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**ERIC NOT ENRIQUE: POLITICAL AND SOCIAL
FACTORS AFFECTING AID FOR IMMIGRANTS
IN THE UNITED STATES**

by

Jason De La Vega

December 2023

Co-Advisors:

David W. Brannan (contractor)
Tristan J. Mabry

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FOR IMMIGRANTS IN THE UNITED STATES**

Jason De La Vega
Commander, Army Aviation Support Facility
Washington Army National Guard, Department of the Army
BA, Saint Martin's College, 2004

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**NAVAL POSTGRADUATE SCHOOL
December 2023**

Approved by: David W. Brannan
Co-Advisor

Tristan J. Mabry
Co-Advisor

Erik J. Dahl
Associate Professor, Department of National Security Affairs

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ABSTRACT

The United States faces significant immigration challenges related to the 2021 U.S. withdrawal from Afghanistan, the 2022 Russian invasion of Ukraine, and continuing unrest in Haiti. This thesis considers the U.S. response to these humanitarian crises, seeking to understand variations in how migrants, refugees, and asylum seekers from these three countries are treated. Afghans who had worked for the United States were offered preferential treatment, including temporary protected status, but were subject to additional medical and security screening at military facilities. In contrast, Ukrainian refugees received more public and political support, resulting in easier entry into the United States, fewer security hurdles, and sponsorship under the United for Ukraine program. The treatment of Ukrainians reflected the importance of a strategic alliance and fewer security concerns than with Afghan evacuees. Haiti receives the lowest level of public and political support due to a complex history of U.S. interventions and less attention in the news media. To support a more balanced response to immigration crises, this thesis recommends transferring control of the Immigration Court system to the U.S. judiciary, standardizing vetting and tracking processes, and establishing pathways for parolees to legal permanent residency.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
AI	artificial intelligence
AIC	American Immigration Counsel
AMEMSA	Arab, Middle Eastern, Muslim, and South Asian
CARRP	Controlled Application Review and Resolution Program
CBP	Customs and Border Protection
DACA	Deferred Action for Childhood Arrivals
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
DV	Diversity Visa (Program)
EOIR	Executive Office of Immigration Review
HFRP	Haitian Family Reunification Parole
HRIFA	Haitian Refugee Immigration Fairness Act
IC	Immigration Court
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
ISAF	International Security Assistance Force
LPR	legal permanent resident/residency
NGO	non-governmental organization
OAW	Operation Allies Welcome
OIG	Office of Inspector General
SIV	special immigrant visa
TPS	temporary protected status
UCG	Unified Coordination Group
UNHCR	United Nations High Commissioner for Refugees
USCIS	United States Citizenship and Immigration Services
USRAP	United States Refugee Assistance Program

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EXECUTIVE SUMMARY

When responding to humanitarian crises, the United States lacks a uniform process for handling migrants, refugees, and asylum seekers, resulting in uneven treatment. Programs like Uniting for Ukraine provided swift sponsorship to Ukrainians while Operation Allies Welcome for Afghans faced criticism for its limitations, and the Welcome Corps excluded some Afghans.¹ Haitians lack specialized programs despite severe volatility at home. Without widespread reform, U.S. immigration policy may perpetuate discriminatory practices influenced by politics and public opinion. Meanwhile, the Immigration Court is severely backlogged, with nearly 2.8 million cases pending and wait times averaging 23-plus years for residency trials and nearly four years for asylum appeals.²

A. RESEARCH QUESTION

What explains the variation in U.S. policy toward migrants, refugees, and asylum seekers from different countries? This research explores the reasons behind different U.S. policies and programs, analyzing case studies from Afghanistan, Ukraine, and Haiti. It uncovers the roots of inconsistent practices by reviewing government laws and policies, considering public and political sentiment, and examining academic literature, focusing on how these groups are treated during mass migration events.

B. FINDINGS

First, this thesis found inconsistencies in how the U.S. government handles groups fleeing crises in their countries. Key disparities were observed in the speed of granting temporary protected status (TPS), use of secure holding areas, priority treatment for those

¹ Introduced by the Department of State in 2023, the Welcome Corps program involves private citizens in the resettlement of refugees, including displaced Afghan nationals. Welcome Corps is separate from Operation Allies Welcome and represents a transition to a public sponsorship option. See “Launch of Welcome Corps—Private Sponsorship of Refugees,” Department of State, January 19, 2023, <https://www.state.gov/launch-of-the-welcome-corps-private>.

² Transactional Records Access Clearinghouse, “Immigration Court Backlog: Historical Backlog (from 1998),” TRAC Immigration, October 2023, <https://trac.syr.edu/phptools/immigration/backlog/>.

who worked for the U.S. government, and uneven support for new arrivals. Variations between case studies include the following:

1. Afghanistan

- In 2021, Operation Allies Welcome offered temporary protection and a path to citizenship only for Afghans associated with the U.S. government.³
- The Department of Homeland Security (DHS) developed a software tracking and security vetting tool called Hummingbird to facilitate the evacuation of Afghan nationals.⁴
- In 2021, the United States established specific “safe-haven” processing sites at select military bases within the United States for Afghan evacuees.⁵ However, a 2022 report found that about 20,300 left the facilities without completing the process.⁶ No similar facilities were made for Ukrainians or Haitians.
- On May 20, 2022, DHS granted TPS to Afghan parolees in the United States, preventing their deportation for 18 months without offering permanent residency.⁷ By October 1, 2022, DHS had stopped admitting

³ “Operation Allies Welcome,” Department of Homeland Security, accessed June 30, 2022, <https://www.dhs.gov/allieswelcome>.

⁴ Agency Information Collection Activities: DHS Hummingbird on ServiceNow Platform, 87 Fed. Reg. 39541 (July 1, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-07-01/pdf/2022-14158.pdf>.

⁵ Department of Homeland Security, Office of Inspector General, *The Unified Coordination Group Struggled to Track Afghan Evacuees Independently Departing U.S. Military Bases*, OIG-22-79 (Washington, DC: Department of Homeland Security, 2022), 3, <https://www.oig.dhs.gov/sites/default/files/assets/2022-10/OIG-22-79-Oct22.pdf>.

⁶ Department of Homeland Security, Office of Inspector General, 7.

⁷ Designation of Afghanistan for Temporary Protected Status, 87 Fed. Reg. 30976 (May 20, 2022), <https://www.federalregister.gov/documents/2022/05/20/2022-10923/designation-of-afghanistan-for-temporary-protected-status>.

new Afghan humanitarian parolees and started looking for a long-term residency solution for Afghans in the United States.⁸

2. Ukraine

- The United for Ukraine program expedited Ukrainian refugee support by streamlining visa processes and allowing private sponsorship, a level of aid not extended to Haitians or Afghans.⁹
- DHS issued a TPS designation for Ukrainian refugees on April 19, 2022, less than two months after the Russian invasion on February 24; in contrast, TPS had been designated for Afghan civilians on May 20, 2022, almost nine months after the United States' two-decade-long involvement in Afghanistan ended on August 30, 2021.¹⁰

3. Haiti

- The country of Haiti was granted TPS on January 21, 2010, following a severe earthquake; it was initially set to expire on July 22, 2011.¹¹ However, despite contentious political challenges, ongoing legal actions have extended Haiti's TPS until August 3, 2024.¹²

⁸ Department of Homeland Security, "Operation Allies Welcome."

⁹ Ilya Somin, "A Double Standard between Ukrainian and Afghan Refugees?," Reason, May 26, 2022, <https://reason.com/volokh/2022/05/26/a-double-standard-between-ukrainian-and-afghan-refugees/>.

¹⁰ Designation of Ukraine for Temporary Protected Status, 87 Fed. Reg. 23211 (April 19, 2022), <https://www.federalregister.gov/documents/2022/04/19/2022-08390/designation-of-ukraine-for-temporary-protected-status>.

¹¹ Designation of Haiti for Temporary Protected Status, 75 Fed. Reg. 3476 (January 21, 2010), <https://www.federalregister.gov/documents/2010/01/21/2010-1169/designation-of-haiti-for-temporary-protected-status>.

¹² Extension and Redesignation of Haiti for Temporary Protected Status, 88 Fed. Reg. 5022 (January 26, 2023), <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status>.

C. CONCLUSION

The treatment of Afghan, Ukrainian, and Haitian refugees, migrants, and asylum seekers differs based on each group's unique political, social, and historical situation. Afghans have struggled with more stringent vetting and logistical challenges following U.S. withdrawal, particularly for those not previously affiliated with the U.S. government, and have faced more obstacles due to the absence of a U.S. embassy in Afghanistan. Afghan arrivals face prevailing concerns related to crime and security. Ukrainian arrivals in the United States receive significant support, streamlining their entry due to Ukraine's conflict with a U.S. adversary, Russia, and related strategic alliances. The United for Ukraine initiative aids their integration. Conversely, Haitians face a more arduous path, influenced by a complex history of U.S. interventions and limited media attention, leading to less consistent social and political support for their immigration.

D. RECOMMENDATIONS

Given the varied responses to migrants, refugees, and asylum seekers, an overburdened immigration system, and limited parole pathways, this thesis offers three policy recommendations. First, to address the Immigration Court's backlog of nearly 2.8 million cases, control of the court could be transferred from the Executive Office for Immigration Review to the U.S. judicial system to increase autonomy and stability. The second recommendation is to standardize the tracking and vetting process for incoming migrants to maintain robust security measures while ensuring efficient and fair treatment. Last, enhancements to residency and asylum application processes and pathways to legal permanent residency for immigrant parolees are suggested to reduce case backlogs, support economic growth, and lift the operational pressure on Customs and Border Protection.

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I. INTRODUCTION

In today's complex immigration landscape, no standard government playbook governs responding to and managing refugees and immigrants from all nations in conflict. Instead, the United States responds to each foreign national crisis case by case. U.S. immigration policy has been adapted over decades to accept all races, genders, and ethnicities. However, prejudices remain within the government and society, negatively affecting people from nations considered less desirable. Without change, our country will consistently discriminate against potential industrious, law-abiding, tax-paying future citizens.

Immigration experiences depend on the country of origin. A recent example of a positive and rapid immigration response to an area in conflict has been the Ukrainian war with Russia beginning on February 24, 2022.¹ Nearly one month after the invasion of Ukraine, the Biden administration announced special protections and temporary parole for all Ukrainians participating in an immigration program called Uniting for Ukraine.² Furthermore, individual American citizens could sponsor Ukrainians and their families to help speed their transition to the United States.³ As of April 25, 2022, approximately 200,000 Americans had applied to sponsor Ukrainians designated as refugees with a pathway to citizenship.⁴ By comparison, Afghan refugees displaced by conflict in 2021 received limited humanitarian parole from the U.S. government rather than refugee status,

¹ Matthew Mpoke Bigg, "Russia Invaded Ukraine More than 10 Months Ago. Here Is One Key Development from Every Month of the War," *New York Times*, January 9, 2023, <https://www.nytimes.com/article/ukraine-russia-war-timeline.html>.

² "Uniting for Ukraine," U.S. Citizenship and Immigration Services, January 25, 2023, <https://www.uscis.gov/ukraine>.

³ "Sponsor FAQs for Ukrainians," Welcome.US, May 10, 2023, <https://ukraine.welcome.us/>.

⁴ Ashley Murray, "Ukrainians by the Thousands Arrive in States, but with a Time Limit," *New Jersey Monitor*, January 20, 2023, <https://newjerseymonitor.com/2023/01/20/ukrainians-by-the-thousands-arrive-in-states-but-with-a-time-limit/>.

which does not enable a clear path to citizenship.⁵ This difference demonstrates a more positive and generally accommodating response to Ukrainian immigrants.

In contrast, the United States' withdrawal from Afghanistan on August 30, 2021, exacerbated a widespread humanitarian crisis.⁶ As a result, the United States created a limited special immigration visa program called Operation Allies Welcome to provide temporary protection to only approximately 70,000 Afghans who worked directly for the United States or International Security Assistance Force (ISAF) that the United States extracted before the withdrawal of U.S. forces from Afghanistan in 2021.⁷ However, the program has been criticized for its limitations, leading to visa processing delays, a lack of accountability, and the program's dissolution in September 2022.⁸ The Welcome Corps program, established in 2023, allows U.S. citizens to sponsor refugees to help integrate them into American society.⁹ However, this program applies to all Ukrainians fleeing conflict but only Afghan allies rather than all Afghan people fleeing conflict. No enduring government effort extracts American partners and their families from Afghanistan. By comparison, Afghan refugees did not encounter similar support and resources as Ukrainian refugees.¹⁰ These stark differences in treatment raise questions about their causes.

Furthermore, Haiti illustrates another example of unequal immigration support, even to a lesser degree than Afghan refugees. The recent assassination of Haitian President

⁵ Elizabeth Sweet, "The U.S. Is Trying to Do Right by Ukrainian Refugees. What about Afghans? Haitians?," WBUR Boston, April 12, 2022, <https://www.wbur.org/cognoscenti/2022/04/12/ukraine-refugee-crisis-title-42-elizabeth-sweet>.

⁶ Jane Ferguson, "Afghanistan Has Become the World's Largest Humanitarian Crisis," *New Yorker*, January 5, 2022, <https://www.newyorker.com/news/dispatch/afghanistan-has-become-the-worlds-largest-humanitarian-crisis>.

⁷ "Operation Allies Welcome," Department of Homeland Security, accessed June 30, 2022, <https://www.dhs.gov/allieswelcome>.

⁸ Leo Shane III, "US Ending Operation Allies Welcome, Shift to New Afghan Refugee Help," *Military Times*, September 1, 2022, <https://www.militarytimes.com/flashpoints/afghanistan/2022/09/01/us-ending-operation-allies-welcome-shift-to-new-afghan-refugee-help/>.

⁹ "Launch of Welcome Corps—Private Sponsorship of Refugees," Department of State, January 19, 2023, <https://www.state.gov/launch-of-the-welcome-corps-private-sponsorship-of-refugees-2/>.

¹⁰ Aline Barros, "Immigration Experts Contrast US Support for Ukrainian, Afghan Refugees," *Voice of America*, March 26, 2022, <https://www.voanews.com/a/immigration-experts-contrast-us-support-for-ukrainian-afghan-refugees/6502093.html>.

Jovenel Moïse in July 2021 sparked a national outcry and plunged the Haitian population into turmoil.¹¹ Although Haiti has been rife with political conflict, famine, and repeated natural disasters, the United States never enacted a special immigration visa program. As a result, Haitian refugees have no special protections, citizenship pathways, or resources.¹² Within the past year, approximately 25,000 Haitian refugees escaped from physical threats. They traveled to the United States through Mexico, only to be deported to Haiti regardless of the imminent harm and national instability.¹³ This example shows that the immigration experience varies significantly based on the country of origin, and no standard mandates the equal treatment of people fleeing nations in crisis.

Societal and political will are inextricably linked; however, defining these concepts is a gray area that needs to be understood. For example, to understand discrimination within the government and the public, researchers have tried to calculate immigrant acceptance based on race, ethnicity, gender, and nation of origin.¹⁴ Likewise, the United States Citizenship and Immigration Services (USCIS) publishes acceptance rates for administering the country’s naturalization system. However, the variation in support for migrants, refugees, and asylum seekers from different countries remains unexplained and irregular. Moreover, although support for groups with key attributes is known, the cause for discrimination and denial of other groups is unknown.

