economic value of the highly-enriched uranium in the warheads and assistance from the US in dismantling the missiles, missile silos, bombers and nuclear infrastructure on its territory.

Ukraine later acceded to the Nonproliferation Treaty (NPT) as a non-nuclear weapons state. (Brookings, 2011)

i. THE BUDAPEST MEMORANDUM ON SECURITY ASSURANCE

After Ukraine's accession to the NPT, The Budapest Memorandum was signed on December 5, 1994 by Russia, Ukraine, the United Kingdom and the United States. Russia, the UK and the US committing to "Respect the independence and sovereignty and the existing borders of Ukraine", "to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations", "...to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty" , "...to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear weapon state party to the Non-proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used. " (Budapest Memorandum 1994)

Ukraine had established a Partnership for Peace with the North Atlantic Treaty Organization (NATO) and deepened its ties on July 9th, 1997. The President of Ukraine Leonid Kuchma signed a document with NATO establishing a distinctive partnership.

During NATO's 22nd summit in April 2008 , there was a debate whether Membership should be offered to Croatia, Georgia and Ukraine. Ukraine President Vladimir expressed a strong opposition to extending membership to Georgia and Ukraine.

ii) RUSSIA'S VIOLATION OF THE BUDAPEST MEMORANDUM

Between February 2014 and March 2014, Russia flouted the Budapest Memorandum to respect Ukraine's sovereignty by seizing control of Crimea, a Ukrainian Peninsula. A referendum was held and the Crimean voters chose to secede and join Russia.

The United States announced a formal policy rejecting Russia's annexation of Ukraine's Crimea Peninsula. The US Secretary of State Mike Pompeo condemned Russia for seeking "To undermine a bedrock international principle shared by democratic states".

"As we did in the Welles Declaration in 1940, the United States reaffirms as policy its refusal to recognize the Kremlin's claims of sovereignty over territory seized by force in contravention of international law. In concert with allies, partners and the international community, the United States rejects Russia's attempted annexation of Crimea and pledges to maintain this policy until Ukraine's territorial integrity is restored" (Crimea Declaration 2018)

iii) UKRAINIAN MIGRATION AND US REFUGEE POLICY

Between 1988 and 2014, an estimated 254,000 Ukrainians, who consisted mainly of agricultural laborers seeking economic and employment opportunities.

About 12,000, consisting of largely highly-educated and urban Ukrainians who fought for Ukrainian independence during a war with the Soviet Union between 1917 and 1921 left for the United States following defeat.

Due to the destruction caused by World War II, there was another significant exodus of Ukrainians. An estimate of 80,000 Ukrainians migrated to the United States between 1947 and 1955, when the Soviet government restricted most forms of emigration.

When the Soviet Union collapsed in 1991, Ukrainians were able to emigrate. 108,000 Ukrainians moved to the United States between 1992 and 1997. (2019 American Community Survey)

In 1990, the US launched the Lautenberg Program that allowed nationals of former Soviet republics to immigrate through the refugee resettlement program on grounds of religious persecution. Through this program, 1,900 Ukrainians were granted refugee status in the United States in 2020. (Migration Policy Institute).

After having established the diplomatic ties between Ukraine and Afghanistan, the following section shall explore a historical overview of the US refugee policy and the present legal framework called the United States Refugee Admission Program (USRAP).

It is worth-noting that Immigration Control policy is crucial in determining patterns and scope of migration. Zolberg (1989:406) observed that "All the countries to which people would like to go restrict entry. This means that, in the final analysis, it is the policies of potential receivers which determine whether movement can take place, and what kind".

5.3 OVERVIEW OF THE US LEGISLATION AND REFUGEE POLICY

The United States began resettling refugees in 1948, starting with the Displaced Persons Act (DPA), which covered postwar European refugees.

On June 25, 1948, Harry S. Truman signed the Displaced Persons Act of 1948. The act aimed at resettling thousands of European refugees who had been displaced from their home countries due to World War II. Although it concomitantly offered aid to the refugees, the act placed strict limitations on the number of people who could enter the US

This seemingly arbitrary stipulation prohibited the entrance of Jewish refugees who survived the Holocaust. President Truman recognized the inherent biases, discrimination and anti-Semitic policies bound up in Congress' supposedly generous act.

Truman reluctantly signed the Displaced Persons Act, and called the 80th Congress to amend the act so that it might reflect true American decency, goodwill and freedom (Truman Library Institute)

In 1950, Truman succeeded in persuading Congress to enact an amended version of the legislation. The amended act permitted the entrance of another 200,000 refugees over the course of the following two years, just as the original version had, but it removed the cutoff date which previously blocked the entrance of thousands of Jewish refugees. (Truman Library Institute)

In the 1950s, legislation and administrative action allowed persons fleeing Communist regimes to enter the United States in large numbers from Hungary, Poland, Yugoslavia, and China.

In the 1960's and 1970's Cubans were welcomed in the US and in 1975, the U.S. accepted a great number of Vietnamese and Cambodian refugees.(Loescher 1986)

The resettlement programs immensely depended on legislation specific to a particular crisis, group, or time period, or, on occasion, Presidential use of the immigration parole power (Steinbock 2003)

During the Cold War until the passage of the 1980 Refugee Act, the US Refugee policy was a handmaiden of foreign policy. The overarching objective of the policy was to damage and defeat communism. The National Security Council Memorandum of 1953 characterized the Refugee Relief Act of 1953 as a means to "encourage defection of all USSR nationals and 'key' personnel from the satellite countries" and suggested that it would "inflict a psychological blow on Communism" and damage the Soviet economy through the hemorrhage of skilled professionals. (Kathleen Newland, 1995)

Refugee Resettlement has been used by the United States as a durable solution for persons with humanitarian protection needs, who have fled their countries, unable to return home and require resettlement.

Under the US immigration and Nationality Act, a refugee is any person who is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion (Immigration and Nationality Act 1101 (42))

This definition aligns with the UN 1951 Refugee Convention and the 1967 protocol, which the United States ratified in 1968. In the aftermath of the Vietnam War and the US experience in resettling Southeast Asian refugees, the US Congress passed the Refugee Act in 1980.

Between 1975 and 1979, some 300,000 of these refugees were able to come to the US through Presidential action, as the law restricted refugee admissions (Archives foundation - Refugee Act 1980)

In the US, mechanisms for permanent resettlement of refugees from first asylum countries were well developed but there were no institutionalized mechanisms for being countries of temporary refuge, especially in cases of massive influx. When there was a mass asylum movement from Cuba hit the US during the Camarioca boatlift in the 1960s and the 1980 Mariel boatlift, there was a policy panic (Charles Keely 1994). Mass asylum seeking could be handled only after intense and prolonged domestic political negotiations.

5.3.1 THE NORTHERN REFUGEE REGIME

The Northern Refugee regime aimed at admitting and resettling those who "escaped communist oppression". It was an instrument intended to embarrass communist states, frustrate the consolidation of the communist revolution and destabilize nascent governments. This regime was basically focused on the Soviet Union and the states of Central and East

Europe over which the Soviet Union established hegemony after the Second World war. These were the countries behind the Iron Curtain (Keely, 2001)

In the US, the Northern Refugee regime was primarily geared towards resettling those from communist countries. This included refugees from behind the Iron Curtain and a large proportion of refugees from Hungary in 1956-1957 (Peter Pastor, 2016)

The 1980 Refugee Act signed into law by President Jimmy Carter amended the earlier Immigration and Nationality Act and the Migration and Refugee Assistance Act. Since the passage of the Refugee Act in 1980, the United States has admitted more than 3.1 million refugees (state.gov/refugee-admissions)

This Refugee Act provided the legal basis of the present US Refugee Admissions Program (USRAP).

5.4 US REFUGEE ADMISSIONS PROGRAM (USRAP)

The USRAP is a multi-step process in coordination with the UNHCR. A person seeking refugee status has to register with the UNHCR for them to determine if an individual qualifies as a refugee. This will help in determining a durable solution; safe and voluntary return to the home country, local integration or permanent resettlement in a third country.

The US State Department states that;

"The US Refugee Admissions Program (USRAP) reflects our history as a nation welcoming immigrants, exemplifying a US values-based foreign policy and serving as a beacon of hope for persecuted people around the world. It is an important, enduring and ongoing expression of our commitment to international humanitarian principles to save lives and alleviate human suffering as well as our commitment to human rights, including freedom of religion or belief and freedom of expression. Critically, it remains a powerful demonstration of the United States' continued solidarity with refugees and the countries hosting them" . (state.gov)

It is important to note that USRAP is a "vital foreign policy tool" by the US to advance its interests and national security objectives. (State.gov).

The US Refugee Processing requires a compulsory security vetting, pre-screening interview, a refugee adjudication interview and medical exam. After this process is fulfilled, the applicants who are approved for admissions shall follow the next steps that comprise assignment to resettlement agency, completion of case documentation and travel arrangements in coordination with the International Organization for Migration (IOM).

Referrals of vulnerable persons to USRAP can also be done by US Embassies or specially trained NGOs. Over the history of the program, the USRAP has resettled nearly 3.5 million refugees in the United States (state.gov)

Before departure, refugees have to sign a promissory note to repay the United States for their travel cost. (Lucy Westcott)

The USRAP is based on a priority system. There are four categories of 'Processing Priorities' ;

Priority 1: Individual cases referred by designated entities, including UNHCR, U.S. embassies, and certain qualified NGOs, to the program by virtue of their circumstances and apparent need for resettlement.

Priority 2: Groups of special concern designated by the Department of State as having access to the program by virtue of their circumstances and apparent need for resettlement.

Priority 3: Individual cases from designated nationalities granted access for purposes of reunification with family members already in the United States.

Priority 4: Individual cases from all nationalities who have been referred by private sponsors in the United States, and who receive post-arrival support and services from those sponsors. (US State Department - USRAP)

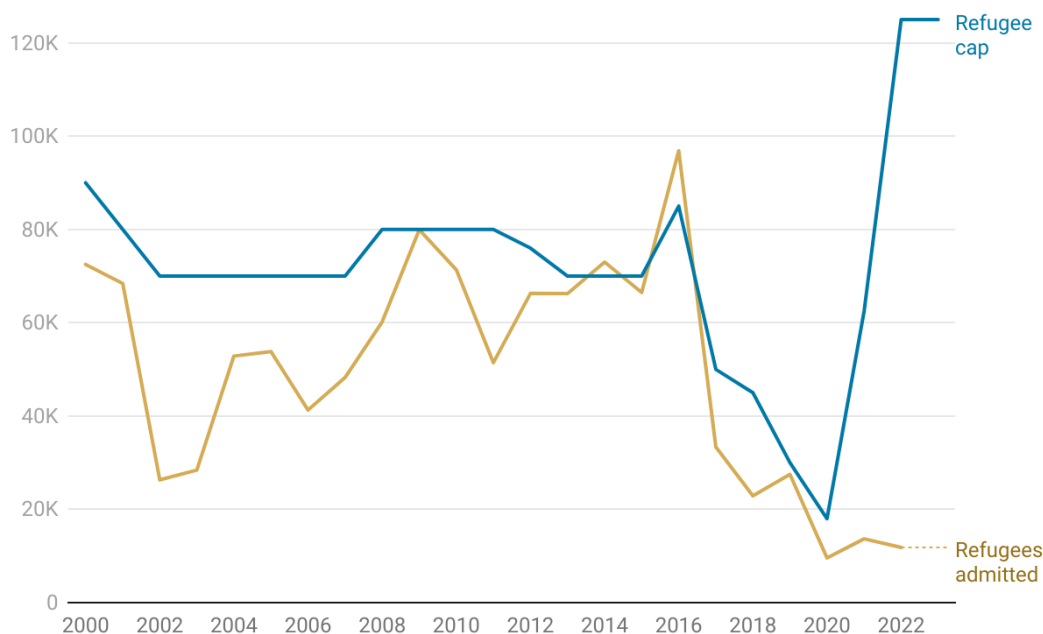
5.4.1 HOW REFUGEE ADMISSIONS ARE DETERMINED

The President, in consultation with Congress, determines the numerical ceiling of annual refugee admissions. The viability of different refugee populations is being accessed by the State Department and Department of Homeland Security (DHS) .

Under the State department, there is a Bureau of Population, refugees and migration (PRM) "PRM promotes interests by providing protection, easing suffering, and resolving the plight of persecuted and forcibly displaced people around the world. We do this by coordinating humanitarian policy and diplomacy, providing life-sustaining assistance, working with multilateral organizations to build global partnerships, and promoting best practices in humanitarian response" - (State.gov PRM)

The president's administration drafts and the president signs the Presidential Determination on Refugee Admissions, which sets the refugee cap for the upcoming fiscal year. The refugee caps (figures) from 2000-2022 are shown below

Figure 3. US Annual Refugee Cap



Note: 2014 and 2016 have resettlement arrivals larger than the refugee cap. This reflects differences in the numbers between UNHCR and the US data. The US data shows 69,987 refugees resettled in 2014 and 84,999 in 2016, both just below each year's ceiling. This data is for fiscal years 2000-2022.

Chart: The Center for Growth and Opportunity • Source: "Resettlement Data Finder," UNHCR, accessed January 10, 2023 and "U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present," Migration Policy Institute, accessed January 10, 2023 • Created with Datawrapper

The decline in refugee admissions from 2001 was due to the 9/11 terrorist attack. There was a legal scrutiny of refugee admissions. The main victims of the new scrutiny for permanent immigrants were refugees entering through the U.S. Refugee Admissions Program, despite the fact that refugees did not participate in the 9/11 attacks and no refugee entering under that program had at that time or since carried out a deadly terrorist attack in the United States (Nowrasteh 2019, 23)

Since our focus is on the US refugee policy in the wake of the US military withdrawal from Afghanistan and the Russian invasion of Ukraine (2021-2023), we shall explore the refugee resettlement decline during Donald Trump's tenure of office and the different approach by President Biden. With Donald Trump, there was an onslaught of anti-immigrant rhetoric and policy while Joe Biden has been more liberal with his refugee policy; trying to manage the refugee flows and instituting resettlement pathways.

5.5 PRESIDENT DONALD TRUMP'S REFUGEE POLICY

President Obama restored the refugee program to its pre-9/11 levels and generally ensured the cap was filled. When President Trump took power, he promoted fears of a terrorist refugee invasion, suspended the program in 2017, lowered the caps, and then instituted new screening requirements that slowed processing to a crawl again.

Under Donald Trump, the US Immigration Policy "focused almost solely on stopping migrants from coming to; entering; or, if they reached the United States, staying in the country. The Trump administration forced Central American countries to sign "safe third country" agreements, which require asylum seekers to first seek refuge in neighboring countries before applying in the United States. It also narrowed the interpretation of what constitutes grounds for asylum, largely excluding the domestic or gang violence that so many flee"-(Shannon K Oneil, 2021) .

Constructing a "big, beautiful wall" between the US and Mexico was the signature promise of President Donald Trump's 2016 election campaign. This concrete barrier to him will serve to stop what he described as a flow of illegal immigrants and drugs over the border. (Trump White House archives 2021)

Trump's refugee-program suspension began with an executive order banning immigrants from several Muslim-majority countries. (David J Bier, 2019)

In 2020, the Trump administration set the refugee cap for fiscal year 2021 at 18,000.

www.federalregister.gov

President Donald Trump's refugee Policy of vetting slowed down the admission of Afghan Refugees. The Executive Order 13780 of March 6, 2017 (Protecting the nation from Foreign Terrorist Entry into the United States) by Donald Trump was aimed at protecting "the security and interests of the United States and its people". The law implemented screening and vetting protocols and procedures. Although Afghanistan was not among the 7 countries (Iran, Iraq, Sudan, Chad, Yemen, Syria, Somalia) under the travel ban, the vetting process backlogged the refugee system due to the "muslim' symbolic threat under Trump's regime.

Trump also reduced the refugee cap drastically. From 110,000 President Obama administration to 45,000 in 2018, 30,000 in 2019 and 18000 in 2020. (US PRM 2021 report) The gap between the resettlement ceiling and actual resettlement numbers happened because the State Department downsized the refugee resettlement infrastructure in 2017. From 2017 until 2021, about a third of resettlement offices closed. (Danilo Zak, 2021) Donald Trump also implemented the 1944 Title 42, which is an emergency health code that gives the government the authority to take emergency action to stop the introduction of communicable diseases. (goveinfo.gov). He used this code to turn away 2.8 million migrants at the US-Mexico border on the pretext of preventing COVID 19 spread in the US. (wola.org)

5.6 PRESIDENT BIDEN'S REFUGEE POLICY

In February 2021, President Biden revoked the 2017 Executive Order, which was based on "Extreme Vetting". Biden's administration is primarily aimed at reversing many of Trump's immigration policies. On January 20, 2021, Biden started by halting the construction of the Mexican Border Wall .

"My Administration is committed to ensuring that the United States has a comprehensive and humane immigration system that operates consistently with our Nation's values. In furtherance of that commitment, I have determined that the declaration of a national emergency at our southern border in Proclamation 9844 of February 15, 2019 (Declaring a National Emergency Concerning the Southern Border of the United States), was unwarranted. It shall be the policy of my Administration that no more American taxpayer dollars be diverted to construct a border wall. I am also directing a careful review of all resources appropriated or redirected to construct a southern border wall" (Whitehouse.gov) Under President Biden, through the "Memorandum on the Emergency Presidential Determination on Refugee Admissions" the Refugee Ceiling was raised to 62,500 in 2021 and 125,000 in 2022.

To justify the increment of the ceiling, Biden stated that "an unforeseen emergency refugee situation now exists due to new or increasing political violence, repression, atrocities, or humanitarian" and it was in the "national interest" of the US to admit more refugees (Presidential Determination No. 2021-05)

In spite of the fact that Joe Biden is reversing Trump's immigration policy, especially Title 42, he however wants to stiffen the border policy.

"Today, my administration is taking several steps to stiffen enforcement for those who try to come without a legal right to stay, and to put in place a faster process — I emphasize a "faster process" — to decide a claim of asylum, someone who says, "I'm coming because I'm escaping oppression." Well, there's got to be a way to determine that much quicker for people who are credibly seeking protection from persecution" - (Whitehouse.gov, 5 January 2023)

The following chapter is the crux of the thesis; it explores the present US Refugee resettlement policies for both Afghans and Ukrainians. After this presentation, I shall clearly bring out the similarities and differences of the US refugee policies towards Afghans and Ukrainians.

For Ukrainians, there are three resettlement pathways available;

- Temporary Protected Status (TPS)
- Humanitarian Parole and Uniting For Ukraine (U4U)
- Lautenberg Program

CHAPTER 6

6.1 CURRENT US REFUGEE RESETTLEMENT FOR AFGHANS

Between 2021 and 2023, USCIS has designated resettlement pathways for Afghans:

- The Special Immigrant Visa (SIV)
- SI/SQ parole.; SI visa class is specifically for translators or interpreters who have worked with US military force while SQ visa class category is available to any other Afghan national who was employed by the US government in Afghanistan
- Humanitarian Parole
- Temporary Protected Status

6.1.1 SPECIAL IMMIGRANT VISA (SIV)

Section 602(b) of the Afghan Allies Protection Act of 2009 (AAPA), created a new special immigrant category for Afghan nationals who worked for or on behalf of the U.S. government in Afghanistan. The President signed the AAPA into law on March 11, 2009.