Discrimination within the U. S. immigration system will likely continue without specific intervention and standardization. With changes in administrations, immigration policy and the treatment of refugees will fluctuate in public and political support. Merit-based immigration disproportionately favors applicants with significant resources and

¹¹ “Haiti President’s Assassination: What We Know So Far,” BBC News, July 9, 2021, <https://www.bbc.com/news/world-latin-america-57762246>.

¹² Harmeet Kaur, “US Immigration Policies toward Haitians Have Long Been Racist, Advocates Say,” CNN, October 3, 2021, <https://www.cnn.com/2021/10/03/us/haitian-migrants-us-immigration-policy-racism-ccc/index.html>.

¹³ “Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe,” Human Rights Watch, March 24, 2022, <https://www.hrw.org/news/2022/03/24/haitians-being-returned-country-chaos>.

¹⁴ Emily Ryo and Reed Humphrey, “The Importance of Race, Gender, and Religion in Naturalization Adjudication in the United States,” *Proceedings of the National Academy of Sciences* 119, no. 9 (2022): 1–7, <https://doi.org/10.1073/pnas.2114430119>.

skills and excludes those disadvantaged by a lack of means, making them less desirable for naturalization. This standard or practice discriminates by design because the government vacillates between helping migrants in need and choosing the best potential citizens.

A. RESEARCH QUESTION

1. What explains the variation in U.S. policy toward refugees and asylum seekers from different countries?
2. How does political will in the executive branch create an effective immigration policy?

B. LITERATURE REVIEW

This literature review evaluates academic perspectives on the causes of popular attitudes and the differential treatment of immigrant groups. The immigrant experience varies widely, depending on the country of origin. Immigration is a foundational principle in the melting pot of the American cultural identity. However, the convergence of celebrating outside cultural identities and promoting American national unity is often a source of contention.¹⁵ This literature review explores three separate debates on immigration: humanitarian or need-based, merit-based, and strategic. The humanitarian discussion centers on whether the United States should accept non-citizens based on desperation or fear of imminent harm in the home country. This group escapes from areas of conflict with little to no resources to apply for residency by any means, requiring a significant amount of American aid to subsist. The merit-based approach considers an applicant most beneficial to the United States because of skillset, education, or financial resources. This group bolsters the American economy, requiring fewer government resources and services. Last, this literature review analyzes the debate over strategic-based immigration, which reflects the United States' international relationships and alliances with the applicant's home country, favoring residency.

¹⁵ Jack Citrin, Richard Johnston, and Matthew Wright, "Do Patriotism and Multiculturalism Collide? Competing Perspectives from Canada and the United States," *Canadian Journal of Political Science* 45, no. 3 (September 2012): 533.

Regarding immigration, a common understanding is that the United States needs to protect its citizens and secure its border while also allowing the immigration of non-citizens into the country through a legal system of application and vetting. One issue at the center of the immigration debate is the topic of humanitarian aid for non-citizens. Whom to allow into the country, for what reason, and how many to give access stir significant discussion on both sides of the political and social aisle.

1. Humanitarian-Based Immigration

Mass immigration can significantly impact communities near border crossings, causing mixed reactions between those offering assistance and those stressed over the matter. Papademetriou and Babulescu-Bogdan consider the reasons for anxiety and fluctuations in public support.¹⁶ In their respective studies, Wellman and Papademetriou and Babulescu-Bogdan recognize the need to protect fundamental human rights based on morality and acknowledge the right of immigrants to seek better lives for themselves and their families, but the agreement stops there.¹⁷ Wellman's argument differs from that of Papademetriou and Babulescu-Bogdan concerning the state's legal ability to protect itself and control access to its border. Wellman defines a legitimate state as one that considers human rights and controls its borders. His determination of legitimacy implies that illegitimate states do not have the authority to control their borders or consider the human rights of others, a viewpoint not shared by Papademetriou and Babulescu-Bogdan. Additionally, Wellman likens a state's ability to control its borders to marriage and the power of a person to reject potential partners as a right. Wellman's simple analogy illustrates a state's right to select who may cross its borders. Although the unique perspective comparing marriage to legal residency is understandable, Wellman discounts the absence of resources, severe physical constraints, and human rights atrocities common

¹⁶ Demetrios G. Papademetriou and Natalia Babulescu-Bogdan, *Understanding and Addressing Public Anxiety about Immigration* (Washington, DC: Migration Policy Institute, 2016), <https://www.migrationpolicy.org/research/understanding-and-addressing-public-anxiety-about-immigration>.

¹⁷ Christopher Heath Wellman, "Immigration and Freedom of Association," *Ethics* 119, no. 1 (2008): 109–41, <https://doi.org/10.1086/592311>.

to immigrants fleeing countries in conflict. However, the U.S. government evaluates such considerations in determining special protections and needs.

The influx of legal and illegal migrants into the United States can cause social distress for the reasons described by Papademetriou and Babulescu-Bogdan.¹⁸ Papademetriou and Babulescu-Bogdan attribute stress as a driver of public sentiment toward immigration but overlook some crucial points.¹⁹ First, Holloway, Foresti, and Leach contend that political affiliation significantly affects public support for humanitarian aid, which Papademetriou and Babulescu-Bogdan ignore.²⁰ Second, Papademetriou and Babulescu-Bogdan overlook the fatigue factor that might lessen public support regardless of humanitarian needs. The continuous media cycle and news outlets broadcasting coverage of mass migrations can cause more public aggravation.²¹ Experiencing or viewing immigration issues can cause public opinion, along with compassion, to wane, resulting in the loss of public support.

Kosho considers the critical role of conventional and social media as a driver of public opinion in the attitudes about and acceptance of immigrants.²² Papademetriou and Babulescu-Bogdan fail to account for the role of media as a contributor to social misgivings. Kosho argues that media can sway favor for and against immigration and border action by influencing public opinion with effective messaging.²³ This messaging might cause stress that further compels support for a humanitarian effort or, conversely, leads the public to reject immigration efforts.

¹⁸ Papademetriou and Babulescu-Bogdan, *Public Anxiety about Immigration*, 3.

¹⁹ Papademetriou and Babulescu-Bogdan, 3.

²⁰ Kerrie Holloway, Marta Foresti, and Amy Leach, *Public Narratives and Attitudes towards Refugees and Other Migrants: US Country Profile* (London: ODI, 2022), 7, <https://cdn.odi.org/media/documents/odi-countryprofile-usa-feb20-proof01.pdf>.

²¹ Jeffrey Gottfried, “Americans’ News Fatigue Isn’t Going Away—about Two-Thirds Still Feel Worn Out,” Pew Research Center, February 26, 2020, <https://www.pewresearch.org/short-reads/2020/02/26/almost-seven-in-ten-americans-have-news-fatigue-more-among-republicans/>.

²² Joana Kosho, “Media Influence on Public Opinion Attitudes toward the Migration Crisis,” *International Journal of Scientific & Technology Research* 5, no. 5 (May 2016): 88.

²³ Kosho, 89.

2. Merit-Based Immigration

Merit-based, also known as point-based, eligibility is at the heart of the immigration debate. Supporters of merit-based eligibility requirements contend that the United States should prioritize legal permanent resident (LPR) applicants with unique attributes that benefit the nation over family-based or chain applicants. To advocates, top-tier, merit-based applicants should receive higher priority for employment history, educational achievement and skills, and age consideration. This group of priority immigrants is thought to promote U.S. economic competitiveness and is likely to earn higher wages than lower-skilled immigrants.²⁴ Lower-skilled immigrants and family members are often a focal point of the immigration debate since, like unskilled citizens, they often earn salaries at the poverty level and require more government social programs than high-skilled immigrants.

Expanding on employment visas for skilled workers versus family members, Kandel, Wilson, and Donovan contend that more point-based visas must be issued at the cost of family-based visas that take up most of the annual allowance for legal immigrants.²⁵ By contrast, the American Immigration Counsel (AIC) disputes the point-based system as unfairly prioritizing those with greater means from countries with more advanced and educated populations.²⁶ In an opposing view to Kandel, Wilson, and Donovan, the AIC maintains that for immigrants to be successful, they need their families and community as a support system, thus increasing chances for success with less reliance on government programs. Additionally, the AIC contends that Kandel, Wilson, and Donovan's point-based merit system disproportionately disadvantages women and caregivers with historically fewer means outside their countries of origin. By the nature of a family's representing more than one individual, the number of family-issued visas must be higher, at a rate

²⁴ Francine D. Blau and Christopher Mackie, eds., *The Economic and Fiscal Consequences of Immigration* (Washington, DC: National Academies Press, 2017), 11, <https://doi.org/10.17226/23550>.

²⁵ William A. Kandel, Jill H. Wilson, and Sarah A. Donovan, *U.S. Employment-Based Immigration Policy*, CRS Report No. R47164 (Washington, DC: Congressional Research Service, 2022), 2, <https://crs.reports.congress.gov/product/pdf/R/R47164>.

²⁶ American Immigration Council, *Defining "Desirable" Immigrants: What Lies beneath the Proposed Merit-Based Point System?* (Washington, DC: American Immigration Council, 2013), 1, https://www.americanimmigrationcouncil.org/sites/default/files/research/defining_desirable_immigrants_what_lies_beneath_the_proposed_merit-based_point_system.pdf.

approximately two-thirds greater than employment visas issued.²⁷ Using this logic, issuing more employment visas than those to family members may be problematic in the long term for the success of working families.

The AIC and Kandel, Wilson, and Donovan concur on the need to review immigration policy periodically to update priorities based on successful integration into the nation. Kandel, Wilson, and Donovan acknowledge the need to admit family members but contend that immigrants with high-functioning skills should take precedence. Garza agrees with the idea of priorities for skilled and educated migrants presented by Kandel, Wilson, and Donovan. Furthermore, Garza adds that policy needs to account for skilled and educated people, families, and communities as a holistic support system that will significantly contribute to the nation.²⁸ The immigration of a skilled workforce is critical to the United States' competitive advantage. However, family support is equally vital to the long-term success and integration of skilled or exceptional workers.

3. Strategic-Based Immigration

Strategic national interests of the United States can vary depending on the agency represented. The presidential administration sets broad brush strokes of national intent. Federal agencies under the umbrella of the administration set priorities and interests that nest within national objectives. As of this writing, the federal government's national security strategy is "to protect the security of the American people, to expand economic prosperity and opportunity, and to realize and defend the democratic values at the heart of the American way of life."²⁹ Immigrants with temporary protection and LPR status are included in this protection of the American people.³⁰ The United States protects its citizens

²⁷ Julia Gelatt, "Explainer: How the U.S. Legal Immigration System Works," Migration Policy Institute, April 26, 2019, <https://www.migrationpolicy.org/content/explainer-how-us-legal-immigration-system-works>.

²⁸ Daisy Garza, "Reforming U.S. Immigration Policy: A Case for Merit-Based Immigration" (master's thesis, Naval Postgraduate School, 2019), 79–80, <http://hdl.handle.net/10945/64161>.

²⁹ Joseph R. Biden Jr., *National Security Strategy* (Washington, DC: White House, 2022), 7.

³⁰ "Rights and Responsibilities of a Green Card Holder (Permanent Resident)," U.S. Citizenship and Immigration Services, July 15, 2015, <https://www.uscis.gov/green-card/after-we-grant-your-green-card/rights-and-responsibilities-of-a-green-card-holder-permanent-resident>.

and residents within its borders and abroad. U.S. law and protections even extend to illegal non-citizens or foreign nationals who have entered U.S. borders.³¹ However, the U.S. government does not grant the same protection when operating in another country as part of a military operation or campaign.

The debate concerns the party responsible for protecting the citizens of another nation that the American military has occupied in pursuing U.S. strategic national interests. Vine asserts that the United States has been the direct cause of approximately 37 million refugees worldwide due to the violence inflicted in war since September 11, 2001.³² Calculating internally displaced persons and the resulting mass exodus from the area in conflict is, as Vine attests, an imperfect formula but requires further refinement and study in the context of the immigration debate. Conversely, as Blitzer details, during the Trump administration, Stephen Miller worked to halt immigration from Iraq and Afghanistan regardless of U.S. strategic efforts.³³ Neither Miller nor Blitzer has addressed the reliance on non-citizens within the ranks of the armed forces who advance U.S. strategic goals, as described by Totten.³⁴ In Miller's view, the U.S. government's priority should be on its current citizens and economy, excluding new immigrants from the Middle East. In this way, no clear consensus emerges.

Another debate concerning national economic strategy is the role of corporations that employ non-citizens as labor to grow operations and revenue. On immigrant workers in America, Sessions argues against the employment of non-citizens because it reduces

³¹ Office of the United Nations High Commissioner for Human Rights, *The Rights of Non-citizens* (New York: United Nations, 2006), 15, <https://www.ohchr.org/sites/default/files/Documents/Publications/noncitizensen.pdf>.

³² David Vine et al., *Creating Refugees: Displacement Caused by the United States' Post-9/11 Wars* (Providence, RI: Brown University, 2020), <https://www.carnegie.org/publications/creating-refugees-displacement-caused-united-states-post-911-wars/>.

³³ Jonathan Blitzer, "How Stephen Miller Manipulates Donald Trump to Further His Immigration Obsession," *New Yorker*, February 21, 2020, 10.

³⁴ Robbie J. Totten, "International Relations, Material, and Military Power, and United States Immigration and United States on Policy: American Strategies to Utilize Foreigners for Geopolitical Strength, 1607 to 2012," *Georgetown Immigration Law Journal* 29 (2015): 225.

jobs for current U. S. citizens.³⁵ The American Civil Liberties Union (ACLU) disagrees and maintains that immigrants’ robbing American citizens of jobs is a long-held fallacy.³⁶ Sessions, in his handbook meant for members of the Republican Party, states that the previous democratically elected administration favored immigrant workers. As argued by the ACLU, “Studies by the RAND Corporation, the University of Maryland, the Council of Economic Advisors, the National Research Council, and the Urban Institute all show that immigrants do not have a negative effect on the earnings and employment opportunities of native-born Americans.”³⁷

Furthermore, Sessions argues that the United States should enforce a citizen-first approach to workforce fulfillment while curtailing all loopholes and immigrant resources offered by the administration. Blitzer illustrates Miller’s agreement with Sessions that U.S. citizens, not new immigrants, deserve job priority.³⁸ Both Sessions and Miller blamed current immigration problems while promoting a future Republican change in leadership. Although corporations play a significant role in supporting the economy, the ACLU contends that non-citizens fulfill a need within the labor market, supporting the national strategy.³⁹ Again, parties contest the effect of immigrants on the U.S. economy although only the “no impact” side seems to have empirical data about that effect.

4. Summary

Immigrants allowed access and residency are at the heart of a highly contested debate with social and political motivations. The immigration debate concerns the right of a free society to control access to citizenship. However, proponents of immigration based on humanitarian aid argue that the United States should embrace those in need. At the same time, the opposition wants to halt mass migration because of the burden of supplying

³⁵ Jeff Sessions, *Immigration Handbook for the New Republican Majority* (Washington, DC: U.S. Senate, 2015), 3.

³⁶ “Immigrants and the Economy,” American Civil Liberties Union, accessed May 7, 2023, <https://www.aclu.org/other/immigrants-and-economy>.

³⁷ American Civil Liberties Union, para. 8.

³⁸ Blitzer, “How Stephen Miller Manipulates Donald Trump,” 9.

³⁹ American Civil Liberties Union, “Immigrants and the Economy.”

resources and the assumed negative consequences for the employment of current citizens. In search of the best and brightest future citizens, U.S. immigration policy has notable exceptions for the LPR status of highly skilled, educated, young, and resourceful immigrants. However, opponents of merit-based and strategic-based immigration argue that far too few highly qualified applicants receive LPR compared to family members and those of other statuses. Supporters suggest that immigrants need community and family to succeed over time; therefore, the nation should strike a balance between accepting skilled workers and families. Ultimately, policymakers are responsible for doing what is best for the country and American citizens regardless of political motivations, affiliations, or emotions.

C. RESEARCH DESIGN

This thesis explores the differential treatment and experiences of immigrants attempting to become U.S. citizens. Furthermore, it aims to pinpoint the root causes of the societal and political will to accept or deny a group of people. Finally, this thesis examines considerations such as country of origin, race, religion, and national interests to determine the desire of American citizens to aid the immigrant population.

This thesis explores three diverse immigration cases from nations experiencing a mass exodus of refugees due to an internal conflict. Thus, it details immigration and refugee cases from Ukraine, Afghanistan, and Haiti because of the fundamental differences in populations and the contrasting actions of the U.S. population and government. The thesis features publicly available texts, polls, statistics, and policies to substantiate differences in the treatment of people. The research does not include surveys or personal interviews but offers an academic review of motivations to aid a population.

Statistical data illustrate the immigration experience of a foreign population. The data presented examine countries in conflict to find the differences in timelines and scale of U.S. action toward the displaced population and each country's acceptance or denial rates. Additionally, the thesis outlines U.S. government-created policy to support the people of each nation in conflict and the scope and limitations of each approach. Last, it

examines each government response to determine any unique paths to citizenship for asylees and refugees.

After describing the differences in immigration responses, the thesis examines societal attitudes using statistics and poll data to illuminate the American people's will to aid immigrants, as well as the crucial role of non-government support groups, pastoral support, and settlement programs in defining public opinion. Following this analysis, the thesis concludes by defining political will and potential recommendations based on established policies, academic works, studies, and polls. Last, it summarizes the findings that define the treatment of an immigrant population and the reasons behind popular support.

II. DIFFERENCES IN THE IMMIGRANT EXPERIENCE

This chapter analyzes how the United States has treated various immigrant groups differently, with a focus on Afghans, Ukrainians, and Haitians. It explores notable differences in the U.S. response to the significant migrations caused by the political unrest in these nations. It examines the criteria for citizenship, inconsistencies in U.S. protective measures, variances in refugee status, disparate acceptance rates, and the security checks involved in processing entries. This focused approach is due to the differences in collective variables as markers for American societal support and partisan politics. The chapter aims to highlight the role of geopolitical factors and policy choices in creating distinct immigration experiences for these groups seeking safety and a fresh start in the United States.

Today's immigration challenges are marked by a lack of uniform strategy for handling refugees and immigrants fleeing war-torn countries. Responses to crises are tailored and managed distinctly for each situation. While the United States has developed an immigration policy that formally accepts individuals of all races, genders, and ethnic backgrounds, arguably, biases persist within government and society. These prejudices can adversely affect individuals from countries considered less favorable by public opinion or political decisions. A recent example of a positive and rapid immigration response to an area in conflict has been the Ukrainian war with Russia beginning in February 2022.⁴⁰ Less than one month after the invasion of Ukraine, the Biden administration announced special protections and temporary parole for all Ukrainians participating in a particular immigration program called Uniting for Ukraine.⁴¹ Furthermore, individual Americans could sponsor Ukrainians and their families to help speed their transition to the United

⁴⁰ Bigg, "One Key Development from Every Month of the War."

⁴¹ U.S. Citizenship and Immigration Services, "Uniting for Ukraine."

States.⁴² As of April 25, 2022, approximately 200,000 Americans applied to finance Ukrainians fleeing conflict.⁴³

In contrast, the United States' withdrawal from Afghanistan on August 30, 2021, prompted a worldwide humanitarian crisis.⁴⁴ The United States created a limited special immigration visa program called Operation Allies Welcome to provide temporary protection and a pathway to citizenship only for Afghans who had worked directly for the United States or the ISAF.⁴⁵ However, the program's limitations and discriminatory practices have been criticized, leading to visa processing delays and denials. In addition, Afghan refugees have not met similar levels of political and societal acceptance, including financial or resource support, as Ukrainian refugees.⁴⁶

Furthermore, Haiti is another example of unequal immigration support. Although Haiti has been rife with decades-long government conflict, infighting, and repeated natural disasters, until 2023, there had been little effort to enact a special immigration visa (SIV). As a result, Haitian refugees have limited special protections, citizenship pathways, or resources.⁴⁷

The reasons for denying immigrant visas are not standardized or defined on every visa application or asylum claim, so statistical data consist of whether an immigrant application is approved or denied. Nevertheless, researchers have recognized the disparity in the treatment of immigrants and have tried to quantify causation or recommend a change to immigration policy.⁴⁸ Societal attitudes and administrative procedures are inextricably linked; however, defining public sentiment and federal politics is a gray area that needs to be more easily understood.

⁴² Welcome.US, "Sponsor FAQs for Ukrainians."

⁴³ Murray, "Ukrainians by the Thousands Arrive in States."

⁴⁴ Ferguson, "Afghanistan Has Become the World's Largest Humanitarian Crisis."

⁴⁵ Department of Homeland Security, "Operation Allies Welcome."

⁴⁶ Barros, "Immigration Experts Contrast US Support for Ukrainian, Afghan Refugees."

⁴⁷ Kaur, "US Immigration Policies toward Haitians."

⁴⁸ Victoria M. Esses, "Prejudice and Discrimination toward Immigrants," *Annual Review of Psychology* 72, no. 1 (2021): 503, <https://doi.org/10.1146/annurev-psych-080520-102803>.

The immigrant experience can be vastly different depending on the country of origin. In addition, variables outside of established immigration policy affect an applicant's societal acceptance, which can affect the outcome of becoming a permanent U.S. resident. Race, ethnicity, gender, financial resources, religion, and national strategic interest play distinct roles in immigrant acceptance. References to selective acceptance can be traced back to the first U.S. Congress, which adopted language into naturalization policy in 1790 defining acceptable alien groups as "free white" persons.⁴⁹ There is no shortage of examples of how the immigration and naturalization process over generations has favored White citizenship.⁵⁰ Examining immigration policy is essential to understanding the bias that still exists today and shows society's appetite for an immigrant base as a critical driver for national policy.

A. THE AFGHAN EXPERIENCE

Since the American withdrawal from Afghanistan in 2021, there has been limited support for specific Afghan refugees, though with strings attached.⁵¹ Every country exhibits distinct ethnic diversity. However, public opinion may be resentful due to fears of cultural shifts and economic rivalry, which people believe could harm American livelihoods.⁵² Additionally, the perception of an aggressive immigrant group can consciously or unconsciously alter American attitudes toward a whole immigrant population regardless of actual hostile or antagonistic acts toward Americans. In the case of the Afghan people in 2021, only those who the U.S. government directly employed during a specific period were given special protection and a pathway toward residency. Although the government-led evacuation of U.S.-affiliated Afghans has ended, the

⁴⁹ John R. Vile, *American Immigration and Citizenship: A Documentary History* (Lanham, MD: Rowman & Littlefield, 2016), 43–44, ProQuest Ebook Central.

⁵⁰ Esses, "Prejudice and Discrimination toward Immigrants," 504.

⁵¹ David De Coninck, "The Refugee Paradox during Wartime in Europe: How Ukrainian and Afghan Refugees Are (Not) Alike," *International Migration Review* (2022): 1–9, <https://doi.org/10.1177/01979183221116874>.

⁵² Esses, "Prejudice and Discrimination toward Immigrants," 506.

commitment was intended to fulfill a narrow purpose, not to the benefit of the more significant Afghan population. However, the need to support Afghan refugees still exists.⁵³

The United States has a history of not accepting Afghan immigrants, dating back to 1928 when, in an attempt to categorize Afghans by their skin color, a California judge denied a naturalization application because Afghans were “neither white nor of African nativity or descent.”⁵⁴ The United States has attempted to remove such categorizations and reform its terminology, but discriminatory immigration practices still exist, as described in further case studies.

As an example of inequality toward Afghans, the United States has a current policy thought to disproportionately affect Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities by purposefully delaying or denying citizenship to potential Americans.⁵⁵ The ACLU argues that USCIS utilizes a policy referred to as the Controlled Application Review and Resolution Program (CARRP), which discriminates against non-White populations. CARRP is a program that labels countries, including their citizens, national security risks.⁵⁶ Under CARRP, AMEMSA nations are held to added scrutiny, resulting in a more frequent denial of naturalization.

1. Timeline and Acceptance Rate

Leading up to the departure of U.S. forces and personnel from Afghanistan on August 31, 2021, the United States evacuated approximately 70,000 Afghan refugees to Department of Defense overseas screening facilities for processing.⁵⁷ As part of the

⁵³ “Special Immigrant Visas for Afghans—Who Were Employed by/on Behalf of the U.S. Government,” Department of State, Bureau of Consular Affairs, accessed February 4, 2023, <https://travel.state.gov/content/travel/en/us-visas/immigrate/special-immig-visa-afghans-employed-us-gov.html>.

⁵⁴ Marian L. Smith, “Race, Nationality, and Reality: INS Administration of Racial Provisions in U.S. Immigration and Nationality Law since 1898,” *Prologue Magazine* 34, no. 2 (Summer 2002), <https://www.archives.gov/publications/prologue/2002/summer/immigration-law-1>.

⁵⁵ Jennie Pasquarella, *Muslims Need Not Apply* (Los Angeles: ACLU of Southern California, 2013), 15, https://www.aclusocal.org/sites/default/files/field_documents/161849063-muslims-need-not-apply-aclu-socal-report.pdf.

⁵⁶ Pasquarella, 11.

⁵⁷ “U.S. Withdrawal from Afghanistan,” White House, April 6, 2023, 10, <https://www.whitehouse.gov/wp-content/uploads/2023/04/US-Withdrawal-from-Afghanistan.pdf>.

evacuation, the U.S. Embassy was permanently closed on August 31, 2021, leaving few formal options for Afghan citizens to request residence or refugee status in the United States.⁵⁸ At the time of the mass evacuation of U.S. personnel, the only Afghans considered for immediate extraction had proof of working for the U.S. government as a translator or interpreter for at least one year.⁵⁹ After August 2021, all emergency flights out of Afghanistan ceased, leaving many Afghans who had been employed by the United States without a formal means to leave the country.⁶⁰

2. Paths to Citizenship

Afghans who evacuated the country during the United States' withdrawal in 2021 were categorized as humanitarian parolees, not refugees or asylees.⁶¹ Parolees are allowed to live and work within the United States legally, free from the threat of deportation for up to two years, assuming the conditions for temporary parole are met.⁶² Humanitarian parole is a temporary condition that does not have a pathway to reaching LPR or naturalized citizenship. The path to citizenship is limited to Afghans who previously claimed asylum, had SIVs, enrolled in refugee programs, applied for the U.S. Diversity Visa program, or used employment or family ties for citizenship before August 2021.⁶³ Afghans not registered through these programs are ineligible to apply for citizenship. Likewise, Afghans who were not employed as interpreters or translators by the United States before 2021 do not have an opportunity to live in the United States or become citizens unless through family reunification or sponsorship, even if they supported the United States in another capacity or occupation. On March 15, 2022, seven months after the United States

⁵⁸ "Afghanistan Inquiries," Department of State, accessed July 14, 2023, <https://www.state.gov/afghanistan-inquiries/>.

⁵⁹ Department of State, Bureau of Consular Affairs, "Special Immigrant Visas for Afghans."

⁶⁰ "US Government Is Accused of Breaking Its Promise to Allies Left in Afghanistan," *KabulNow*, March 16, 2023, <https://kabulnow.com/2023/03/us-is-accused-of-breaking-promise-to-allies-left-in-afghanistan/>.

⁶¹ Andorra Bruno, *Permanent Immigration Options for Afghans with Immigration Parole*, CRS Report No. R47165 (Washington, DC: Congressional Research Service, 2022), 2, <https://crsreports.congress.gov/product/pdf/R/R47165/1>.

⁶² Bruno, 4.

⁶³ Bruno, 7.

suspended operations in Afghanistan, the Department of Homeland Security (DHS) designated temporary protected status (TPS) for Afghan parolees as a safeguard from deportation for 18 months but did not provide a pathway for lawful permanent residence.⁶⁴ Only six months later, on October 1, 2022, DHS shifted to another operational phase, away from continual admittance of Afghans based on humanitarian parole toward requiring a permanent solution for the residency of Afghans in the United States.⁶⁵

Advocates and politicians have introduced legislation—including S. 4787, the Afghan Adjustment Act—to establish a legal path to permanent residence, but formal legislation has yet to pass.⁶⁶ With the initial two-year established limit for Afghan parolees since evacuation set to expire, DHS still has not offered Afghans an alternate path to permanent residency. Thus, DHS launched a “re-parole” process in June 2023, allowing current parolees to apply for an extension of parole protections, preventing their deportation for another two years.⁶⁷ The re-parole process extends temporary protections but still lacks the option for these Afghans to remain permanently in the United States.⁶⁸

Following the closure of the U.S. Embassy in Kabul, Afghan citizens seeking immigration actions and travel permissions, including those with confirmed appointments, had little recourse to finish their requests. Afghans with consular appointments were instructed to continue pursuing their recommendations with another U.S. embassy in another country, but only if they could travel to an embassy outside of Afghanistan.⁶⁹ This requirements was an obstacle for most petitioners as travel in and outside the country was

⁶⁴ Designation of Afghanistan for Temporary Protected Status, 87 Fed. Reg. 30976 (May 20, 2022), <https://www.federalregister.gov/documents/2022/05/20/2022-10923/designation-of-afghanistan-for-temporary-protected-status>.

⁶⁵ Department of Homeland Security, “Operation Allies Welcome.”

⁶⁶ Afghan Adjustment Act, S. 4787, 117th Cong. (2022), <http://www.congress.gov/bill/117th-congress/senate-bill/4787/actions>.

⁶⁷ “Re-parole Process for Certain Afghans,” U.S. Citizenship and Immigration Services, July 12, 2023, <https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans>.

⁶⁸ “USCRI Statement on Launch of New Re-parole Process for Afghans,” U.S. Committee for Refugees and Immigrants, June 9, 2023, <https://refugees.org/uscri-statement-on-launch-of-new-re-parole-process-for-afghans/>.

⁶⁹ Department of State, “Afghanistan Inquiries.”

extremely difficult and scrutinized by the Taliban and Islamic State. It is estimated that 200,000–300,000 SIV applicants remain in Afghanistan without an embassy to help complete the process.⁷⁰ However, philanthropists, religious organizations, veteran groups, and non-governmental organizations, such as #AfghanEvac, continue to assist with Afghan migrations from within the United States and abroad, offering hope of resettlement within the United States or another participating country.⁷¹ Instead of official government channels to continue extracting U.S.-affiliated Afghan nationals in Afghanistan, the State Department has partnered with #AfghanEvac and other similar affiliates to share resources, aiding the effort to support Afghans needing security and residency.⁷²

3. Special Immigrant Visa

Special protections for Afghans employed on behalf of the U.S. government began on October 7, 2009, with the approval of the Afghan Allies Protection Act, § 602(b).⁷³ The measure was enacted to provide a path for U.S.-employed Afghans and their immediate family members to leave their home country to escape potential harm. The program has undergone several revisions to streamline the initial 11-stage, two-year process to a 7-stage, nine-month process by 2023 to increase throughput and processing efficiencies.⁷⁴ However, there is no established timeline to complete subsections of the steps, which vary depending on the individuals' ability to provide necessary documentation and evidence of their service, background, and at-risk status to the United States.