The Consolidated Appropriations Act, 2023, as enacted on December 29, 2022, authorized 4,000 additional Special Immigrant Visas (SIVs) for Afghan principal applicants, for a total of 38,500 visas allocated since December 19, 2014. It also extended the program through December 31, 2024.

According to the US Policy Manual, to obtain approval of a petition for special immigrant status under the AAPA, the petitioner must establish that he/she is a citizen or national of Afghanistan who was or is employed in Afghanistan by or on behalf of the U.S. government; or

- By the ISAF (or any successor name for the ISAF) while:
 - Traveling off-base with U.S. military personnel stationed at the ISAF (or any successor name for the ISAF), to serve as an interpreter or translator for such U.S. military personnel; or
 - To perform activities for the U.S. military personnel stationed at the ISAF (or any successor name for the ISAF); and
- Was employed on or after October 7, 2001, and before the date established by the most recent program extension, for a period of not less than 1 year;
- Provided faithful and valuable service to the U.S. government, as documented in a positive recommendation or evaluation by the petitioner's employer;
- Has experienced or is experiencing an ongoing serious threat as a consequence of the petitioner's employment by the U.S. government;
- Has cleared a background check and appropriate screening as determined by the Secretary of Homeland Security; and

- Is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence. (uscis)

BENEFITS OF THE SIV

SIV holders are eligible for the same benefits as refugees, administered under the U.S. Refugee Admissions Program (USRAP; cash assistance, medical assistance, employment preparation, job placement, English language training, and other services offered through the Office of Refugee Resettlement (ORR). You may also be eligible for federal “mainstream” (non-ORR funded) benefits, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP). <https://www.acf.hhs.gov/orr/fact-sheet/benefits-ukrainian-humanitarian-parolees>

PATHWAY TO LAWFUL PERMANENT RESIDENCY (LPR) STATUS

Once admitted into the United States, SIV holders will be mailed a Permanent Resident Card (Green Card), and after five years of residing in the U.S. are able to apply for U.S. citizenship.

6.1.2 HUMANITARIAN PAROLE (AFGHAN PAROLE)

The United States offers humanitarian parole to Afghans who are outside of the United States. They may request parole into the United States for a temporary period based on urgent humanitarian or significant public benefit reasons, or someone else may request this parole for them. The US Citizenship and Immigration Service (USCIS) authorizes parole on a case-by-case basis and specifies the duration of the parole. While parole allows for temporary lawful presence in the United States, it does not give an immigration status or a path to lawful permanent residence (a Green Card) or other lawful immigration status. When an Afghan receives parole, he/she will remain an applicant for admission and may be able to apply for lawful status in the United States, if considered eligible.

Afghan nationals outside of the United States who are seeking protection due to past persecution or feared future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion may contact the Office of the United Nations High Commissioner for Refugees (UNHCR) for assistance.

PAROLE FOR AFGHANS IN AFGHANISTAN

Due to the Taliban takeover, the U.S. Embassy Kabul has suspended operations, including all consular services in Afghanistan and USCIS cannot fully process requests for parole for individuals in Afghanistan.

For those currently living in Afghanistan, who are determined as being initially eligible for parole, will be sent a Notice of Continued Parole Processing to the applicant’s petitioner explaining that he/she must arrange their own travel outside of Afghanistan to a country where there is a U.S. embassy or consulate before their parole request can be fully

processed. When the applicant reaches the new location with the US embassy, USCIS has to be notified for the application to be renewed (USCIS)

PAROLE FOR AFGHANS OUTSIDE AFGHANISTAN

Afghan applicants for parole outside of Afghanistan have to notify the USCIS when they arrive at the location with the US Embassy or consulate. The case will be reviewed and if the applicant is eligible, a conditional approval shall be issued and information sent to the US embassy or consulate in the new location for processing to continue.

“If we find that you may be eligible for parole, we will send a letter informing your petitioner that we have referred your case to the U.S. embassy for additional processing. This additional processing will include fingerprinting and additional vetting. Unless you are eligible for an exception, you must undergo medical screening and vaccinations by a panel physician at your own expense before we will approve you to travel to the United States” - (uscis.gov)

BENEFITS OF HUMANITARIAN PAROLE

The US Congress authorized resettlement benefits for Afghan nationals paroled into the United States from July 31, 2021, through Sept. 30, 2023, and for certain family members paroled after Sept. 30, 2023.

Afghan humanitarian Parolees are eligible for benefits through the Afghan Placement and Assistance (APA) program, which provides immediate resettlement assistance to newly arrived Afghans.

“You may be eligible for cash assistance, medical assistance, employment preparation, job placement, English language training, and other services offered through the Office of Refugee Resettlement (ORR). You may also be eligible for federal “mainstream” (non-ORR funded) benefits, such as cash assistance through Supplemental Security Income (SSI) or Temporary Assistance for Needy Families (TANF), health insurance through Medicaid, and food assistance through Supplemental Nutrition Assistance Program (SNAP)- (APA Fact sheet 2022)

Since Humanitarian Parole is not an immigration status, there is no direct pathway to lawful permanent residency (LPR). Humanitarian Parolees can only achieve permanent residency by applying for asylum, SIV, or if eligible, having a U.S. citizen or LPR family member file an I-130 immigrant visa petition to adjust status.

6.1.3 TEMPORARY PROTECTED STATUS (TPS)

The Department of Homeland Security (DHS) Secretary, after consultation with other U.S. government agencies, designates a country for Temporary Protected Status (TPS) for the following reasons:

- (1) There is an armed conflict preventing the safe return of nationals from that country;
- (2) There has been an environmental disaster in the country that substantially disrupts living conditions; or

(3) There are “extraordinary and temporary conditions” that prevent foreign nationals from safely returning.

The DHS Secretary may designate the country for periods of 6 to 18 months and may extend these periods if the country continues to meet the conditions for designation. To qualify for TPS, an applicant from a designated country must meet certain criteria, including physical presence in the United States since the effective date of the country’s TPS designation, continuous residence in the United States since a date specified by the DHS Secretary, and admissibility to the United (crs reports)

The Department of Homeland Security (DHS) announced that the Secretary of Homeland Security (Secretary) is designating Afghanistan for Temporary Protected Status (TPS) for 18 months, effective from May 20, 2022, through November 20, 2023. This designation allows eligible Afghan nationals (and individuals having no nationality who last habitually resided in Afghanistan) who have continuously resided in the United States since March 15, 2022, and who have been continuously physically present in the United States since May 20, 2022 to apply for TPS. [CIS No. 2709–21; DHS Docket No. USCIS– 2022–0004]

BENEFITS

During the designated TPS period, TPS holders are eligible to remain in the U.S. and receive protection from deportation. TPS holders can apply for employment authorization (EAD) by submitting a completed Form I-765, Application for Employment Authorization, and may apply for advance parole travel permission.

6.2 US CURRENT RESETTLEMENT POLICY FOR UKRAINIAN REFUGEES

Due to Russian aggression against Ukraine, which triggered refugee displacement, the US reacted by laying down laws that provide pathways for temporary settlement. These legal frameworks include; Temporary Protected Status (TPS), Uniting For Ukraine program and the Lautenberg Program.

6.2.1 TEMPORARY PROTECTED STATUS (TPS)

On March 3, 2022, the Department of Homeland Security (DHS) announced the designation of Ukraine for Temporary Protected Status (TPS) for 18 months. DHS cited Russia’s armed aggression as a reason for the designation. The TPS designation period for Ukraine lasts from April 19, 2022, through October 19, 2023.

In order to be eligible, the applicant must be a Ukrainian national or noncitizen having no nationality, who last habitually resided in Ukraine , have continuously resided in the United States since April 11, 2022; and have continuously been physically present in the US since April 19, 2022. The total filing fee for TPS and an EAD is \$545 but fees vary depending on if the applicant wants an EAD and the applicant’s age range.

Holders of Temporary Protected Status (TPS) are not removable from the United States, can obtain an employment authorization document (EAD) and may be granted travel authorization. (Refugees.org)

6.2.2 UNITING FOR UKRAINE (U4U)

On the 21st of April 2022, the United States announced a landmark step towards fulfilling President Biden's commitment to welcome 100,000 Ukrainians fleeing Russia's invasion. Uniting for Ukraine was established as a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and stay temporarily in a 2 year period of parole. Applicants for Uniting for Ukraine must have a supporter in the United States who agrees to provide them with financial support for the duration of their stay in the United States (uscis)

"An individual who holds lawful status in the United States or is a parolee or beneficiary of deferred action or Deferred Enforced Departure (DED) who has passed security and background vetting and demonstrated sufficient financial resources to receive, maintain, and supports the individuals whom they commit to support for the duration of their stay in the United States" - (USCIS)

"Uniting for Ukraine builds on the robust humanitarian assistance the U.S. government is providing as we complement the generosity of countries throughout Europe that are hosting millions of Ukrainian citizens and others who have been displaced" - (USCIS)

According to the USCIS, a supporter can be U.S. citizens and nationals, Lawful permanent residents, Nonimmigrants in lawful status (that is, who maintain the nonimmigrant status and have not violated any of the terms or conditions of the nonimmigrant status), Asylees, refugees, and parolees, TPS holders; and Beneficiaries of deferred action (including DACA) or Deferred Enforced Departure.

BENEFIT

USCIS announced that from April 25th, 2022, the primary process for Ukrainians fleeing Russia's invasion and seeking parole into the United States is through Uniting for Ukraine (U4U). The U4U program enables Ukrainians to travel to the United States. They shall be considered for parole for a period of up to 2 years, and be eligible to apply Employment Authorization Document (EAD)

"The United States strongly encourages Ukrainians in Europe who seek to travel to the United States to complete the request from Europe. Ukrainians who present at U.S. land ports of entry without a valid visa or without pre-authorization to travel to the United States through Uniting for Ukraine may be denied entry and referred to apply through this process" -(USCIS)

With this new approach, Ukrainians are exempted from any fee and USCIS will refund any I-131 fee if a Ukrainian withdraws his/her application and reapplies under Uniting for Ukraine

The USCIS states; "There is no fee to apply for parole through Uniting for Ukraine. If you previously paid the processing fee for your Form I-131, although fees paid to USCIS are generally non-refundable, we will refund fees paid in this circumstance.