Leading up to the end of U.S. operations in Afghanistan in 2021, emergency efforts by the U.S. government—specifically DHS and the Department of State (DOS)—were instituted to aid in evacuating approximately 70,000 present and former Afghan employees

⁷⁰ “US Government Is Accused of Breaking Its Promise.”

⁷¹ “Help Welcome Afghan Allies into Your Community,” #AfghanEvac, accessed July 15, 2023, <https://afghanevac.org>.

⁷² “Secretary Blinken Renews Partnership with #AfghanEvac to Continue Supporting, Resettling Afghan Allies,” #AfghanEvac, June 12, 2023, <https://afghanevac.org/mou-ceremony>.

⁷³ Afghan Allies Protection Act of 2009, Pub. L. No. 111–8, § 602(b) (2009) (as amended by Pub. L. No. 117–328), <https://www.govinfo.gov/content/pkg/COMPS-13206/pdf/COMPS-13206.pdf>.

⁷⁴ Afghan Allies Protection Act of 2023, S. 1786, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/1786/text?s=1&r=43>.

of the U.S. forces. This number excluded refugees, Afghans applying for legal residency in the United States, and Afghan nationals not employed by the U.S. government looking to leave the country on their own accord but who had not yet initiated a travel authorization or residency application.⁷⁵ However, during the U.S. evacuation of Afghanistan, not many in the international community expected the Taliban and Islamic State to take control of the country within 11 days of withdrawal.⁷⁶ Additionally, the Afghan government began to collapse on August 14, 2021, as then-President Ghani fled the country during the Taliban takeover.⁷⁷ These events left little time for Afghan civilians to coordinate a departure from the country while the U.S. Embassy in Kabul shifted focus to evacuating its personnel from Afghanistan.⁷⁸

Among the many complications facing Afghan parole applicants looking to vacate Afghanistan were processing times and application fees. Even before the U.S. evacuation and the increase of mass evacuees, there was a backlog of approximately 18,000 SIV applications, averaging 734 days or just over two years to process.⁷⁹ Within eight months following the U.S. withdrawal, USCIS had received another 44,785 new applications, significantly impacting the ability of USCIS to process applications.⁸⁰ By April 6, 2022, only 114 of these 44,785 SIV applications had been processed, indicating a sluggish and overwhelmed system.⁸¹

Parole application fees were a factor for impoverished Afghan nationals. Parole applications cost \$575 USD per applicant, which amounted to \$19 million collected by

⁷⁵ Antoine Herrbach, “Left in Limbo—The State of the Afghan Community after the U.S. Military Withdrawal,” *World Relief* (blog), July 1, 2023, <https://worldrelief.org/spblog-left-in-limbo-the-state-of-the-afghan-community-after-the-u-s-military-withdrawal/>.

⁷⁶ Herrbach.

⁷⁷ “Timeline: U.S. War in Afghanistan,” Council on Foreign Relations, accessed September 23, 2023, <https://www.cfr.org/timeline/us-war-afghanistan>.

⁷⁸ “Agency Failures Make Obtaining Humanitarian Parole Almost Impossible for Afghans,” American Immigration Council, March 9, 2023, <https://www.americanimmigrationcouncil.org/foia/uscis-failures-afghans-parole>.

⁷⁹ Herrbach, “Left in Limbo.”

⁸⁰ Herrbach.

⁸¹ Herrbach.

USCIS between March 1, 2021, and March 22, 2022.⁸² DHS eventually waived parole application fees exclusively for Afghan evacuees on November 8, 2021, to aid resettlement resources.⁸³

According to critics of Afghan evacuee resettlement, a problem with humanitarian parole is that it does not supply a clear path to citizenship through LPR status or naturalization. Parole is a temporary lawful status and not “considered admission to the United States.”⁸⁴ When non-citizens are paroled into the United States, they are still considered applicants for admission rather than temporary residents.⁸⁵

Typically, parole stops when the parole period expires or when parolees leave the United States to return to their country of origin or an alternate nation.⁸⁶ Afghan parolees were initially granted a two-year parole window from July 31, 2021, through September 30, 2023. However, parole was extended exclusively for Afghan evacuees until September 30, 2025, with the expectation that Afghan evacuees re-apply for parole and continue to seek an alternate form of legal residency or leave the country by the end of the parole period.⁸⁷ Recently, USCIS included an option to request parole based on humanitarian need for an individual outside the United States.⁸⁸ However, in the parole process, beneficiaries must physically visit a U.S. embassy or consulate to “verify their identity and collect biometrics for additional security vetting.”⁸⁹

⁸² American Immigration Council, “Humanitarian Parole Almost Impossible for Afghans.”

⁸³ “DHS Announces Fee Exemptions, Streamlined Processing for Afghan Nationals as They Resettle in the U.S.,” Department of Homeland Security, November 8, 2021, <https://www.dhs.gov/news/2021/11/08/dhs-announces-fee-exemptions-streamlined-processing-afghan-nationals-they-resettle>.

⁸⁴ “Information Sheet for Afghan Nationals Paroled into the United States,” Department of Homeland Security, December 2, 2022, 1, <https://www.uscis.gov/sites/default/files/document/fact-sheets/Information-Sheet-for-Afghans-Paroled-into-the-United%20States.pdf>

⁸⁵ Department of Homeland Security.

⁸⁶ Department of Homeland Security, 1.

⁸⁷ “DHS Announces Re-parole Process for Afghan Nationals in the United States,” Department of Homeland Security, June 8, 2023, <https://www.dhs.gov/news/2023/06/08/dhs-announces-re-parole-process-afghan-nationals-united-states>.

⁸⁸ “Humanitarian or Significant Public Benefit Parole for Individuals outside the United States,” U.S. Citizenship and Immigration Services, May 2, 2023, https://www.uscis.gov/humanitarian/humanitarian_parole.

⁸⁹ U.S. Citizenship and Immigration Services.

4. Temporary Protected Status

On May 20, 2022, nine months after the withdrawal of U.S. forces, DHS (USCIS) designated Afghanistan for TPS.⁹⁰ Due to ongoing conflict, the U.S. government determined that the Afghan government could not protect its citizens or provide basic essential support. TPS offers applicants protection from removal from the United States and prevents their being detained on the basis of immigration status. Additionally, an applicant must continue to pursue permanent residency while re-applying for TPS toward the end of each TPS grant or face termination proceedings.⁹¹ Furthermore, if a TPS beneficiary is denied an application for asylum or another immigration benefit, it could also result in a loss of TPS status, exposing an immigrant to removal proceedings.⁹² Afghan immigrants and evacuees can apply for TPS and asylum only from within the United States. U.S.-affiliated Afghan nationals may still be referred for admission into the United States on an SIV under the United States Refugee Admissions Program (USRAP).⁹³ However, non-U.S. affiliated Afghans do not qualify for the same program.⁹⁴

5. Asylum

Following the U.S. withdrawal, priorities (P-1 and P-2) were established for Afghan nationals to apply for resettlement through the USRAP under the DOS.⁹⁵ U.S.-affiliated Afghan nationals, considered P-2, were evacuated to the United States or allied countries under humanitarian parole and had the option to apply for asylum within one year of arrival

⁹⁰ “Temporary Protected Status Designated Country: Afghanistan,” U.S. Citizenship and Immigration Services, June 29, 2023, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-afghanistan>.

⁹¹ “Temporary Protected Status,” U.S. Citizenship and Immigration Services, January 26, 2023, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

⁹² U.S. Citizenship and Immigration Services.

⁹³ “SIV/Iraqi & Syrian P-2/Afghan Referrals,” Refugee Processing Center, accessed September 23, 2023, <https://www.wrapsnet.org/siv-iraqi-syrian-afghan-referrals/>.

⁹⁴ Refugee Processing Center.

⁹⁵ “Afghan Arrivals under the U.S. Refugee Admissions Program,” Department of State, accessed November 16, 2023, <https://www.state.gov/afghan-arrivals-under-the-u-s-refugee-admissions-program/>.

to the United States.⁹⁶ The P-1 category was for individual referrals by the United Nations High Commissioner for Refugees (UNHCR), a certified non-governmental organization (NGO), or a U.S. embassy.⁹⁷ The P-1 program was meant for non-U.S. citizens who did not meet the eligibility requirements for a P-2 designation but presented a compelling reason to be considered for the P-1 program through a U.S. embassy, the UNHCR, or an NGO.⁹⁸ Non-U.S. affiliated Afghan citizens who remain in Afghanistan must find an alternative method of accessing the United States to claim asylum.

However, as of August 3, 2023, the U.S. Court of Appeals for the Ninth Circuit issued a stay on a court case in California, *East Bay Sanctuary Covenant v. Biden*, essentially bypassing an individual's ability to claim asylum.⁹⁹ According to the August 23, 2023, court ruling, if non-citizens cross the United States through the southwest or coastal border without authorization, they cannot claim asylum unless they can demonstrate exceptional circumstances to enter the United States without permission.¹⁰⁰ The ruling promotes using the Operation Allies Welcome (OAW) program, as discussed in the following subsection, to reduce cross-border incursions. This decision solidifies the challenging process involved for Afghan nationals, who must relocate to another country to access a U.S. embassy in order to meet the in-person application requirements.

Since parolees do not have a path to apply for LPR status, one of the few options to remain in the country permanently is to claim asylum if the applicant can provide proof of credible fear and meet screening requirements. The deteriorating and hostile conditions in their home country likely justify nearly 90,000 Afghan evacuees' claiming asylum in the United States.¹⁰¹ However, several key issues make it more difficult for Afghan evacuees to enter the United States as humanitarian parolees and claim asylum. The U.S.

⁹⁶ "Information for Afghan Nationals," U.S. Citizenship and Immigration Services, July 12, 2023, <https://www.uscis.gov/humanitarian/information-for-afghan-nationals>.

⁹⁷ Department of State, "Afghan Arrivals under the U.S. Refugee Admissions Program."

⁹⁸ Department of State.

⁹⁹ "Asylum," U.S. Citizenship and Immigration Services, June 24, 2022, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>.

¹⁰⁰ U.S. Citizenship and Immigration Services.

¹⁰¹ U.S. Citizenship and Immigration Services.

asylum case backlog is a significant factor when considering evacuee status. In December 2021, the backlog reached 101,000, growing to 161,000 cases by the end of 2022, with an expected wait time of 20 months.¹⁰² This stalled momentum has hampered the ability to process future asylum claims. Those who have submitted asylum claims may remain in the Immigration Court system for years, awaiting a decision or appeal to avoid removal proceedings. Another difficulty for evacuees in claiming asylum is the lack of readily accessible documentation to prove employment, family, and legal history. For those fleeing a dangerous environment, many under duress in Taliban- and Islamic State-controlled areas, providing sufficient evidence to verify status is often impossible.¹⁰³ Finally, a common problem with potential Afghan asylees is the limited access to U.S. legal assistance in their native language to help navigate the U.S. immigration process. Thus, Afghans must rely on state-funded or pro bono volunteer legal resources that offer legal services at no cost to the federal government.

6. Security and Screening

On August 2, 2021, President Biden dubbed DHS the lead agency to head the extraordinary Afghan resettlement effort, OAW.¹⁰⁴ Under the OAW umbrella, DHS created a multi-agency Unified Coordination Group (UCG) consisting of “primary state, tribal, territorial, insular area, and federal incident management activities.”¹⁰⁵ The Afghan UCG included the DOS, the Department of Health and Human Services, and the Office of Refugee Services to process Afghan evacuees with legal, medical, and resettlement assistance and tracking.¹⁰⁶ Per the *National Response Framework*, the UCG was

¹⁰² Rob McNeil, “Asylum Backlog Hits 160,000 in Major Headache for Government,” Migration Observatory, February 23, 2023, <https://migrationobservatory.ox.ac.uk/press/asylum-backlog-hits-160000-in-major-headache-for-government/>.

¹⁰³ Alexandria J. Nylen et al., “*Then, We Lost Everything*”: *Afghan Evacuee Experiences of Operation Allies Refuge and Operation Allies Welcome* (Providence, RI: Center for Human Rights and Humanitarian Studies and the Refugee Dream Center, April 2023), 21.

¹⁰⁴ Department of Homeland Security, “Operation Allies Welcome.”

¹⁰⁵ Department of Homeland Security, *National Response Framework*, 4th ed. (Washington, DC: Department of Homeland Security, 2019), 19, https://www.fema.gov/sites/default/files/2020-04/NRF_FINALApproved_2011028.pdf.

¹⁰⁶ Department of Homeland Security, “Operation Allies Welcome.”

“composed of senior leaders representing state, tribal, territorial, insular area and federal interests and, in certain circumstances, local jurisdictions, the private sector, and NGOs.”¹⁰⁷ The UCG established a presence at Kabul Airport before withdrawing from Afghanistan to provide immediate vetting assistance and resettlement coordination. Safe-haven sites were selected throughout the United States as part of the resettlement efforts. To expedite the processing and throughput of more than 79,000 Afghan evacuees in 2021, eight military bases and two dedicated ports of entry were used to complete the temporary immigration process within the safety of U.S. borders.¹⁰⁸ These safe-haven sites were set up as temporary holding facilities exclusively for Afghans to meet administrative requirements before entering U.S. society. However, per its Office of Inspector General (OIG) report on September 29, 2022, DHS determined that approximately 20,300 Afghan evacuees independently departed safe havens or ports of entry without completing the resettlement process.¹⁰⁹ Additionally, the UCG lacked complete records of evacuees before departure and could not track the Afghans for subsequent support.¹¹⁰

As the OIG reported, the security screening and vetting process for Afghan evacuees during and after the U.S. withdrawal proved challenging for DHS.¹¹¹ Once the U.S. government, through DHS and DOS, classified Afghan civilians as parolees and not refugees, it was in the unique position of hastily clearing Afghans for authorized travel to the United States. Many Afghan nationals did not have sufficient documentation to prove personal identification, so they were allowed to verbally give critical information such as names and dates of birth without verification due to the rushed nature and urgency of the

¹⁰⁷ Department of Homeland Security, *National Response Framework*, 19.

¹⁰⁸ Department of Homeland Security, Office of Inspector General, *The Unified Coordination Group Struggled to Track Afghan Evacuees Independently Departing U.S. Military Bases*, OIG-22-79 (Washington, DC: Department of Homeland Security, 2022), 3, <https://www.oig.dhs.gov/sites/default/files/assets/2022-10/OIG-22-79-Oct22.pdf>.

¹⁰⁹ Department of Homeland Security, Office of Inspector General, 7.

¹¹⁰ Department of Homeland Security, Office of Inspector General, 10.