Uniting for Ukraine may help beneficiaries receive temporary safe haven in the United States more quickly”

Under the U4U program as effective from November 21st, 2022, beneficiaries paroled into the United States under the Uniting for Ukraine are employment authorized incident to parole. In essence, if a Ukrainian is paroled into the United States under Uniting for Ukraine, USCIS does not need to approve the application for employment authorization before you can work in the United States.

6.2.3 THE LAUTENBERG AMENDMENT

The Lautenberg Amendment is another pathway for citizens in the former Soviet Union countries, including Ukraine, who belong to a religious minority group to join their family members living in the United States. These religious groups include Jews, Evangelical Christians, Ukrainian Catholics, and members of the Ukrainian Autocephalous Orthodox Church and Greek Orthodox Church. The program created under the Lautenberg amendment operates through the U.S. Refugee Admissions Program (<https://refugees.org/lautenberg-program-fact-sheet/>)

The current application period is March 15, 2022, to September 30, 2022. Congress must reauthorize the program for it to continue in fiscal year 2023.

To access the program, U.S. citizens, LPRs, asylees, or refugees who want to bring their family members to the U.S. must apply through a resettlement agency. Applications will only be considered if they go through their local resettlement office.

Afghans have to pay \$575 for humanitarian parole programs. No proof of targeted violence is required for Ukrainians, while Afghans must show they were targeted by the Taliban. Ukrainians also can skip the wait times required for other humanitarian parole applicants

6.3 SIMILARITIES IN US REFUGEE POLICY TOWARDS AFGHANS AND UKRAINIANS

The United States reacted to both humanitarian crises by creating resettlement pathways as durable solutions through the Temporary Protected Status (TPS) scheme and Humanitarian Parole.

6.3.1 TEMPORARY PROTECTED STATUS

DHS designated Afghanistan and Ukraine for Temporary Protected Status (TPS) for a period of 18 months. For both groups, TPS does not provide a direct pathway to Lawful Permanent Resident status (Green Card). The eligibility criteria are the same for Afghans and Ukrainians.

To be eligible for TPS, the applicant must:

- Be a national of a country designated for TPS, or a person without nationality who last habitually resided in the designated country;

- File during the open initial registration or re-registration period, or you meet the requirements for late initial filing during any extension of your country's TPS designation.

- Have been continuously physically present (CPP) in the United States since the effective date of the most recent designation date of your country; and

- Have been continuously residing (CR) in the United States since the date specified for your country. The law allows an exception to the continuous physical presence and continuous residence requirements for brief, casual and innocent departures from the United States. When you apply or re-register for TPS, you must inform USCIS of all absences from the United States since the CPP and CR dates. USCIS will determine whether the exception applies in your case. (uscis)

6.3.2 HUMANITARIAN PAROLE

Both Afghans and Ukrainians have been designated for humanitarian parole, which permits them to live legally in the US for two years.

Afghan Parole is for evacuees that do not qualify for an Special Immigrant Visa or P1/P2/P3 refugee programs, but were at-risk, had ties to family members in the U.S., or had not started SIV or other immigrant status applications.

For Ukrainians, there are two main pathways through which they have received Humanitarian Parole; through the Uniting For Ukraine program; and crossing the U.S.-Mexico border prior to the U4U program.

6.4 DIFFERENCES

Section 202 (a) of the US Refugee Act states; "No person shall receive any preference or priority or be discriminated against . . . because of his race, sex, nationality, place of birth, or place of residence." (uscouse.house.gov). However, Ukrainians are prioritized to an extent in the recent US refugee policy designation.

There is a difference in the urgency of the designation of TPS to Ukrainians, compared to Afghans.

On August 29, 2021, President Biden directed the Department of Homeland Security (DHS) to coordinate ongoing efforts to support vulnerable Afghans, including those who worked alongside the US in Afghanistan for the past two decades, as they safely resettle in the United States. Although there was a pathway for Afghans who worked with the US government, through the Special Immigration Visa (SIV), not all Afghans who fled Taliban takeover were protected.

Afghans were designated for TPS on March 15th, 2022 after waiting for a long time-frame. In Ukraine's case, after the Russian Invasion on February 24th, 2022, the US designated Ukraine for Temporary Protected Status (TPS) on April 19, 2022.

6.4.1 EXCEPTION OF UKRAINIANS FROM TITLE 42

Title 42 of the U.S. code, grants the government the suspension of entries and imports from designated places to prevent the spread of communicable diseases.

It states;

“Whenever the Surgeon General determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with regulations approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose” (July 1, 1944, ch. 373, title III, § 362, 58 Stat. 704.)

Afghans had to go through strict medical screening before being admitted into the US while Ukrainians have been exempted from Title 42. .

On March 11, 2022, U.S. Customs and Border Protection (CBP), issued a memo to its Office of Field Operations stating that noncitizens in possession of a valid Ukrainian passport or other valid Ukrainian identity document, and absent national security or public safety risk factors, may be considered for exception from Title 42.

“U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO) is currently assisting the Centers for Disease Control and Prevention (CDC) in enforcing its Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists under Sections 362 & 365 of the Public Health Service Act, 42 U.S.C. § 265 & 268, hereafter referred to as "Title 42."

The Department of Homeland Security recognizes that the unjustified Russian war of aggression in Ukraine has created a humanitarian crisis. CBP is authorized, consistent with the Title 42 Order, on a case-by-case basis based on the totality of the circumstances, including considerations of humanitarian interests, to except Ukrainian nationals at land border ports of entry from Title 42.

Non-citizens who are in possession of a valid Ukrainian passport or other valid Ukrainian identity document, and absent risk factors associated with national security or public safety, may be considered for exception from Title 42 under this guidance. Ukrainian non-citizens granted an exception from Title 42 may be processed for any disposition under Title 8, as appropriate, including urgent port of entry humanitarian parole on a case-by case basis. The attached muster contains specific processing guidance. Please ensure that this memorandum and muster are disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information please contact~ Luis Mejia Executive Director, Admissibility and Passenger Programs (APP) (aila.org AILA Doc. No. 22040805)

6.4.2 THE UNITING FOR UKRAINE AND AFGHAN PAROLE

The U4U program sharply contrasts with the Afghan Parole.

Ukrainians applying for Humanitarian parole through Uniting for Ukraine have their \$575 application fee waived and do not have to be interviewed in person at a consulate while Afghans have to pay the processing fee. USCIS refunds any I-131 fee if a Ukrainian withdraws his/her application and reapplies under Uniting for Ukraine (uscis)

There is equally a lower eligibility criteria for U4U as compared to Afghan parole. For the U4U program, as long as the US supporter can meet financial eligibility requirements, and the Ukrainian beneficiary is admissible, any Ukrainian can be approved. US Senators have decried this double standard.

The complaint is underpinned in a letter dated October 1, 2021 by U.S. Senators Tom Carper and Chris Coons (both D-Del.) joined U.S. Senators Alex Padilla (D-Calif.) and Richard Blumenthal (D-Conn.) and 23 other Senate colleagues to Department of Homeland Security (DHS) Secretary Mayorkas and the United States Citizenship and Immigration Services (USCIS) Director Jaddou urging them to implement a blanket waiver on fees for Afghan nationals applying for humanitarian parole to come to the United States.

(<https://www.carper.senate.gov/newsroom/press-releases/sens-carper-coons-urge-dhs-and-uscis-to-waive-humanitarian-parole-application-fees-for-afghan-nationals/>)

6.4.3 DISPARITY IN NUMBER OF PAROLE APPROVALS

According to the Migration Policy Institute (MPI), by the end of June 2022, more than 17,000 Ukrainians had been paroled into the United States through Uniting for Ukraine, and 24,000 more had been approved but had not yet arrived. By August 2022, over 66000 Afghans had applied for parole but just 123 were approved while 68000 Ukrainian applications were approved. (The legal project -USCIS)

6.4.4 UKRAINIANS EXEMPTED FROM EVIDENCE OF IMMINENT HARM

Afghans parole applicants need to show evidence of imminent risk of harm or urgent humanitarian reason in order to be approved while Ukrainians do not need to show any evidence. Any petitioner in the US can file for a Ukrainian without the applicant showing evidence of imminent harm or any urgent humanitarian reason.

"We consider each parole request and the evidence provided on a case-by-case basis, considering all of the circumstances. (See Section 212(d)(5) of the Immigration and Nationality Act.) It is long-standing U.S. government policy to generally address protection needs, including for Afghan nationals who may need protection, through the international refugee protection regime, which may include resettlement through the U.S. Refugee Admissions Program (USRAP).

...A petitioner must establish that we should authorize parole because the person is in imminent risk of harm" - (USCIS)

6.4.5 DELAYS IN PAROLE PROCESSING AND IMPLEMENTATION

Unlike Ukrainians who are witnessing swift approvals under the Uniting for Ukraine scheme, Afghan Humanitarian parole applications take an extremely long time to be processed. This is contained in the Legal Project on Afghan Humanitarian Parole;

“In our offices, we routinely counsel Afghans in our communities who are desperate to bring family members out of danger and into the United States, and we have had to inform them that there is no emergency route for family reunification. In stark contrast to the swift approvals under Uniting for Ukraine, Afghan humanitarian parole applications are subject to long processing times and a high denial rate. Ukrainians who are in relative physical safety in Europe are eligible for Uniting for Ukraine and can sometimes travel within a week. Meanwhile we have had to advise Afghans whose families are in hiding from the Taliban, and who have faced direct, personal threats because of their U.S. affiliation, to file 1-130 petitions for them, with years-long processing times and sometimes decades-long waits for the visa numbers to be current. Of course, parolees cannot even begin the 1-130 process until they navigate the lengthy process of adjusting status through asylum or SIV” -(USCIS legal project on Afghans)

In February 2023, hundreds of Afghan refugees who had been facing extreme delays in the approval of U.S. visas protested in Islamabad, Pakistan . The U.S. government instituted the Priority 1 and Priority 2 (P1 and P2) refugee programs with the aim of fast-tracking visas for at-risk Afghans including journalists and rights activists after the Taliban takeover in Afghanistan.

Applicants protested for waiting more than one and a half years for their visas to be processed by US officials, placing them in economic hardship in Pakistan (voanews)

CHAPTER 7

ANALYTICAL DESIGN

Based on historical data about US Immigration policy, policy designation and speeches, I shall use the exploratory method to interpret the similarities and differences between the US refugee policy towards the Ukrainian and Afghans within the field of International relations. The purpose of the analysis is to clearly give a theoretical interpretation of the US government’s varying behavior in dealing with refugees from Ukraine and Afghanistan. To explain why there is a difference between the US Refugee resettlement policies, I shall analyze with the lens of IR theories earlier introduced; Liberalism, Realism and Securitization.

This chapter shall be a combination of historical inferences, policy analysis and relevant speeches by US Presidents.

In the analysis that follows, I will lean on Liberalism and Classical Realism Theory with the presumption that although states practice humanitarianism, they are simultaneously driven by their own self-interest, regardless of morality. States are more likely to resettle refugees if they gain something rather than moral obligation.

The first section of the analysis shall focus on the liberal outlook of the US refugee policy. The US as a liberal democracy preaches morality, its desire to establish democracy and good governance across the world. I reflect on the fact that the US has lesser cooperation with states that do not align with its democratic principles. My analysis shall reflect the context of Afghan and Ukrainian refugees.

The second section of my analysis shall explain how the US immigration policy is couched in realism; national interest, security, survival and the pursuit of power in an anarchic world.

The third section shall explain how Muslims have been securitized after the 9/11 attacks, which to an extent has influenced the US immigration policies towards Islamic states.

Generally, my argument is that states conceal their particular aspirations and actions in the moral purpose of the world. The US immigration policies are legally couched within Liberalism but possess traits of realism and Securitisation.

“Because Americans dislike *realpolitik*, public discourse about foreign policy in the United States is usually couched in the language of liberalism. Hence the pronouncements of the policy elites are heavily flavored with optimism and moralism. American academics are especially good at promoting liberal thinking in the marketplace of ideas. Behind closed doors, however, the elites who make national security policy speak mostly the language of power, not that of principle, and the United States acts in the international system according to the dictates of realist logic. In essence, a discernible gap separates public rhetoric from the actual conduct of American foreign policy” - (Mearsheimer, 2001)

This argument is underpinned by Boswell. According to Boswell (2011), having successfully codified a conception of universality in international law, there is a risk that this conception will become increasingly marginalized because of its perceived conflict of national interests. The problem of the feasibility of realizing refugee rights is partly a product of the liberal universalist notion of a conflict between universalist moral duty and self-interest.

Existing liberal provisions on refugee rights are premised on the notion that states should be motivated to adhere to their international obligations from humanitarian principles, rather than national interest.

According to Boswell in her work "Ethics of Refugee Policy", she argues that liberal theories set up expectations about individual and collective ethical agency that cannot be redeemed, at least not under the economic and political conditions prevailing in liberal democratic societies. Liberal refugee policies set up unrealistic and uncompromising expectations about ethical behaviour, which risks relegating itself to the margins of public debate in a liberal Democratic state.

CHAPTER 8

THEORETICAL ANALYSIS

8.1 LIBERALISM

In this first section, I shall explore how the US refugee policy has a humanitarian outlook, evident from the institution of pathways to resettle refugees. I shall also analyze the United States foreign policy objective to propagate democracy, and how that plays a salient role in the admission of Afghan and Ukrainian refugees.

8. 1.1 HUMANITARIANISM IN THE US IMMIGRATION POLICY

Here, I shall give a brief overview of liberalism in the United States within the immigration perspective and explore how it has shaped the US Immigration policy and the specific policies towards Ukraine and Afghanistan.

Liberalism emphasizes the moral and humanitarian claims of individual rights, equality, freedom, and the rule of law. In the United States, liberal philosophy has been influential in shaping immigration policy, particularly in the context of debates about the rights and opportunities of immigrants. The classical liberal theory by John Locke which claims that men deserve equal rights is the explicit grounding for the Universal Declaration of Human Rights 1948 (Boswell 2001)

Article 1 states that; "All human beings are born free and equal in dignity and rights . They are endowed with reason and conscience". Article 14(1) of the Universal Declaration of Human Rights (UDHR) guarantees the right to seek and enjoy asylum in other countries.

The United States' legislation is profoundly rooted in the respect for human rights and The US Declaration of Independence (Congress July, 4, 1776) states that "...all men are created equal, that they are endowed by the creator with certain unalienable rights, that among these are life, liberty and pursuit of happiness" .

This idea is reflected in the United States' refugee policy, which is also premised on the principles of equal rights and humanitarianism.

The U.S. Congress enacted the first refugee legislation in 1948 following the admission of more than 250,000 displaced Europeans. This legislation provided for the admission of an additional 400,000 displaced Europeans. Later laws provided for admission of persons fleeing Communist regimes, largely from Hungary, Poland, Yugoslavia, Korea and China, and in the 1960s Cubans fleeing Fidel Castro arrived en masse. Most of these waves of refugees were assisted by private ethnic and religious organizations in the U.S., which formed the base for the public-private roles in U.S. resettlement efforts today.

(<https://www.acf.hhs.gov/orr/about/history>)

The US response to refugee resettlement was hitherto circumscribed by its cold war ideology, which was tailored to admit only those refugees fleeing communism.

The Refugee Act enacted in 1980 moved away from a refugee and asylum policy which was highly discriminatory, based on ideology, geography and national origin into a legislation that was couched in the principles of humanitarianism. The Congress has a new statutory authority to the United States' long-standing commitment to human rights and its traditional humanitarian concern for the plight of refugees around the world. The legislation also aimed at ensuring greater equity in the treatment of refugees.

SECTION 101 (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States and transitional assistance to refugees in the United States. (Refugee Act 1980)

8.1.2 PROMOTING LIBERAL PRINCIPLES OF HUMAN RIGHTS AND EQUALITY

The United States has designated similar resettlement pathways for Ukrainian and Afghan refugees which can be explained based on its principles of humanitarianism.

The US has pledged its commitment practice equality and inclusion in its immigration policies as stated;

“We are committed to protecting those with specific needs, including women and girls, children, older persons, members of ethnic and religious minority groups, LGBTQI+ persons, persons with disabilities, stateless persons, human rights activists and dissidents, and others who may warrant permanent refugee resettlement through the USRAP”- (state.gov).

The U.S. refugee policy allows refugees of special humanitarian concern from Ukraine and Afghanistan to enter the US, reflecting its core values and tradition of being a safe haven for the oppressed. This argument is supported by the statement on the United States Citizenship and Immigration Service (USCIS) website that “Individuals in the United States may apply for asylum regardless of country of nationality or current immigration status. If you have been persecuted or have a fear of future persecution because of race, religion, nationality, membership in a particular social group, or political opinion, you may be eligible for asylum” (uscis).

The United States has had a long history of welcoming refugees and its current legislation on immigration continues with the commitment based on its moral values.

The US Refugee Admissions Program (USRAP) reflects the US history "as a national welcoming of immigrants, exemplifying a US values-based foreign policy and serving as a beacon of hope for persecuted people around the world. It is an important, enduring and ongoing expression of our commitment to international humanitarian principles to save lives and alleviate human suffering as well as of our commitment to human rights, including freedom of religion or belief and freedom of expression" (state.gov) .

International Refugee law is grounded in a conception of universal rights , which derive their justification from some form of liberal Universalist theory.

Liberals hold the opinion that states are, and always have been, embedded in a domestic and transnational society, which creates incentives for economic, social and cultural interaction across borders. State policy may facilitate or block such interactions. Some domestic groups may benefit from or be harmed by such policies, and they pressure the government accordingly for policies that facilitate the realization of their goals. These social pressures, transmitted through domestic political institutions, define "state preferences" - that is, the set of substantive social purposes that motivate foreign policy. - (Moravcsik 2010).

One of the central ideas of liberalism is that individuals should be free to pursue their own goals and interests, without undue interference from the state or other institutions. The USCIS' longstanding purpose and core values in support of a meaningful commitment to make the United States practice inclusion, equity, and continue to be a welcoming nation to all cultures. (uscis)

In this line, Afghan and Ukrainian refugees have been allowed to enter the United States under different humanitarian schemes; Temporary Protected Status (TPS) and Humanitarian Parole.

President Biden affirmed the United States' commitment to welcoming refugees by increasing the total admissions ceilings in the FY 2022 and FY 2023 Presidential Determinations on Refugee Admissions to 125,000, the highest target in several decades. His decision reflects the United States' long-standing leadership on refugee resettlement in the face of an unprecedented global displacement crisis as record numbers of people around the world have been forced to flee war, persecution, and instability. Resettlement in the United States represents the opportunity to start anew to pursue a life of safety and dignity without fear of violence or persecution. (state.gov/usrap)

President Biden has been committed to welcoming Ukrainians fleeing Russia's invasion. Uniting for Ukraine provides a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and stay temporarily in a 2 year period of parole. Ukrainians participating in Uniting for Ukraine must have a supporter in the United States who agrees to provide them with financial support for the duration of their stay in the United States. (uscis)

After the evacuation of US troops from Afghanistan, the United States designated The SIV program to Afghan nationals. This program was for those employed by, or on behalf of the US government within Afghanistan during US occupation. With this program, Afghans who qualify, and their direct family members, can apply directly to the US for resettlement, as opposed to waiting for UNHCR referral. After their cases have been approved, SIVs receive resettlement services from a local resettlement office.