¹¹¹ Department of Homeland Security, Office of Inspector General, *DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees during the Recent Afghanistan Crisis* (Washington DC: Department of Homeland Security, 2022), 3, <https://www.oig.dhs.gov/sites/default/files/assets/2022-09/OIG-22-64-Sep22-Redacted.pdf>.

evacuation process.¹¹² In short, it is unknown whether Afghan citizens allowed into the United States without proper verification—even those who were previously employed in Afghanistan by the U.S. government or ISAF—pose a threat to national security.¹¹³

The state of emergency conditions challenged the UCG due to the extreme exit timeline and a lack of available documentation to vet the Afghans properly. Additionally, as the OIG reported to the DHS secretary on September 29, 2022, the UCG struggled to account for and track Afghans who left independently from sites without resettlement agency representation.¹¹⁴ Additionally, some Afghans left safe-haven sites and ports of entry into the general population before completing established medical protocols.¹¹⁵ This lack of accountability from the UCG has further complicated the situation, impacting Afghan citizens’ follow-on access to resources and their prospects for long-term residency, as the UCG could not track all Afghan parolees.¹¹⁶

In the final stage of the U.S. withdrawal from Afghanistan, DHS and the UCG lacked a comprehensive tool to manage vetting and resettlement efforts. DHS requested emergency approval of funds and authorization to develop a software tracking tool called Hummingbird to facilitate the evacuation of Afghan nationals.¹¹⁷ Although the United States has either prepared for or aided in evacuating citizens of other countries, such as Vietnam, Iraq, and Sudan, the withdrawal from Afghanistan was the catalyst to create an accurate screening and tracking mechanism.¹¹⁸ Hummingbird was further developed from initial implementation into a tool that includes “initial screening and vetting before entering the United States, managing humanitarian parole, issuing special immigrant visas,

¹¹² Department of Homeland Security, Office of Inspector General, 3.

¹¹³ Department of Homeland Security, Office of Inspector General, 3.

¹¹⁴ Department of Homeland Security, Office of Inspector General, *Unified Coordination Group*.

¹¹⁵ Department of Homeland Security, Office of Inspector General, 9.

¹¹⁶ Department of Homeland Security, Office of Inspector General, 11.

¹¹⁷ Agency Information Collection Activities: DHS Hummingbird on ServiceNow Platform, 87 Fed. Reg. 39541 (July 1, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-07-01/pdf/2022-14158.pdf>.

¹¹⁸ “The Fall of Saigon (1975): The Bravery of American Diplomats and Refugees,” National Museum of American Diplomacy, accessed September 16, 2023, <https://diplomacy.state.gov/stories/fall-of-saigon-1975-american-diplomats-refugees/>.

processing at pre-designated U.S. military bases, applications for immigration status, work authorization, and essential coverage, and resettlement assistance.”¹¹⁹ However, the DHS’s OIG report dated September 29, 2022, faults the Hummingbird program’s lack of available data and inaccuracy for losing accountability and tracking of Afghan evacuees from safe havens and ports of entry.¹²⁰ Hummingbird remains a current program for vetting and tracking similar immigration scenarios in the future.

B. THE UKRAINIAN EXPERIENCE

The conflicts in Afghanistan and Ukraine share several similarities, which have informed the U.S. approach to the situation in Ukraine. Both nations have been influenced by internal strife and external aggression. Afghanistan saw the Taliban and Islamic State extremists forcefully taking over the government, population, and economy. Ukraine is engaged in a struggle with Russian military forces and separatists supported by Russia for control of Ukraine; this situation is similar to the resistance movement in Afghanistan against the Taliban. While Ukraine’s conflict involves conventional warfare strategies, the Afghanistan war was marked by asymmetric warfare tactics. Each country has historically been of strategic interest to its powerful neighbors. Both have faced threats from foreign and internal opponents, leading to decisions that profoundly impact their citizens’ lives. These parallels have also resulted in deep humanitarian crises, extensive displacement of civilians, and significant losses of human lives, along with the destruction of property and infrastructure.

1. Timeline and Acceptance Rate

Counter to the experience of Afghan refugees, the United States’ reaction to the invasion of Ukraine by Russia on February 24, 2022, has been overwhelmingly supportive of Ukrainian refugees both politically and socially. DHS granted TPS designation for Ukrainian refugees on April 19, 2022, less than two months after the onset of war with

¹¹⁹ DHS Hummingbird on ServiceNow Platform, 39541.

¹²⁰ Department of Homeland Security, Office of Inspector General, *Unified Coordination Group*, 3.

Russia.¹²¹ This rapid TPS designation for Ukrainians starkly contrasts the delayed TPS designation for Afghan civilians on May 20, 2022, almost nine months after the end of the 20-year U.S. war in Afghanistan.¹²²

On April 21, 2022, the United States established an innovative pilot program to support the people of Ukraine called United for Ukraine, or “U4U.” This program extends preferential treatment including streamlined visa applications, waived fees, and less burden of proof required by the individual refugee.¹²³ A vital aspect of the U4U program is that it allows American citizens, no matter their relation to Ukrainian citizens, to apply to host refugees in their homes if they commit to providing financial support for two years, which helps facilitate the refugee resettlement process. This policy allows for an accelerated path to a temporary legal status not afforded to Afghan refugees.¹²⁴ However, in January 2023, the DOS, in coordination with the Department of Health and Human Services, launched a new program called Welcome Corps, a private civilian sponsorship program like U4U. This program is now available to other countries in conflict, including Afghanistan, assuming the applicants are in the United States or can apply for temporary or permanent residency.¹²⁵

2. Paths to Citizenship

Ukrainians and Afghans have similar options, with caveats, to obtain LPR status in the United States. A primary pathway is through family-sponsored immigration. Immediate relatives of U.S. citizens or permanent residents, such as a spouse, child, or parent, may be

¹²¹ Designation of Ukraine for Temporary Protected Status, 87 Fed. Reg. 23211 (April 19, 2022), <https://www.federalregister.gov/documents/2022/04/19/2022-08390/designation-of-ukraine-for-temporary-protected-status>.

¹²² Designation of Afghanistan for Temporary Protected Status.

¹²³ Edward J. Markey et al. to Joseph R. Biden Jr., Alejandro Mayorkas, and Ur Jaddou, May 26, 2022, https://www.markey.senate.gov/imo/media/doc/oversight_letter_redisparate_treatment_of_afghan_and_ukrainian_refugees.pdf.

¹²⁴ Ilya Somin, “A Double Standard between Ukrainian and Afghan Refugees?,” Reason, May 26, 2022, <https://reason.com/volokh/2022/05/26/a-double-standard-between-ukrainian-and-afghan-refugees/>.

¹²⁵ “Frequently Asked Questions: Information for Refugees,” Welcome Corps, accessed September 17, 2023, <https://welcomecorps.org/resources/for-refugees/>.

eligible for sponsorship.¹²⁶ Employment may be another option to gain permanent residency.¹²⁷ A U.S. employer’s job offer to a Ukrainian citizen may qualify one for immigration sponsorship.¹²⁸ Afghans who want to obtain LPR status must have started their application process from within the United States before July 20, 2022, and the U.S. government must have previously employed them.¹²⁹ In contrast, Afghans who are still in Afghanistan lack access to a U.S. embassy, which hinders their ability to apply for either temporary or permanent residency. Meanwhile, Ukrainian citizens are not subject to the same application restrictions for residency.

The Diversity Visa (DV) Program, managed by the DOS’s Bureau of Consular Affairs, is a lottery system to grant LPR status to select individuals from qualifying countries with historically low immigration rates.¹³⁰ There are 55,000 DVs available every year at no cost to the applicant, and Ukraine and Afghanistan are qualifying countries for DVs in fiscal year 2024.¹³¹ However, Afghans seeking to immigrate to the United States face multiple hurdles. Unlike Ukrainians, who had a literacy rate of 97 percent in 2021, making it easier to meet the educational requirements, Afghans had a literacy rate of just 37 percent.¹³² This low literacy rate poses a significant challenge for Afghans trying to fulfill the high school education requirement to qualify for the DV lottery. Moreover, even if they meet educational or work experience criteria, coordinating travel to the United

¹²⁶ Welcome.US, “Sponsor FAQs for Ukrainians.”

¹²⁷ “Employment-Based Immigrant Visas,” Department of State, Bureau of Consular Affairs, accessed July 16, 2022, <https://travel.state.gov/content/travel/en/us-visas/immigrate/employment-based-immigrant-visas.html#fourth>.

¹²⁸ Kandel, Wilson, and Donovan, *U.S. Employment-Based Immigration Policy*, 2.

¹²⁹ U.S. Citizenship and Immigration Services, “Information for Afghan Nationals.”

¹³⁰ Department of State, Bureau of Consular Affairs, “Instructions for the 2024 Diversity Immigrant Visa Program (DV-2024)” (Washington, DC: Department of Homeland Security, 2024), 1, <https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/DV-2024-Instructions-Translations/DV-2024-Instructions.pdf>.

¹³¹ Department of State, Bureau of Consular Affairs, 18–19.

¹³² United States Agency for International Development, “Afghanistan: Literacy,” International Data and Economic Analysis, accessed November 16, 2023, <https://idea.usaid.gov/cd/afghanistan/education#tab-literacy>.

States adds another layer of difficulty for Afghans, contrasting with the less restrictive conditions faced by Ukrainians.

3. Asylees and Refugees

Ukrainians who feel they are persecuted or in danger of persecution due to race, creed, ethnicity, or religious group can apply for the refugee and resettlement program through USRAP, managed by the DOS.¹³³ A non-profit resettlement agency will sponsor refugees approved for admission to the United States to assist them with relocation through the first three months after arrival.¹³⁴ Ukrainians can apply for refugee status only outside the United States. However, once in the United States, Ukrainians are eligible for asylum through USCIS under DHS within a year of arrival.¹³⁵ Asylum applicants must prove credible fear, and if asylum is approved, they can apply for LPR status one year after gaining asylum.¹³⁶

For Ukrainian investors and business owners, another option to obtain LPR status is the EB-5 Immigrant Investor Program, which was created to stimulate the U.S. economy. Among other stipulations, Ukrainian investors can apply for permanent residence if they invest a minimum of \$1,050,000 USD toward job creation that would employ a minimum of 10 Americans.¹³⁷

Another avenue for immigration and resettlement of Ukrainians and eastern Europeans is the Lautenberg Program administered under USRAP.¹³⁸ Established in 1990,

¹³³ “Reception and Placement,” Department of State, accessed September 17, 2023, <https://www.state.gov/refugee-admissions/reception-and-placement/>.

¹³⁴ Department of State.

¹³⁵ “The Affirmative Asylum Process,” U.S. Citizenship and Immigration Services, September 13, 2023, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/the-affirmative-asylum-process>.

¹³⁶ U.S. Citizenship and Immigration Services, *USCIS Welcomes Refugees and Asylees* (Washington, DC: Department of Homeland Security, 2019), 4, https://www.uscis.gov/sites/default/files/document/brochures/USCIS_Welcomes_Refugees_and_Asylees.pdf.

¹³⁷ “About the EB-5 Visa Classification,” U.S. Citizenship and Immigration Services, July 28, 2022, <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/about-the-eb-5-visa-classification>.

¹³⁸ “Welcoming Ukrainian Nationals to the United States,” Department of State, accessed September 17, 2023, <https://www.state.gov/welcoming-ukrainian-nationals-to-the-united-states/>.

the program allows Jewish Ukrainian citizens from the former Soviet Union with family members in the United States to resettle in the country. Since 2018, approximately 14,000 Ukrainian nationals have resettled in the United States under the Lautenberg Program.¹³⁹ The Lautenberg Program is a path to LPR status.

4. Temporary Protected Status

The United States provided TPS to Ukrainian citizens more quickly, yet the United for Ukraine initiative does not skip any steps in the standard immigration case workflow. However, it does make the process more efficient by providing specific resources and support for housing, which help make the journey toward U.S. citizenship easier for Ukrainian immigrants. Ukrainians fleeing the conflict with Russia have three possible routes to securing temporary residency in the United States—humanitarian parole, asylum, and TPS—although specific conditions are attached to each option. After approval of the U4U program on April 21, 2022, Ukrainian nationals fleeing conflict could apply for humanitarian parole for two years if they lived in Ukraine before February 11, 2022. However, Ukrainians living in the United States since April 11, 2022, cannot apply for humanitarian parole but must apply for asylum or TPS while seeking permanent residence.¹⁴⁰ Initially approved for one year, TPS for Ukrainian citizens was extended by DHS for an additional eighteen months, to April 19, 2025.¹⁴¹

An added benefit of the U4U program is that DHS has waived the \$575 USD application filing fee for parole. Still, the same waiver was unavailable to Afghans until November 8, 2021.¹⁴² Additionally, under the U4U program, Ukrainian nationals can apply for parole online, bypassing the requirement of an in-person interview at a

¹³⁹ Department of State.

¹⁴⁰ “Humanitarian Assistance and Visa Information for Ukrainians Who Have Evacuated to Poland,” U.S. Embassy & Consulate in Poland, July 28, 2023, <https://pl.usembassy.gov/visas/humanitarian-assistance-and-visa-information-for-ukrainians/>.

¹⁴¹ “Temporary Protected Status Designated Country: Ukraine,” U.S. Citizenship and Immigration Services, August 30, 2023, <https://www.uscis.gov/humanitarian/temporary-protected-status/TPS-Ukraine>.

¹⁴² Department of Homeland Security, “Streamlined Processing for Afghan Nationals.”

consulate.¹⁴³ Although the U.S. Embassy in Kyiv, Ukraine, still exists, it operates in a limited capacity due to the ongoing war with Russia. However, Ukrainians can still pursue immigrant visa services through the consular office in Frankfurt.¹⁴⁴ Conversely, U.S.-affiliated Afghan nationals must still conduct in-person interviews at a U.S. embassy or consulate.

5. Security and Screening

The United States took a completely different approach to vetting Ukrainian immigrants than it did in Afghanistan just a year after the withdrawal of U.S. forces. Since March 2022, the United States has accepted approximately 235,000 Ukrainian immigrants, including refugees, TPS applicants, SIVs, and asylees.¹⁴⁵ Notable differences include no use of safe-haven sites to process large numbers of refugees and parolees. Ukrainian parole applicants must submit biometric and biographic data to USCIS to perform a background check as part of the application process, and another screening is conducted at a port of entry.¹⁴⁶ There is no clear indication that the Hummingbird program created for OAW is being used to track Ukrainian parolees residing in the United States with temporary status.

Unlike the complex application processes for Afghan TPS, SIV, resettlement, and parole, the United States established the United for Ukraine program to expedite these procedures.¹⁴⁷ U4U requires vetting via applicant disclosure through USCIS and includes an application process and vetting of sponsors applying to aid Ukrainian citizens. Before the approval of U4U, over 3,000 Ukrainian immigrants had fled to Mexico, intending to

¹⁴³ U.S. Embassy & Consulate in Poland, “Humanitarian Assistance and Visa Information.”

¹⁴⁴ “Immigrant Visas,” U.S. Embassy in Ukraine, accessed September 17, 2023, <https://ua.usembassy.gov/visas/immigrant-visas/>.

¹⁴⁵ Camilo Montoya-Galvez, “U.S. Expands Ukrainian Immigration Program to 167,000 New Potential Applicants,” CBS News, August 18, 2023, <https://www.cbsnews.com/news/ukraine-tps-temporary-protected-status-expansion-applications/>.