Afghans have also been designated the right to seek for humanitarian parole, which is a temporary status allowing the parolee to stay in the United States up to 365 days while applying for a longer term solution. Under current law, parolees are able to apply for work authorization; they can only access resettlement services or benefits once they have been granted a separate status . (uscis)

Liberalism emphasizes the importance of equal opportunity and non-discrimination. In the context of immigration policy, this means that US policy-makers have often argued against policies that discriminate against immigrants on the basis of race, ethnicity and religion. They argue that all individuals should be judged on their individual merits, rather than being subjected to unfair or arbitrary criteria.

Refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident, including freedom of thought, of movement, and freedom from torture and degrading treatment. (UNHCR/US)

1.3 FOSTERING THE LIBERAL VALUE OF DEMOCRACY

The United States has been a major proponent of democracy across the world. It supports and cooperates more with states that respect liberal ideas of democracy. The likelihood of states cooperating crucially depends on the state's regime type. Ukraine has embraced democracy while Afghanistan remains non-democratic.

The United States and Ukraine cooperation serves as a cornerstone for democracy, security and human rights. The United States, which recognizes Ukraine as a democratic state, is highly involved in maintaining Ukraine's sovereignty because it is essential to America's national security interests and democratic values. U.S. policy is centered on supporting Ukraine in the face of continued Russian aggression as it advances reforms to strengthen democratic institutions, fight corruption, and promote conditions for economic growth and competition (state.gov).

This explains why the United States is providing military and humanitarian support to Ukraine to resist Russian aggression. If Ukraine is defeated, it will be a major setback for the United States values of preserving democracy and it will consequently usher in a more unstable world of aggrandizement. This is what the US is preventing from happening. The United States is therefore backing Ukraine to prevent further aggression against neighboring democracies that may threaten its NATO allies. The United States is backing Ukraine because of its democratic values and interoperability with NATO. Strategic cooperation between the United States and Ukraine in promoting democracy, to an extent influences US immigration policies in favor of Ukrainians.

In President Biden's speech on March 26, 2022, he stated the US and NATO's overarching motives to battle for democracy in Ukraine. Here, the US portrays itself as a liberal state defending Ukraine's sovereignty. threatened by Russia.

"Soviet tanks crushed democratic uprisings, but the resistance continued until finally, in 1989, the Berlin Wall and all of the walls of Soviet domination — they fell. They fell. And the people prevailed. (Applause.)

But the battle for democracy could not conclude and did not conclude with the end of the Cold War.

Over the last 30 years, the forces of autocracy have revived all across the globe. Its hallmarks are familiar ones: contempt for the rule of law, contempt for democratic freedom, contempt for the truth itself.

Today, Russia has strangled democracy — has sought to do so elsewhere, not only in its homeland. Under false claims of ethnic solidarity, it has ~~invalidated~~ [invaded] neighboring nations.

Putin has the gall to say he's "de-Nazifying" Ukraine. It's a lie. It's just cynical. He knows that. And it's also obscene.

President Zelenskyy was democratically elected. He's Jewish. His father's family was wiped out in the Nazi Holocaust. And Putin has the audacity, like all autocrats before him, to believe that might will make right.

In my own country, a former president named Abraham Lincoln voiced the opposing spirit to save our Union in the midst of a civil war. He said, "Let us have faith that right makes might." "Right makes might." (Applause.)

Today, let us now have that faith again. Let us resolve to put the strength of democracies into action to thwart the denigns [sic] of our — the designs of autocracy. Let us remember that the test of this moment is the test of all time.

The Kremlin wants to portray NATO enlargement as an imperial project aimed at destabilizing Russia. Nothing is further from the truth. NATO is a defensive alliance. It has never sought the demise of Russia" (whitehouse.gov)

In Afghanistan, the country's government under Taliban and societal values are incompatible with democracy. After the US invaded Afghanistan in October 2001, leading to the fall of Kabul in November 2001, the US agenda to dislodge terrorism metamorphosed into a nation-building and democratization project. George Bush gave a moral justification for nation-building in Afghanistan ;

After liberating " Afghanistan from primitive dictatorship...we had a moral obligation to leave behind something better. We also had a strategic interest in helping the Afghan people build a free society...because a democratic Afghanistan would be a hopeful alternative to the vision of the extremists" . (George Bush, 2010).

The Western Allies installed an interim government in Kabul led by Hamid Karzai and a new constitution was approved in 2003. However, the US ambition to establish democracy in Afghanistan faltered. (Cora Goldstein, 2012). The United States has completely withdrawn from Afghanistan without implanting its value of democracy. The idea of the United States to invade Afghanistan, depose the government and enact a new constitution in order to establish a democratic state was futile.

Having established how liberalism influences the US Refugee policy, I will now explain the realist perspective within IR. I argue that despite the liberal outlook of the US immigration policy, it is evident that it is equally couched within realism. This makes it a facade.

Predominantly, foreign policy is masked by morality but the major ulterior motives are self-interest, power and survival in the world of anarchy.

“Today, it is clear that liberalism is not a ‘utopian’ theory describing a dream world of peace and happiness as it was once accused of being. It provides a consistent rejoinder to realism, firmly rooted in evidence and a deep theoretical tradition” (Meiser 2018).

In Biden’s Presidential Memorandum Determining the Refugee Admission ceiling for 2023, proves the double-face of the United States refugee policy.

“The admission of up to 125,000 refugees to the United States during Fiscal Year (FY) 2023 is justified by humanitarian concerns or is otherwise in the national interest”.
(<https://www.whitehouse.gov/briefing-room/presidential-actions/2022/09/27/memorandum-on-presidential-determination-on-refugee-admissions-for-fiscal-year-2023/>)

8.2 REALISM

The United States has incorporated international refugee provisions into its legislation on refugees, which are grounded on liberalism. Although the US has retained nominal support for principles of refugee protection, they have concomitantly introduced a range of measures to limit the substance and scope of these commitments, which can be justified on national interest and power relations; the core of Realism.

I argue that the United States’ strategic interest in Ukraine outweighs the interest it has in Afghanistan, which intrinsically justifies the difference in refugee policy making toward the two groups. Despite the fact that Ukraine is not a NATO member, it is a strategic partner country, which means that it cooperates closely with NATO but it is not covered by the security guarantee in the Alliance’s founding treaty. (nato.int).

Ukraine joined the North Atlantic Cooperation Council in 1992 and later became the first post-Soviet country to support the initiative of Central and Eastern European countries joining NATO. In 2006 and 2008, U.S. President George W. Bush pressed for Ukraine and Georgia to be allowed to start the process of joining NATO albeit with resistance from Russia and skepticism from NATO European members. “Helping Ukraine move toward NATO membership is in the interest of every member in the alliance and will help advance security and freedom in this region and around the world” - George Bush

The United States interest in Ukraine can be gauged in two folds;

Firstly, the United States cannot tolerate Russian aggression in Ukraine because it will only encourage further power aggrandizement, emboldenment and expanding threats to the United States. John Mearsheimer's theory of Offensive realism, holds that states are disposed to competition and conflict because they are self-interested, power maximizing, and fearful of other states. Mearsheimer argues that states can never truly be secure and that only through power maximization can states ensure their survival (Mearsheimer 2001, 61).

The United States fears that if Russia goes unchallenged in Ukraine, Moscow will expand its ambitions, challenge the United States' North Atlantic Treaty Organization (NATO) allies, and ultimately threaten European security.

Former US Ambassador to Russia Michael McFaul stated that "The United States has a moral interest in helping them stop Putin's invasion. But I also think we have a security interest in doing so. Let's just put it very simply: if Putin wins in Donbas and is encouraged to go further into Ukraine, that will be threatening to our NATO allies... Conversely, if he loses in Donbas, or he fights to a stalemate, that will be a comforting to our allies, and therefore I think we have a major strategic interest to help the Ukrainians win the battle of Donbas." (Yahoo news)

Former US National Security Advisor Stephen Hadley also made an assertion that the United States has a major concern to deter Russian President Vladimir Putin "from thinking he can in the next five or ten years repeat this performance. This particular concern helps explain why at least some in the Biden administration call for "weaken[ing] Russia" by bleeding it in Ukraine: as a National Security Council spokesperson put it, "one of our goals has been to limit Russia's ability to do something like this again" by undercutting "Russia's economic and military power to threaten and attack its neighbors." (cfr.org)

In Ukrainian President Volodymyr Zelenskyy's historic address to a joint meeting of Congress, he stated that US support for Ukraine "is not charity, it's investment in global security and democracy."

<https://www.nytimes.com/2022/12/21/us/politics/zelensky-speech-transcript.html>

From a broader perspective, the United States is interested in stalling potential aggrandizement by other actors. In an essay titled "What America Will Do and Will Not Do in Ukraine" by President Joe Biden published on New York Times, he clearly stated:

"Standing by Ukraine in its hour of need is not just the right thing to do. It is in our vital national interests to ensure a peaceful and stable Europe and to make it clear that might does not make right. If Russia does not pay a heavy price for its actions, it will send a message to other would-be aggressors that they too can seize territory and subjugate other countries. It will put the survival of other peaceful democracies at risk. And it could mark the end of the rules-based international order and open the door to aggression elsewhere, with catastrophic consequences the world over" (NY Times)

Congressman Michael McCaul also has a similar opinion that failure to act in Ukraine would "embolden Vladimir Putin and his fellow autocrats by demonstrating the United States will surrender in the face of saber-rattling," concluding that "U.S. credibility from Kyiv to Taipei cannot withstand another blow of this nature." (foreignpolicy.org)

Secondly, the United States has an abiding interest in Ukraine because it is fighting for Liberal International Order. The United States has championed the fight against authoritarianism in order to preserve the free world values. President Biden stated that "America's goal is straightforward: We want to see a democratic, independent, sovereign and prosperous Ukraine with the means to deter and defend itself against further aggression" (NY Times)

In essence, failing to back Ukraine would question the United States promotion of democracies world-wide and undermine the viability of democratic societies. As Biden remarked in his speech "United Efforts of the Free World to Support Ukraine" (March 26, 2022), Ukraine was part of an ongoing battle for democracy

" Ten years later, the Soviet Union collapsed, and Poland and Central and Eastern Europe would soon be free. Nothing about that battle for freedom was simple or easy. It was a long, painful slog fought over not days and months, but years and decades.

But we emerged anew in the great battle for freedom: a battle between democracy and autocracy, between liberty and repression, between a rules-based order and one governed by brute force” (whitehouse.gov)

It is evident that the United States’ strategic interest in the Ukraine based on security and power relations with Russia, gives her an edge over Afghanistan in terms of humanitarian consideration.

On the part of Afghanistan, the United States’ interest was to prevent terrorist groups in Afghanistan from threatening the United States or its allies and maintain regional stability on the heels of the 9/11 attacks. The United States and the Taliban signed the Doha Agreement which led to the withdrawal of US troops on August 30, 2021. The Doha Agreement memorializes the US’ commitment to withdraw its forces from Afghanistan including Al Qaeda from using the soil of Afghanistan to threaten the security of the United States and its allies (state.gov).

President Joe Biden clarified the US’ interest in Afghanistan by stating that;

“We went to Afghanistan almost 20 years ago with clear goals: get those who attacked us on September 11th, 2001, and make sure al Qaeda could not use Afghanistan as a base from which to attack us again. We did that. We severely degraded al Qaeda in Afghanistan. We never gave up the hunt for Osama bin Laden, and we got him. That was a decade ago. Our mission in Afghanistan was never supposed to have been nation building. It was never supposed to be creating a unified, centralized democracy.

Our only vital national interest in Afghanistan remains today what it has always been: preventing a terrorist attack on the American homeland. I’ve argued for many years that our mission should be narrowly focused on counterterrorism — not counterinsurgency or nation building.” -

(<https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/16/remarks-by-president-biden-on-afghanistan/>)

In August 2021, the United States rolled out the Operation Allies Welcome, a scheme that provided first priority pathways for specific groups of vulnerable Afghans translators, interpreters including those who worked alongside the US government in Afghanistan for the past two decades, to enter the US. (<https://www.dhs.gov/allieswelcome>)

From the points above, it is evident that the US instituted the Special Immigration Visa (SIV) for Afghans who worked with them during their occupation for self-interest and the urgent designation of the urgent “Uniting for Ukraine” was also motivated by national interest and power relations with Russia.

Following the withdrawal of US troops, Afghanistan has not been a security priority to the United States as compared to the urgency of Russia's security threat to NATO. I argue that the United States resettles migrants based on national interests, which can change with time and diplomatic ties.

IDEOLOGICAL RIVALRY INFLUENCES REFUGEE ADMISSIONS

The United States and Russia are ideological rivals. The US considers its system of government morally and ideologically superior to their archrival Russia. I argue that the incentives to admit or reject refugees highly depend on whether the sending country is an ideological enemy or not. Salience is given to some refugee groups more than others depending on where they come from.

The United States has been projecting an ideology of morality, democracy and good governance, which it wants to preserve in the eyes of the international community. Although Vladimir Putin claims that Ukraine and Russia are "One people " (kremin.ru), the US has smeared Russia's image as aggressive, autocratic, inhumane and brute towards Ukraine.

“Extraordinary brutality from Russian forces and mercenaries. They have committed depravities, crimes against humanity, without shame or compunction. They’ve targeted civilians with death and destruction. Used rape as a weapon of war. Stolen Ukrainian children in an attempt to — in an attempt to steal Ukraine’s future. Bombed train stations, maternity hospitals, schools, and orphanages.

No one — no one can turn away their eyes from the atrocities Russia is committing against the Ukrainian people. It's abhorrent. It's abhorrent. But extraordinarily, as well, has been the response of the Ukrainian people and the world.

One year after the bombs began to fall and Russian tanks rolled into Ukraine, Ukraine is still independent and free. (Applause.) - Joe Biden (whitehouse.gov, February 2023)

Historically, the United States has had ideological motives behind refugee admissions. During the Cold War, the US admitted Soviets refugees under the 1953 Refugee Relief Act with an overarching objective to "inflict a psychological blow on communism". The US Refugee policy during the Cold War was a tool to "win the hearts and minds of the world's people" - (Daniel J Steinbock, 2003)

I argue that the United State's biased humanitarianism towards Ukrainian refugees over Afghanistan is aimed at bolstering its image in the international community and to discredit Russia. This is to prove to the international community that they are morally better and ideologically superior to Russia.

From the analysis above, I argue that the United States' immigration policy is evidently rooted in liberalism and realism. In recent years, there has been an increasing concern about the Securitisation of Muslim migrants in the United States, which has impacted US refugee admissions.

8.3 SECURITIZATION

The difference between the US refugee policy towards Afghanistan and Ukraine can be explained based on the fact that Afghans are predominantly Muslims and viewed as a security threat to national security while Ukrainians who predominantly practice orthodox christianity (contactukraine.com) do not pose a security threat to the US. This

On the heels of 9/11 attacks, Muslims have been securitized by the US; considered an existential threat to the referent object (American people) which has prompted extraordinary measures (push-back policies and restrictive refugee policies). Afghans are subjected to increased scrutiny, vetting and surveillance.

(<https://edition.cnn.com/2021/08/23/politics/afghan-refugee-vetting-biden-administration-siv/index.html>)

The nexus between migration and terrorism has animated international relations discourse, especially in the light of the securitization theory. In the United States, migration was connected to security but mainly considered in terms of social security (jobs, welfare, housing etc) but in the aftermath of the 9/11 attacks, terrorism became framed in the discourse of migration. This is what John Tirman opines in his work "Immigration and Insecurity; Post 9/11 Fear in the United States". He underlines that "The fear-thus far, unfounded-that Al Qaeda will sneak across the 'unguarded' 2000 mile border accounts for the urgency. In fact, the House Bill is called the Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005". (Tirman, 2006)

The Securitisation theory put forward by the Copenhagen school primarily examines the manner in which threats are identified and responded to. The key to the approach is how discursive moves by 'securitising actors' bring a perceived threat out of the area of normal politics and into the area of security, where it is seen as a kind of 'emergency measure': 'the invocation of security has been the key to legitimizing the use of force, but more generally it has opened the way for the state to mobilize, or to take special powers, to handle existential threats'(Buzan et al.,1998,p.21) .

During the Bush administration, Muslim migration and terrorism was framed through discourse. George Bush constructed immigration as an existential threat to the American people. It is evident in the excerpt of his speech below.

Homeland Security Presidential Directive-2

October 29, 2001

SUBJECT: Combating Terrorism Through Immigration Policies

A. National Policy

The United States has a long and valued tradition of welcoming immigrants and visitors. But the attacks of September 11, 2001, showed that some come to the United States to commit terrorist acts, to raise funds for illegal terrorist activities, or to provide other support for terrorist operations, here and abroad. It is the policy of the United States to work aggressively to prevent aliens who engage in or support terrorist activity from entering the United States and to detain, prosecute, or deport any such aliens who are within the United States. (nationalarchives.gov)

In his speech on October 29th, 2001, President Bush (the Securitisation actor) called for extraordinary measures by taking the terrorist attacks out of "normal politics". He imposed restrictive immigration policies in order to preserve the security of the United States.

"We're going to tighten up the visa policy. That's not to say we're not going to let people come into our country; of course we are. But we're going to make sure that when somebody comes, we understand their intended purpose and that they fulfill the purpose that they...on their application...

Well, I haven't seen the numbers, but my view of the mood of the country is that the country understands we've entered into a new period in our history. And that there is a...that lives are simply not going to be as normal as they were in the past. And that so long as there are terrorist activities in the world and aggression toward our country, that people are going to have to be diligent and on guard...They are prepared to wait in long lines at airports. They're prepared to support our military. They are prepared to support local law

enforcement as local law enforcement works hard with federal officials to disrupt any potential terrorist activities" ([President Increases Immigration Safeguards \(archives.gov\)](https://www.archives.gov/news/releases/2001/10/20011030-2.html))

The Homeland Security Presidential Directive 2 named "Combating Terrorism through Immigration Policies" was issued by President George Bush on October 29, 2001. The directive proposed to "deny entry into the United States of aliens associated with, suspected of being engaged in, or supporting terrorist activity; and to locate, detain, prosecute, or deport any such aliens already present in the United States".

(<https://georgewbush-whitehouse.archives.gov/news/releases/2001/10/20011030-2.html>)

President Donald Trump was another securitization actor who emphasized US border security and illegal immigration, especially anti-muslim speech acts.

Donald Trump called for a "total and complete shutdown" of the entry of Muslims to the United States "until our country's representatives can figure out what is going on." Trump made reference to poll findings that show that a sizable segment of the Muslim population has "great hatred towards Americans'

He added that; "Where this hatred comes from and why we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life."

(<https://www.presidency.ucsb.edu/documents/statement-donald-j-trump-statement-preventing-muslim-immigration>).

He stated that; "When a country is no longer able to say who can, and who cannot come in and out, especially for reasons of safety and security- big trouble".(@realDonaldTrump February 4, 2017). Donald Trump publicly presented muslims as an existential threat to the security of the American people, took the situation out of normal politics, which called for extraordinary measures to be taken.