¹⁴⁶ “Uniting for Ukraine,” Department of Homeland Security, accessed September 17, 2023, <https://www.dhs.gov/ukraine>.

¹⁴⁷ Department of Homeland Security.

cross into the United States via the southern border.¹⁴⁸ This occurrence prompted DHS to issue an exception policy to allow Ukrainian migrants to process into the United States on asylum claims, thereby bypassing other nationalities attempting to perform the same action.¹⁴⁹ After April 25, 2022, Ukrainians who showed up at the southern U.S. border were denied entry and were directed to apply for parole through the U4U program.¹⁵⁰ This application could be accomplished online without crossing the border to claim asylum.

C. THE HAITIAN EXPERIENCE

The treatment and immigration experience of Haitian refugees are like that of Afghans but with more restrictions and limitations. Haitians have a long history of differential treatment and exploitation, spanning decades over Republican and Democratic U.S. administrations.¹⁵¹ Following an invasion in 1915, the United States occupied Haiti for 19 years to stabilize the country following multiple assassinations of its presidents and to safeguard American strategic interests.¹⁵² Recent instability was triggered on July 7, 2021, when Haitian President Jovenel Moïse was assassinated, followed by mass civil unrest with significant violent gangs' taking de facto control of the country, obstructing the country's ability to elect a new leader.¹⁵³ To make matters worse, Haiti, a country prone to natural disasters, experienced a 7.1 magnitude earthquake on August 14, 2021, merely one month after the assassination of President Moïse, causing the government to spiral even further into political, humanitarian, and security chaos.¹⁵⁴ There is no longer a

¹⁴⁸ Zachary Snowdon Smith, "Over 3,000 Ukrainians Processed at U.S.–Mexico Border in March amid Migration Surge," *Forbes*, April 18, 2022, <https://www.forbes.com/sites/zacharysmith/2022/04/18/over-3000-ukrainians-encountered-at-us-mexico-border-in-march-amid-migration-surge/>.

¹⁴⁹ Matthew S. Davies, "Title 42 Exceptions for Ukrainian Nationals" (official memorandum, Washington, DC: Customs and Border Protection, 2022).

¹⁵⁰ Department of Homeland Security, "Uniting for Ukraine."

¹⁵¹ Kaur, "US Immigration Policies toward Haitians."

¹⁵² "U.S. Invasion and Occupation of Haiti, 1915–34," Department of State, July 13, 2007, <https://2001-2009.state.gov/r/pa/ho/time/wwi/88275.htm>.

¹⁵³ Paul J. Angelo and David Gevarter, "The Assassination of Haitian President Jovenel Moïse: What to Know," Council on Foreign Relations, July 14, 2021, <https://www.cfr.org/in-brief/assassination-haitian-president-jovenel-moise-what-know>.

¹⁵⁴ "Haiti Earthquake August 2021," Pan American Health Organization, accessed September 18, 2023, <https://www.paho.org/en/haiti-earthquake-august-2021>.

parliament, and no single elected leader is still in office. Policing is minimal, and life-threatening infrastructure gaps are plaguing the population.¹⁵⁵ Under increasingly hostile and deteriorating conditions, the U.S. Embassy in Port-au-Prince directed all non-emergency U.S. personnel to vacate on July 27, 2023, severely hampering the ability of Haitians to apply for immigration assistance.¹⁵⁶

1. Timeline and Acceptance Rate

The U.S. immigration response to the crisis in Haiti is different from that of Afghanistan and Ukraine. In February 2023, DHS approved humanitarian parole with advanced travel authorization to allow Haitian nationals to relocate to the United States and live temporarily with a sponsor for up to two years.¹⁵⁷ This DHS humanitarian parole designation grouped the countries of Haiti, Cuba, Nicaragua, and Venezuela, which are also in crisis, into a single category.¹⁵⁸ The U.S. government may approve up to 30,000 monthly advance travel authorizations from these countries to the United States. However, these 30,000 are in total and not designated solely for Haiti.¹⁵⁹

In 2022, the Biden administration increased the TPS eligibility cap for Haitian refugees to 100,000. Still, this policy was relevant only to Haitian immigrants residing within the United States after July 29, 2022.¹⁶⁰ The increase in TPS is arguably a response to the media coverage of Haitian refugee camps, their treatment, and the expulsion of non-citizens from Del Rio, Texas, in September 2021. This change also corresponds with

¹⁵⁵ Becky Sullivan, “As Its Only Remaining Elected Officials Depart, Haiti Reaches a Breaking Point,” NPR, January 18, 2023, <https://www.npr.org/2023/01/18/1149556481/haiti-last-elected-official-political-crisis>.

¹⁵⁶ “Ordered Departure for Personnel of U.S. Embassy Port-Au-Prince,” Department of State, Bureau of Consular Affairs, July 28, 2023, <https://travel.state.gov/content/travel/en/News/Intercountry-Adoption-News/ordered-departure-for-personnel-of-u-s--embassy-port-au-prince.html>.

¹⁵⁷ “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” U.S. Citizenship and Immigration Services, September 20, 2023, <https://www.uscis.gov/CHNV>.

¹⁵⁸ U.S. Citizenship and Immigration Services.

¹⁵⁹ U.S. Citizenship and Immigration Services.

¹⁶⁰ Kaur, “US Immigration Policies toward Haitians.”

the demands made by members of the U.S. Senate.¹⁶¹ From fiscal year 2021 through October of fiscal year 2024, Customs and Border Protection (CBP) experienced 181,978 Haitian encounters at the U.S. southern border with those seeking the protection of the United States.¹⁶²

2. Paths to Citizenship

Options for Haitian nationals to become citizens and LPRs are similar to those for Afghans and Ukrainians, with exceptions unique to Haiti. There are several pathways to U.S. citizenship or permanent residency for those already residing in the United States. These include applying for TPS; claiming asylum; applying for LPR, also known as a green card; or utilizing sponsorship and family unification programs.

Haiti was designated for TPS on January 21, 2010, with a termination date of July 22, 2011, in response to a previous earthquake that caused mass humanitarian and emigration events.¹⁶³ Due to ongoing litigation and court injunctions, the TPS designation for Haiti has extended continuously from 2010 to August 3, 2024.¹⁶⁴ Haitian nationals residing in the United States can re-apply for TPS, allowing applicants to remain in the United States legally and work to sustain their livelihood.¹⁶⁵ Given that TPS is a temporary legal immigrant status, a TPS beneficiary can apply for another program with a path to LPR status.

Haitian refugees living in the United States can apply for LPR, a green card, through the Haitian Refugee Immigration Fairness Act (HRIFA). Enacted by Congress in

¹⁶¹ Elizabeth Warren, Robert Menendez, and Ron Wyden to Chris Magnus and Matthew Klein, November 10, 2022, <https://www.warren.senate.gov/imo/media/doc/2022.11.10%20Letter%20to%20CBP%20and%20OPR%20on%20report%20of%20treatment%20of%20Haitian%20migrants.pdf>.

¹⁶² “Nationwide Encounters,” Customs and Border Protection, December 4, 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

¹⁶³ Designation of Haiti for Temporary Protected Status, 75 Fed. Reg. 3476 (January 21, 2010), <https://www.federalregister.gov/documents/2010/01/21/2010-1169/designation-of-haiti-for-temporary-protected-status>.

¹⁶⁴ Extension and Redesignation of Haiti for Temporary Protected Status, 88 Fed. Reg. 5022 (January 26, 2023), <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status>.

¹⁶⁵ Extension and Redesignation of Haiti for Temporary Protected Status.

1998, HRIFA also accommodates qualifying children of Haitian refugees living within the United States, depending on age and marital status.¹⁶⁶ While the pathway to LPR through the HRIFA program applies only if the applicant is already living in the United States, it grants Haitian nationals permanent security within the United States and eliminates the fear of deportation.

Like the U4U program, USCIS released a new sponsorship program exclusive to Cubans, Haitians, Nicaraguans, and Venezuelans in May 2023. This program allows a sponsor in the United States to request travel authorization for a Haitian citizen (beneficiary) to travel directly to the United States.¹⁶⁷ The sponsor must initiate the request, but once in the United States, the beneficiary can remain in the United States on parole while seeking an alternate form of LPR. The sponsor must provide proof of financial means and agree to support the Haitian beneficiary for the duration of parole.¹⁶⁸

The Haitian Family Reunification Parole (HFRP) program through USCIS is another avenue to obtain LPR status.¹⁶⁹ The program was developed in 2014 to reunify family members in Haiti with their U.S. citizen or LPR family members in the United States.¹⁷⁰ An update to the HFRP program, now called Family Reunification Parole, allows program applicants to live in the United States on parole status while they wait for their family-based visa to process.¹⁷¹

The Diversity Lottery program is designed to allow citizens from countries with historically low immigration rates to the United States to apply for a visa. However, Haiti is excluded from participating in this program because more than 50,000 Haitian

¹⁶⁶ “Green Card for a Haitian Refugee,” U.S. Citizenship and Immigration Services, November 27, 2017, <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-a-haitian-refugee>.

¹⁶⁷ U.S. Citizenship and Immigration Services, “Cubans, Haitians, Nicaraguans, and Venezuelans.”

¹⁶⁸ U.S. Citizenship and Immigration Services.

¹⁶⁹ U.S. Citizenship and Immigration Services, “Green Card for a Haitian Refugee.”

¹⁷⁰ “The Haitian Family Reunification Parole (HFRP) Program,” U.S. Citizenship and Immigration Services, August 11, 2023, <https://www.uscis.gov/humanitarian/humanitarian-parole/the-haitian-family-reunification-parole-hfrp-program>.

¹⁷¹ “Family Reunification Parole Processes,” U.S. Citizenship and Immigration Services, September 1, 2023, <https://www.uscis.gov/FRP>.

immigrants have come to the United States in the last five years, surpassing the threshold set for eligibility.¹⁷²

3. Asylees and Refugees

Haitians who feel persecuted or in danger of persecution due to race, creed, ethnicity, or religious affiliation can apply for the refugee and resettlement program through USRAP under the DOS.¹⁷³ Haitians are eligible for priority status for fiscal years 2022 and 2023 through the DOS.¹⁷⁴ In addition to civilian sponsorship, non-profit resettlement agencies can sponsor refugees approved for admission to the United States to assist them with relocation through the first three months after arrival.¹⁷⁵ Like any refugee, Haitians can apply for refugee status only outside the United States. In fiscal year 2022, the United States admitted 25,465 refugees, up from 11,411 refugees in the previous fiscal year. Once approved, a refugee can obtain LPR after one year as a refugee within the United States and can apply for citizenship five years after obtaining one's green card LPR status.¹⁷⁶

Haitians who flee their country without the pre-approval of the United States for legal immigration status and cross into the United States at a border, typically the southern border or a port of entry, may be eligible for asylum through USCIS or the Board of Immigration Appeals within a year of arrival.¹⁷⁷ Applicants must prove a credible fear of persecution due to race, ethnicity, creed, or religion.¹⁷⁸ An asylee can apply for LPR status within the United States after one year.¹⁷⁹ However, as of August 3, 2023, the U.S. Court

¹⁷² Department of State, Bureau of Consular Affairs, "Diversity Immigrant Visa Program," 1.

¹⁷³ Department of State, "Reception and Placement."

¹⁷⁴ Department of State, *Report to Congress on Proposed Refugee Admissions for Fiscal Year 2023* (Washington, DC: Department of State, 2022), <https://www.state.gov/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2023/>.

¹⁷⁵ Department of State, "Reception and Placement."

¹⁷⁶ Department of State.

¹⁷⁷ U.S. Citizenship and Immigration Services, "The Affirmative Asylum Process."

¹⁷⁸ U.S. Citizenship and Immigration Services.

¹⁷⁹ U.S. Citizenship and Immigration Services, *USCIS Welcomes Refugees and Asylees*, 4.

of Appeals for the Ninth Circuit has temporarily blocked the ability for anyone trying to cross the U.S. southern and coastal border to claim asylum unless one can demonstrate exceptional circumstances to enter the United States without permission.¹⁸⁰

4. Security and Screening

With so few options to emigrate from the country legally and lacking functioning government services, many Haitians leave for another country that does not require the same level of clearance as the United States, such as one in South America.¹⁸¹ Tens of thousands of Haitians have evacuated their country since 2021, seeking refuge in South America, many with the intention of reaching the United States to claim asylum, resulting in 177,295 Haitian encounters at the southwest border alone from fiscal year 2021 through fiscal year 2023.¹⁸²

There are two processes by which an immigrant can be granted asylum: affirmatively or defensively. The affirmative path is for migrants not in removal, meaning deportation, proceedings with a U.S. immigration judge.¹⁸³ The defensive asylum path is for those who are in removal proceedings.¹⁸⁴ According to the data aggregator Statista, in 2021, only 132 Haitians were granted asylum in the aftermath of the president's assassination, earthquake, and subsequent collapse of the Haitian government.¹⁸⁵ This number contrasts the 353 Haitians deported to Haiti via U.S. government-provided air

¹⁸⁰ U.S. Citizenship and Immigration Services, "Asylum."

¹⁸¹ Diana Roy, "Crossing the Darién Gap: Migrants Risk Death on the Journey to the U.S.," Council on Foreign Relations, June 22, 2022, <https://www.cfr.org/article/crossing-darien-gap-migrants-risk-death-journey-us>.

¹⁸² "Nationwide Encounters," Customs and Border Protection, August 18, 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

¹⁸³ United Nations High Commissioner for Refugees, "Types of Asylum," Help USA, accessed September 21, 2023, <https://help.unhcr.org/usa/applying-for-asylum/types-of-asylum/>.

¹⁸⁴ United Nations High Commissioner for Refugees.

¹⁸⁵ "Individuals Granted Asylum in the U.S. by Country of Nationality 2021," Statista, September 2022, <https://www.statista.com/statistics/247064/individuals-granted-asylum-in-the-us-by-country-of-nationality/>.

transport during the same period.¹⁸⁶ In fiscal year 2022, Haitian deportations increased to 1,532, over 125 separate flights to Haiti—the third most frequent location for deportation using air travel.¹⁸⁷ Furthermore, Haitians awaiting legal decisions to remain in the United States continued to soar, with 73,500 new asylum claims in 2021 and 2022.¹⁸⁸ From fiscal year 2021 to fiscal year 2022, the number of non-detained Haitian immigrants living in the United States pending Immigration Court cases reached 136,561.¹⁸⁹

Haitian parole applicants, like applicants from other nations, must submit biometric and biographic data to USCIS to perform a background check as part of the application process, and another screening is conducted at a port of entry.¹⁹⁰ Additionally, they complete a medical screening to attest that they meet public health and vaccination requirements for U.S. entry.¹⁹¹ Additionally, with the 2023 Haitian sponsorship program, the sponsor must submit an application and financial documents as proof that the sponsor can support the beneficiary while on parole.¹⁹² USCIS will then vet the sponsor. If approved for the program, the beneficiary receives an invitation directly from USCIS to complete the process online before being issued travel authorization, which enables air travel to the United States.¹⁹³

¹⁸⁶ Immigration and Customs Enforcement, *ICE Annual Report: Fiscal Year 2022* (Washington, DC: Department of Homeland Security, 2022), 70, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

¹⁸⁷ Immigration and Customs Enforcement, 70.

¹⁸⁸ United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2022* (Copenhagen: United Nations High Commissioner for Refugees, 2023), 31.

¹⁸⁹ Immigration and Customs Enforcement, *ICE Annual Report*, 17.

¹⁹⁰ Department of Homeland Security, “Uniting for Ukraine.”

¹⁹¹ U.S. Citizenship and Immigration Services, “Cubans, Haitians, Nicaraguans, and Venezuelans.”

¹⁹² U.S. Citizenship and Immigration Services.

¹⁹³ U.S. Citizenship and Immigration Services.

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III. SOCIAL ATTITUDES

Social attitudes toward immigrants in the United States can vary significantly among different sections of society. Many factors play into the acceptance and treatment of others, including historical attitudes, social factors, security, economics, media influence, and politics.

A. HISTORICAL ATTITUDES

Historical views are often shared and passed down through generations, shaping viewpoints as societies draw on past beliefs. Cultural, religious, and social factors also matter, with resistance often coming from those who value cultural homogeneity and acceptance from those who appreciate diversity. A historical analysis of immigration records reveals the perceived and actual impacts, shedding light on why immigrants frequently experience unfavorable treatment.¹⁹⁴ As of 2006, approximately 60 million people in the United States, more than one in five individuals, are either immigrants themselves or children of first-generation immigrants.¹⁹⁵ Yet, as older generations fade, the younger ones overlook the crucial role of immigrants in sustaining the economy and shaping the country's future. Anxieties and apprehensions of "old stock" Americans toward new immigrants over issues such as overcrowding, job loss, and economic struggles fuel xenophobic and racially biased ideologies.¹⁹⁶ Such themes have reemerged since the inception of the Chinese Exclusion Act of 1882, the first significant law restricting immigration.¹⁹⁷ Since its founding, the United States has constantly grappled with the contradiction of being a nation defined both by immigration and resistance toward it.

¹⁹⁴ Charles Hirschman, "The Impact of Immigration on American Society: Looking Backward to the Future," *Items*, July 28, 2006, para. 2, <https://items.ssrc.org/border-battles/the-impact-of-immigration-on-american-society-looking-backward-to-the-future/>.

¹⁹⁵ Hirschman.

¹⁹⁶ Hirschman.

¹⁹⁷ Hirschman.

According to the author Charles Hirschman, “American history cannot be separated from the history of immigration.”¹⁹⁸ While the American narrative often celebrates the culture and virtue of being a “nation of immigrants,” the experiences of migrants and refugees have been marked by varying degrees of acceptance and prejudice throughout history, largely contingent on social, economic, and geopolitical factors.¹⁹⁹ U.S. policy in the early 20th century aimed at limiting immigration backfired: rather than the anticipated increase in job opportunities, higher wages, and improved benefits resulting from the border restrictions of the 1920s, the economy experienced a shortage of workers for blue-collar jobs. Immigrants who arrived during this time filled only half of the low-skilled, blue-collar jobs that had formerly been occupied by immigrants.²⁰⁰ This weakness in the labor market slowed national production and created an economic vacuum.²⁰¹ As shown throughout immigration history, the fluctuating reception and acceptance of immigrants underscore the complex interaction between the immigration history of the United States and the evolving attitudes toward newcomers that continue to shape the immigration debate.

The polling firm Gallup routinely surveys attitudes toward immigration in the United States. In June 2023, when asked whether immigration should be kept at its current level or decreased, 41 percent of the sampled population responded that immigration should be reduced, a rising sentiment since May 2020 at the beginning of the pandemic.²⁰² While most of those surveyed in June 2023—68 percent—expressed that immigration was “a good thing” for the country, the positive outlook has trended down for the past three years, indicating a rise in negative attitudes.²⁰³ Survey participants conveyed their belief that increased criminal activity and taxes could result from increased immigration.

¹⁹⁸ Hirschman, para. 17.

¹⁹⁹ Hirschman.

²⁰⁰ Ran Abramitzky et al., “The Effects of Immigration on the Economy: Lessons from the 1920s Border Closure,” *American Economic Journal* (December 2019), <https://economics.princeton.edu/working-papers/the-effects-of-immigration-on-the-economy-lessons-from-the-1920s-border-closure/>.

²⁰¹ Abramitzky et al.

²⁰² “Immigration,” Gallup, July 10, 2007, table 1, <https://news.gallup.com/poll/1660/Immigration.aspx>.

²⁰³ Gallup.

However, polling also found a perception among 56 percent of those surveyed that immigration had “not much effect” on job opportunities and that it improved food, music, and the arts.²⁰⁴

A plurality (39 percent) of survey participants believed that the situation at the southern border was in “crisis” in June 2023, compared to being a major, minor, or no problem at all. During this time, Americans showed limited sympathy toward both unauthorized immigrants living in the United States and migrants journeying to the U.S. border to enter the country.²⁰⁵ However, 55 percent of those surveyed agree that immigrants provide low-cost labor, are helpful to the economy, and are not taking desirable jobs away from American citizens.²⁰⁶

A 2022 survey by the Pew Research Center showed a lack of confidence in the United States’ ability to screen and vet Afghan evacuees thoroughly. Only 43 percent of the American respondents expressed some confidence in the process while 55 percent were doubtful or completely lacked confidence.²⁰⁷ Interestingly, the level of trust differed along partisan lines, as Democrats tended to have more faith than Republicans in the government’s ability to conduct adequate background checks.

A separate study in April 2022 conducted by an academic research group called the Empathy Research Lab found that Americans favored Ukrainian refugees over Afghan ones, with a mean of 77 to 63 on a scale of 0 to 100, with 100 being entirely favorable.²⁰⁸ Additionally, Americans were more strongly supportive of Ukrainian resettlement within the United States, scoring 39 compared to 25 on the same scale for Afghans.²⁰⁹

²⁰⁴ Gallup.

²⁰⁵ Gallup.

²⁰⁶ Gallup.

²⁰⁷ Katherine Schaeffer, “A Year Later, a Look Back at Public Opinion about the U.S. Military Exit from Afghanistan,” Pew Research Center, August 17, 2022, <https://www.pewresearch.org/short-reads/2022/08/17/a-year-later-a-look-back-at-public-opinion-about-the-u-s-military-exit-from-afghanistan/>.

²⁰⁸ Empathy Research Lab, *Attitudes toward Ukrainian and Afghan Refugees: Results from an Online Survey* (Mountain View, CA: Empathy Research Lab, 2022), 5, <https://www.empathyresearchlab.org/projects/refugee-priors>.

²⁰⁹ Empathy Research Lab, 7.

Furthermore, Americans exhibited a more significant concern regarding the perceived negative impacts of Afghan refugees, which included a potential burden on the population, a reluctance to assimilate into American customs, and a predisposition toward criminal behavior.²¹⁰ However, these negative perceptions toward Afghan refugees are not necessarily based on facts, even though such attitudes may exist in society.

B. SOCIAL FACTORS

Many social factors influence attitudes toward immigrants and irregular migrants, including refugees and asylum seekers. As discussed in the following subsection, religion in the United States often promotes welcoming attitudes toward immigrants. Still, racial and ethnic factors also significantly shape how migrants are accepted by Americans and affected by socioeconomic and political dynamics. In addition, education levels and family upbringing play crucial roles in molding views on immigration.

1. Religion

Religion plays a prominent role in shaping social acceptance of immigrants and refugees entering the United States. Religious social identity can be a catalyst or provide the basis for multifaceted group dynamics, influence collective mentalities, and align or polarize opinions on immigrant groups.²¹¹ Spiritual teachings often reinforce values of humanity, charity, and empathy, promoting supportive sentiment toward the immigrant population.²¹² However, when combined with other dynamics, such as demographics or politics, religion can alter a collective understanding or opinion on the treatment of immigrants. Notably, faith is not the principal determining factor in shaping such attitudes toward immigrants and refugees. Still, as an element intertwined with other complex socioeconomic factors, it should not be discounted.²¹³

²¹⁰ Empathy Research Lab, 8, 9, 10.

²¹¹ Pazit Ben-Nun Bloom, Arkan Gizem, and Marie Courtemanche, “Religious Social Identity, Religious Belief, and Anti-immigration Sentiment,” *American Political Science Review* 109, no. 2 (May 2015): 218, <https://doi.org/10.1017/S0003055415000143>.

²¹² Bloom, Gizem, and Courtemanche, 203.

²¹³ Bloom, Gizem, and Courtemanche, 218.

In an August 2022 Pew Research Center survey, participants were questioned about their attitude toward accepting refugees into the United States.²¹⁴ The survey was designed to gauge overall support for refugees on a broad scale, not focusing on a specific nationality. The data revealed a close divide in attitudes toward accepting refugees—while 49 percent of White evangelical Protestants showed lower support, 46 percent of White non-evangelical Protestants viewed the acceptance of refugees as an important issue for immigration. Political affiliations coincided with this divide, as White evangelical Protestants predominantly aligned with the Republican Party.²¹⁵ Among Black Protestants, most considered refugee acceptance a priority: 49 percent deemed it somewhat necessary, and 30 percent viewed it as crucial.²¹⁶

When surveyed on the importance of welcoming refugees into the United States, American Catholics showed a distinct division along racial and ethnic lines. Of the White Catholics surveyed, 49 percent believed accepting refugees was somewhat important while only 22 percent thought it was of paramount importance.²¹⁷ However, Hispanic Catholics demonstrated a stronger tendency toward accepting refugees. They were almost twice as likely as their White counterparts to do so, with acceptance rates of 39 percent.²¹⁸ Notably, however, no Black Catholics participated in this Pew Research Center poll in August 2022.²¹⁹

2. Race and Ethnicity

Positive and negative attitudes toward race have shaped the immigration narrative and policymaking in disparate ways. Race and ethnicity often intersect with political, economic, and social factors, affecting public attitudes and influencing immigration laws,

²¹⁴ Michael Lipka, “Attitudes on Taking in Refugees Vary by Party, Race and Ethnicity,” Pew Research Center, September 19, 2022, <https://www.pewresearch.org/fact-tank/2022/09/19/most-americans-express-support-for-taking-in-refugees-but-opinions-vary-by-party-and-other-factors/>.

²¹⁵ Lipka.

²¹⁶ Lipka.

²¹⁷ Lipka.

²¹⁸ Lipka.

²¹⁹ Lipka.

policies, and practices. Whether conscious or unconscious, these elements can collectively frame specific immigrant racial or ethnic groups as desirable or undesirable, affecting their acceptance or exclusion.

In 2022, according to Pew Research Center polling, White participants were least likely to view refugee acceptance as “very important” at 25 percent, followed closely by Asian participants at 26 percent and Black participants at 30 percent.²²⁰ The group with the strongest preference for refugee prioritization was Hispanic participants at 38 percent.²²¹ Among Hispanics, those born outside of the United States had the highest percentage (45 percent) of all demographics, suggesting higher empathy for refugees among individuals born outside the United States.²²²

In a 2023 survey conducted by the Chicago Council on Foreign Affairs, 43 percent of all racial groups—independent of political affiliations—responded that immigration rates should be maintained at their existing levels.²²³ This sentiment was most significant within the African American demographic, with 56 percent endorsing this position.²²⁴ Other demographics had distinct attitudes: half of the Asian American and Pacific Islanders surveyed shared a similar perspective (keep immigration levels constant) at 50 percent, Native Americans at 42 percent, White Americans at 41 percent, and Hispanic Americans at 40 percent.²²⁵ These groups were also most inclined to advocate increased legal immigration. Conversely, of those who preferred a decrease in legal immigration, the two most prominent groups were White Americans at 32 percent and Native Americans at 37 percent.²²⁶

²²⁰ Lipka.

²²¹ Lipka.

²²² Lipka.

²²³ Dina Smeltz et al., *Race, Ethnicity, and American Views of Immigration and Diversity* (Chicago: Chicago Council on Global Affairs, 2023), 5, <https://globalaffairs.org/research/public-opinion-survey/race-ethnicity-and-american-views-immigration-and-diversity>.

²²⁴ Smeltz et al., 5.

²²⁵ Smeltz et al., 5.

²²⁶ Smeltz et al., 5.

3. Education

Research indicates that highly educated individuals view immigrants more positively, displaying greater acceptance, empathy, and acknowledgment of their value to the country.²²⁷ A 2015 European study examined this issue closely. Investigators gathered survey data alongside educational records from the 1960s to the 1990s to see whether there was a connection between level of education and social perspectives.²²⁸ The researchers found a positive correlation, suggesting an increase of 5 to 10 percent in favorable attitudes toward immigrants for each additional year of higher education completed.²²⁹ The study also found that individuals with higher education levels tend to hold less racially prejudiced views.²³⁰ Ultimately, the study concluded that education enhances a person’s understanding of everyone’s significant role in society.²³¹

In a 2022 Gallup poll, 1,013 participants nationwide were surveyed on their perspectives about immigration.²³² Among the participants, 80 percent of college graduates viewed immigration positively for the United States while only 14 percent saw it as a “bad thing.” Over 65 percent of those with some college education also saw immigration as beneficial.²³³ On the other hand, while 64 percent of respondents without a college education also believed immigration to be a “good thing,” 30 percent of this group considered immigration to be harmful to the United States.²³⁴ The data suggest that the level of education might influence one’s viewpoint on immigration, with higher education correlating to a more positive perspective toward immigrants.

²²⁷ Beatrice d’Hombres and Luca Nunziata, *Wish You Were Here? Quasi-experimental Evidence on the Effect of Education on Attitude toward Immigrants* (Bonn, Germany: Institute for the Study of Labor, 2015), 3, <https://docs.iza.org/dp8880.pdf>.

²²⁸ d’Hombres and Nunziata, 22.

²²⁹ d’Hombres and Nunziata, 22.

²³⁰ d’Hombres and Nunziata, 2.

²³¹ d’Hombres and Nunziata, 23.

²³² Lydia Saad, “U.S. Immigration Views Remain Mixed and Highly Partisan,” Gallup, August 8, 2022, <https://news.gallup.com/poll/395882/immigration-views-remain-mixed-highly-partisan.aspx>.

²³³ Saad.

²³⁴ Saad.

4. Culture

A July 2023 Gallup poll shows that a slim majority of respondents, 54 percent, celebrate the enrichment of U.S. culture by immigrants, noting their beneficial impact, especially in food, music, and arts.²³⁵ An additional 32 percent of respondents suggested a positive effect of immigrants on society's moral and social values.²³⁶ On the other hand, 55 percent of those surveyed associate immigration with increased crime and a contribution to America's drug problem, viewing these as detrimental effects.²³⁷ Americans acknowledge and value the cultural benefits brought by immigrants. However, when it comes to issues such as crime and drug problems, there is a split in opinion regarding the overall influence of immigrants on the nation.

5. Family

Family upbringing is critical in shaping attitudes toward migrants and refugees in the United States. The positive or negative values, beliefs, and perspectives individuals absorb during their formative years can profoundly influence their adult viewpoints.²³⁸ Furthermore, familial discussions and interactions mold one's understanding of cultural, ethnic, and geographic differences. As detailed in an article for the *American Political Science Review* in May 2021, a study was conducted to test the hypothesis that reminders of participants' immigrant familial backgrounds before taking a survey could positively influence survey responses.²³⁹ The study found that reminding people of their familial history circumnavigated partisan differences, showing that family strongly influences attitudes toward immigrants.

²³⁵ Lydia Saad, "Americans Still Value Immigration, but Have Concerns," Gallup, July 13, 2023, <https://news.gallup.com/poll/508520/americans-value-immigration-concerns.aspx>.