His first Securitization move came in the form of a long-promised ban on Muslim travel to the United States through the "Executive Order 13769" on January 27, 2019. He aimed at

protecting the security and interests of the US. The Executive Order was evocatively titled "Protecting the Nation From Foreign Terrorist Entry into the United States". This order fulfills the requirements of the Copenhagen School's speech act. The existential threat posed by Muslims to the referent object of the nation and the audience opening doors for extraordinary measures to be taken, which is the ban Muslim refugee migration. He banned Iraqis, Syrians, Iranians, Libyans, Somalians, Sudanese and Yemenites from entering the US.

"...As President, I must act to protect the security and interests of the United States and its people. I am committed to our ongoing efforts to engage those countries willing to cooperate, improve information-sharing and identity-management protocols and procedures, and address both terrorism-related and public-safety risks. Some of the countries with remaining inadequacies face significant challenges. Others have made strides to improve their protocols and procedures, and I commend them for these efforts. But until they satisfactorily address the identified inadequacies, I have determined, on the basis of recommendations from the Secretary of Homeland Security and other members of my Cabinet, to impose certain conditional restrictions and limitations, as set forth more fully below, on entry into the United States of nationals of the countries identified in section 2 of this proclamation.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code, hereby find that, absent the measures set forth in this proclamation, the immigrant and nonimmigrant entry into the United States of persons described in section 2 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. Policy and Purpose. (a) It is the policy of the United States to protect its citizens from terrorist attacks and other public-safety threats. Screening and vetting protocols and procedures associated with visa adjudications and other immigration processes play a critical role in implementing that policy

Sec. 2. Suspension of Entry for Nationals of Countries of Identified Concern. The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to categorical exceptions and case by-case waivers [Chad, Iran, Libya, North Korea, Syria, Venezuela, Yemen, Somalia]

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP (immigrationhistory.org)

He also implemented extreme vetting measures intended to keep terrorists out of the United States.

"We are establishing new vetting measures, to keep radical Islamic terrorists out of the United States of America...we don't want them here. We want to ensure we aren't admitting into our country the very threats that our men and women are fighting overseas" (theguardian 2017).

Donald Trump's restrictive immigration policy was motivated by the reason that muslims immigrants inherently carry terrorist ideologies that pose an existential threat to the American people. His anti-muslim policy had an impact in the downturn of Afghan refugee admissions. Even after his tenure of office, he has been critical about Joe Biden's refugee policy of evacuating Afghan refugees who served the US government as interpreters during the occupation of Afghanistan. In an interview with Sharyl Attkisson on abcnews,

"These aren't the interpreters that we took. These were people that rushed into the planes and they were so interested in trying to make it sound like, go, they're doing a good job. These people, many of these people are going to be terrorists. Okay, they're going to be terrorists. They were very powerful. They were very energetic and getting onto the aircraft," <https://abcnews4.com/news/nation-world/trump-talks-abortion-and-afghanistan-in-exclusive-broadcast-interview>

Rigorous vetting has continued even in Biden's regime. In a Press briefing on the 7th of September 2021, US Homeland Security Secretary Alejandro Mayorkas stated, referring to a terrorist threat from the influx of Afghans; "We have a multilayered, multi-agency screening and vetting process to make sure that doesn't happen...we screen and vet individuals before they board planes to travel to the United States and that screening and vetting process is an ongoing one and multilayered. We work with law enforcement, counter-terrorist and intelligence communities to achieve that vetting" (Source; <https://www.foxnews.com/politics/mayorkas-agency-afghan-refugee-vetting>)

Ukrainian refugees do not go through such extreme security measures.

Over the years, these anti-muslim discourses have triggered apathy, delay in admission and resettlement of Afghan refugee admissions. In January 2023, hundreds of Afghan refugees faced extreme delays in visa processing that sparked a protest in Islamabad, Pakistan. (voanews)

Afghan refugees at the US-Mexico border had to go through strict health screening under Title 42 while Ukrainians were exempted from the law. Title 42 has been used by the United States government to pushback refugees. In Joe Biden's border and security enforcement speech in January 2023, he remarked that it was designed to expel people from coming to the US;

"In fact, the previous administration used a rule called Title 42 to deal with — to deal with the pandemic, rapidly — to rapidly expel people who crossed the border. It was a — designed to deal with the pandemic, but it's used as a means to expel people at the border.

People turned away under Title 42, and they are not — and — and they're not barred from trying to come back. They've been turned away. They go back. They try again. They try again. Well, you know, they can and they do try to re-enter the United States again and again, which makes the problem that borders — at the border even worse" - (whitehouse.org)

From the analysis, it is clear there is a disparity between the treatment of Afghan and Ukrainian refugees depending on the United States' masked political motives. The United States has a refugee legislation that presents to be open-door but in practice, it is what Loescher Gil calls "Calculated Kindness". In essence, it is characterized by self-interest, the quest for power.

CHAPTER 9

CONCLUSION

In this thesis, I have vividly explored the US immigration policy towards the Ukraine and Afghanistan, underlining the similarities and differences. Between 2021-2023, the US government has designated Temporary Protection Status (TPS) and Humanitarian Parole for both groups of refugees. However, the US reacted to the Ukrainian refugee crisis with urgency and special solidarity which shows bias towards Afghans. President Biden announced that the US will resettle 100,000 Ukrainians unlike Afghans. A special pathway "Uniting For Ukraine" was launched. "Uniting for Ukraine provides a pathway for Ukrainian citizens and their immediate family members who are outside the United States to come to the United States and stay temporarily in a 2 year period of parole" - USCIS. Although Afghans have been designated humanitarian parole and TPS, they had to go through strict medical screening and vetting before being admitted into the US while Ukrainians have been exempted from Title 42 (health screening), Afghans had to pay an application fee for parole processing while Ukrainians were exempted. All these differences detailed in the thesis prove that the US immigration policy is discriminatory towards Afghans.

The variations in the US immigration policy towards Ukrainians and Afghans can therefore be explained through the prism of international relation theories; Liberalism, Realism and Securitization. The United States Immigration policies as evidenced in its legal framework for Ukrainians and Afghans provide inferences of liberalism; which means the immigration laws are generally couched in morality. However, my findings about the specific refugee policies towards Ukraine and Afghan proves that the US immigration policies lean on realism; power, self-interest and self-survival in a world of anarchy.

The US prioritizes refugees who will be beneficial politically on the domestic and the foreign front. Historically, the United States has adhered to the behavior of admitting refugees from countries that align with their political values. Realism depicts international affairs as a struggle for power amongst self-interested states (Walt, 1998, 31). For instance during the Cold War, the US favored refugees from communist countries in a bid to demonstrate their anti-communist and anti-soviet ideology.

The United States is considering Ukraine a priority due to national interest and power relations with Russia. I also hold the opinion that 9/11 marked the migration and terrorism nexus, which is apparent through speech acts securitizing Muslims; influencing the refugee policies.

As a Liberal Democratic State, the United States has pledged its commitment to ideally resettle refugees but looking at the reality of international politics, it is not feasible to implement equitable refugee policies due to its self-interests.

The United States has to play a leadership role in refugee admissions based on humanitarian considerations and not biased self-interest and foreign policy considerations that excludes deserving refugees. States will have to constrain the exercise of power and interest to dispense human rights.

I think it is a moral obligation for the US to offer humanitarian assistance and resettle not just Afghans who served their government during the 20 years of occupation but all vulnerable Afghans equally deserve that right. This is because the US-led military operations fostered conditions that created the refugee crisis in Afghanistan. In essence, when the US government interferes in a country it claims is in the best interest of its citizens, it should not close its borders to the refugee crisis it creates. The 20 years of war launched by the United States triggered massive destruction, death and unprecedented displacement. The US has a direct responsibility to resettle Afghans after the Taliban takeover.

Professor James C. Hathaway has argued that "[t]o codify a standard of conduct in international human rights law is to remove it from the realm of pure discretion, to constrain

somewhat the scope for the exercise of power politics, and to provide a basis upon which states may be called upon to account for their behavior.(Hathaway, 2012).

If resettling refugees in the US is not feasible, I propose they should practice burden-sharing. With the burden-sharing vehicle, the US can distribute the burdens placed on them to other states through financial support.

It is appropriate to streamline security procedures in the wake of 9/11 but securitizing refugees from muslim states is inappropriate. It is worth noting that none of the hijackers in the terrorist attack was a refugee, or entered the United States by way of the refugee admissions program. Claims of muslims being an existential threat are baseless.

I also hold the opinion that the media has a huge influence in the perception of refugees and echoes the discriminatory practices in refugee policies. The media should have the responsibility to advocate for human rights and equality for all refugees. When people flee wars and persecution, they should be treated equally regardless of skin color, race, religion or ethnicity. This has not been the case during the Ukrainian and Afghan refugee crisis.

In the wake of the Ukrainian refugee crisis, some journalists have used racist and discriminatory language in their discourses. CBS News Reporter Charlie D' Agata was asked to describe the tragedy in Ukraine, he said "This isn't a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades. This is a relatively civilized, relatively European country, a city where you wouldn't expect that or hope that it's going to happen" <https://twitter.com/Elevatedquid/status/1497561672948629509>

Kelly Kobiella, reporting for NBC News from Poland said; "Just to put it bluntly, these are not refugees from Syria. These are christians or white" <https://www.youtube.com/watch?v=gFG2ZadDF9s>

Writing in the Telegraph, Daniel Hannan explained that Ukrainians "...seem so like us. That is what makes it so shocking. Ukraine is a European country. Its people watch Netflix and have Instagram accounts, vote in free elections and read uncensored newspapers. War is no longer something visited upon impoverished and remote populations"

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