²³⁶ Saad.

²³⁷ Saad.

²³⁸ Seçil Gönültaş and Kelly Lynn Mulvey, "Social-Developmental Perspective on Intergroup Attitudes towards Immigrants and Refugees in Childhood and Adolescence: A Roadmap from Theory to Practice for an Inclusive Society," *Human Development* 63, no. 2 (2019): 10, <https://doi.org/10.1159/000503173>.

²³⁹ Scott Williamson et al., "Family Matters: How Immigrant Histories Can Promote Inclusion," *American Political Science Review* 115, no. 2 (May 2021): 686, <https://doi.org/10.1017/S0003055420001057>.

In a 2019 article published in the journal *Human Development*, the authors suggested the crucial role of family members, including parents and siblings, in shaping children’s social opinions and attitudes toward immigrants.²⁴⁰ The study found a significant correlation between the views of parents and their adolescent children on issues like ethnic prejudice and attitudes toward immigration and different races.²⁴¹ Parents, as primary socializing agents, have the most considerable influence during their children’s pre-adolescent years when children are eager to fit in and impress their parents.²⁴² Siblings, particularly older ones, ages 13–26, also influence the attitudes of their younger brothers and sisters, ages 12–17, fostering deep-rooted beliefs about different groups, including immigrants.²⁴³ The study found that the attitudes of older siblings were the most significant determinants of younger siblings’ attitudes from the age of 12 to 16.²⁴⁴ Meanwhile, other influencers, including peers, teachers, and the classroom environment, contribute to shaping the perspectives of children and adolescents toward immigrants and refugees.²⁴⁵ However, the extent of parental influence varies across developmental stages, from early childhood through teenage adolescence.²⁴⁶

C. SOCIAL INTEGRATION

Cities and regions with greater social integration between the local population and immigrants of diverse cultures and ethnicities tend to be more accepting of immigrants as well as thrive. Gauging American attitudes and acceptance of immigrants based on how immigrants are integrated into society is a complex metric. Social integration is critical in easing immigrants’ assimilation into American society. According to the UNHCR, integrating immigrants within communities should help enhance a greater understanding

²⁴⁰ Gönültaş and Mulvey, “Intergroup Attitudes towards Immigrants and Refugees,” 90.

²⁴¹ Gönültaş and Mulvey, 99.

²⁴² Gönültaş and Mulvey, 99.

²⁴³ Gönültaş and Mulvey, 100.

²⁴⁴ Gönültaş and Mulvey, 100.

²⁴⁵ Gönültaş and Mulvey, 100.

²⁴⁶ Gönültaş and Mulvey, 99.

of cultural similarities and differences to foster an environment of mutual respect and acceptance between residents and newcomers.²⁴⁷

However, the United States has historically grappled with social integration complications tied to racial biases and social divisions to the present day.²⁴⁸ Although large cities often facilitate better ethnic integration due to the frequent interactions in densely populated shared spaces, they also grapple with issues of racial divisions.²⁴⁹ One study suggests a broader problem whereby the obstacles of racial and ethnic self-segregation may inhibit the cohesive mixing and understanding needed for proper social integration.²⁵⁰ The effectiveness of programs designed to boost social integration and foster positive views of migrants and refugees is constrained if they do not tackle the underlying reasons for prejudice and if the interactions they facilitate are not substantial, ongoing, or impactful.²⁵¹ Although social integration can influence people's views and lead to a more unified society, meaningful progress will only happen if individuals with racial and ethnic prejudices are open to participating in social integration initiatives.

In a 2021 study published in the journal *Sociological Methods and Research*, researchers sought to assess the level of social connectivity facilitated by digital platforms in urban settings, focusing on racially and ethnically segregated areas.²⁵² They comprehensively analyzed daily interactions among residents using geotagged data from 650 million tweets from 1.3 million users in 50 of the most populated cities.²⁵³ These data,

²⁴⁷ United Nations High Commissioner for Refugees, "Promoting Integration through Social Connections," in *Integration Handbook* (Copenhagen: United Nations High Commissioner for Refugees, 2002), <https://www.unhcr.org/handbooks/ih/social-connections/promoting-integration-through-social-connections>.

²⁴⁸ Shang E. Ha, "The Consequences of Multiracial Contexts on Public Attitudes toward Immigration," *Political Research Quarterly* 63, no. 1 (March 2010): 29.

²⁴⁹ Ha, 30.

²⁵⁰ Ha, 12.

²⁵¹ Peter Higgins, "The Ethics of Immigration and the Justice of Immigration Policies," *Public Affairs Quarterly* 29, no. 2 (April 2015): 30.

²⁵² Nolan E. Phillips et al., "The Social Integration of American Cities: Network Measures of Connectedness Based on Everyday Mobility across Neighborhoods," *Sociological Methods and Research* 50, no. 3 (2019): 1110, <https://doi.org/10.1177/0049124119852386>.

²⁵³ Phillips et al., 1113.

sourced initially from X (previously known as Twitter), allowed the researchers to trace movement patterns.²⁵⁴ The findings showed that the size of a city, the concentration of people, and the availability of shared spaces significantly impacted the “connectedness” of neighbors. The data also showed the potential of leveraging more sophisticated digital indicators to depict patterns of social integration in greater detail.²⁵⁵ The insights derived from this study might inform urban planning strategies to achieve improved citywide integration.

D. SECURITY

The interaction of security concerns and attitudes toward migrants and refugees has been fundamental to U.S. policy discourse for decades. The socio-political climate of the United States has been inextricably linked with issues concerning immigration, border control, national security, and humanitarian response. The perceived and actual threats to homeland security have often swayed public attitudes toward migrants and refugees, resulting in a variety of policies and responses. In the post-9/11 era, the perceived threats and escalation of terrorist attacks have intensified these concerns. Additionally, perceived threats have significantly influenced public opinion and policymaking regarding immigration and refugee acceptance.

1. Perception of Safety

Border security is an ongoing and contentious subject that elicits strong reactions from across the political spectrum. Recent data from a 2023 AP-NORC poll showed that 60 percent of Americans expressed dissatisfaction with President Biden’s management of border issues, including security.²⁵⁶ Of the Republican respondents, security was cited as the main immigration priority by 77 percent, in contrast to 27 percent of Democrat respondents who ranked it lower.²⁵⁷ However, this survey did not clarify the specific

²⁵⁴ Phillips et al., 1112.

²⁵⁵ Phillips et al., 1139.

²⁵⁶ “Immigration Continues to Be a Highly Divisive Issue,” AP-NORC Center for Public Affairs Research, March 7, 2023, <https://apnorc.org/projects/immigration-continues-to-be-a-highly-divisive-issue/>.

²⁵⁷ AP-NORC Center for Public Affairs Research.

security concerns, such as potential terrorist threats, drug and crime-related issues, or problems around the impact of non-citizens on social programs and financial support.²⁵⁸

Despite the frequent link made between border security, undocumented immigrants, and terrorism in policy discussions, few empirical data suggest that a lack of border security heightens the risk of foreign terrorism.²⁵⁹ Many terrorism incidents within the United States are fueled by domestic threats, often inspired by extreme right-wing ideologies.²⁶⁰ Notably, since the 9/11 attacks, 84 percent of jihadist terrorists in the United States held citizenship or permanent residency status and were not undocumented.²⁶¹ In the Profiles of Individual Radicalization in the United States data set, administered by the University of Maryland, out of 3,203 offenders, only 19, equivalent to fewer than 0.6 percent, were classified as undocumented residents.²⁶² This finding supports the view that U.S. citizens and permanent residents pose a more significant threat to the security of the United States than do undocumented migrants who enter the country illegally.

2. Distance from the Border

For people located in regions far from migration routes or border zones, migration's immediate challenges and diverse realities may not be as palpable, sometimes leading to skewed perspectives and generalized perceptions. On the other hand, proximity to these issues can enhance familiarity, understanding, and empathy but occasionally raise tensions and conflict. Therefore, geographic distance may play a crucial role in shaping public sentiment and policy debates on immigration, creating varying degrees of indifference or advocacy and introducing another aspect to the multifaceted immigration discourse in the country.

²⁵⁸ AP-NORC Center for Public Affairs Research.

²⁵⁹ Michael T. Light and Julia T. Thomas, "Undocumented Immigration and Terrorism: Is There a Connection?" *Social Science Research* 94 (February 2021): 102512, <https://doi.org/10.1016/j.ssresearch.2020.102512>.

²⁶⁰ Light and Thomas.

²⁶¹ Light and Thomas.

²⁶² Jacob Ware, "The Southern Border Poses Terrorism Risks. Homegrown Threats Still Loom Larger," *Renewing America* (blog), September 26, 2023, <https://www.cfr.org/blog/southern-border-poses-terrorism-risks-homegrown-threats-still-loom-larger>.

A 2017 study by the Pew Research Center revealed clear divisions in opinion on the proposed wall construction between the United States and Mexico, an issue that drew significant publicity during the Trump administration.²⁶³ The study showed that 74 percent of Republicans and Republican-leaning independents supported the wall while 92 percent of Democrats and Democratic-leaning independents opposed it.²⁶⁴ Notably, the location and proximity of the border influenced opinion among Republicans: 76 percent of those living more than 350 miles from the border supported the wall, compared to 63 percent support among those living within 350 miles of the border.²⁶⁵ An even broader gap in opinion was observed among Republicans residing within 200 miles of the border, based on surveys conducted between 2016 and 2017.²⁶⁶ Therefore, distance from the border significantly correlates with partisan attitudes toward immigration and the wall's construction.

A 2020 article for *Political Research Quarterly* examining geocoded survey results from 2017 indicates the impact of location and closeness to the border on people's attitudes toward immigrants and policy decision-making.²⁶⁷ The study references the "not in my backyard" framework, suggesting that social attitudes are influenced by geographical location.²⁶⁸ The further people are from a perceived problem, the easier it is for them to detach from personal or emotional perspectives, thus influencing their decisions on issues that do not directly affect them. Conversely, being near a circumstance or event cultivates attitudes and behavior by generating a psychological connection from its personal effect. Despite people's access to round-the-clock news and social media, the study emphasizes

²⁶³ Bradley Jones, "In Republicans' Views of a Border Wall, Proximity to Mexico Matters," Pew Research Center, March 8, 2017, <https://www.pewresearch.org/short-reads/2017/03/08/in-republicans-views-of-a-border-wall-proximity-to-mexico-matters/>.

²⁶⁴ Jones.

²⁶⁵ Jones.

²⁶⁶ Jones.

²⁶⁷ Jeronimo Cortina, "From a Distance: Geographic Proximity, Partisanship, and Public Attitudes toward the U.S.–Mexico Border Wall," *Political Research Quarterly* 73, no. 3 (2020): 740, <https://doi.org/10.1177/1065912919854135>.

²⁶⁸ Cortina, 741.

that geographic proximity to a local event, political issue, or incident significantly affects public attitudes and acceptance.

E. ECONOMICS

The role of economics affects the acceptance of and attitudes toward migrants and refugees in the United States. Economic factors influence both policy decisions and public perceptions related to immigration. Policy considerations about labor market needs, economic growth, and fiscal sustainability can shape the amount and type of migration accepted. At the social level, beliefs about the impact of migrants and refugees on jobs, wages, taxes, and public services can significantly influence attitudes and acceptance. Economic circumstances and dynamics play a cardinal role in shaping the complex relationship between U.S. residents and incoming migrants and refugees.

According to a June 2023 Gallup poll, over half of Americans view immigrants as a positive social influence; nonetheless, there are concerns that immigrants might compete for the same jobs as U.S. citizens.²⁶⁹ A significant divide in perception is apparent among the Republican demographic, with 64 percent holding a negative view of immigrants' economic impact.²⁷⁰ Half of them believe immigrants harm job opportunities for U.S. citizens, and 64 percent think they lead to increased taxation.²⁷¹ Notably, independents, who typically lean toward the perspectives of Democrats, have also begun to view immigrants negatively, particularly in areas of crime and increased taxes.²⁷² This shift signals a significant change in independents' attitudes toward immigrants compared to their sentiment in 2001.²⁷³

²⁶⁹ Saad, "Americans Still Value Immigration, but Have Concerns."

²⁷⁰ Saad.

²⁷¹ Saad.

²⁷² Saad.

²⁷³ Saad.

F. MEDIA AND POLITICS

The influence of media, including social media, internet news, podcasts, and legacy media news outlets, cannot be ignored and may significantly sway public feelings and opinions toward immigration. Politics plays a considerable role in driving public opinion, with politicians using inclusive or anti-immigrant rhetoric to arouse a response from the public.

1. Political Rhetoric

According to a Pew Research Center poll in August 2022, following the exit of U.S. forces from Afghanistan, most of the participants surveyed (56 percent) supported admitting thousands of Afghan evacuees into the United States, compared to 43 percent who opposed it.²⁷⁴ However, the poll exposed a deep division between parties, with 87 percent of Democrats surveyed in favor of admitting Afghan parolees compared to just 35 percent of Republicans.²⁷⁵

The role of political rhetoric in shaping the acceptance of migrants and refugees into the United States is significant and multifaceted. Attitudes toward immigrants are more divisive than ever before, influenced by political rhetoric.²⁷⁶ Political rhetoric can sway public opinion, amplified through traditional news and social media outlets, shaping the discourse on a complex issue. These dynamics can mold the national sentiment and steer policy decisions concerning migrants and refugees, emphasizing the power and reach of political language.²⁷⁷

A groundbreaking study by the Stanford Institute for Human-Centered Artificial Intelligence and Stanford Data Science Center used machine learning and artificial intelligence (AI) to examine approximately eight million political speeches from the past

²⁷⁴ Schaeffer, “Public Opinion about the U.S. Military Exit from Afghanistan.”

²⁷⁵ Schaeffer.

²⁷⁶ Dallas Card et al., “Computational Analysis of 140 Years of US Political Speeches Reveals More Positive but Increasingly Polarized Framing of Immigration,” *Proceedings of the National Academy of Sciences* 119, no. 31 (2022): 1–9, <https://doi.org/10.1073/pnas.2120510119>.

²⁷⁷ Card et al.

140 years.²⁷⁸ Specifically, the AI-powered study scrutinized 200,000 speeches by U.S. presidents and 5,000 presidential communications since 1880, explicitly focusing on language about immigration and coding the tone of those speeches as either positive, neutral, or negative.²⁷⁹ The research aimed to identify recurring themes and speech patterns concerning immigration to trace the evolution in political sentiments and attitudes. The study revealed a substantial shift in speeches following World War II, when it transitioned to positive sentiment over time, but in the early 21st century, the tone toward immigrants has turned divisive, characterized by dehumanizing language.²⁸⁰ The researchers discerned a tendency among Republican politicians to refer metaphorically to immigrants as “cargo, machines, or animals.”²⁸¹ Furthermore, European immigrants have generally received a more favorable and empathetic depiction than immigrants from non-European backgrounds.²⁸²

2. Media Influence

The influence of traditional media outlets such as print journalism, television, and radio has long been recognized. Still, the rise and prevalence of social media networks have undoubtedly introduced more significant complexities and dimensions into the equation. With the rise of digital platforms like Facebook, X, and Instagram, an increasing number of individuals are obtaining round-the-clock information and opinions about global events, with the migration scenario no exception. Additionally, the proliferation of 24-hour news channels propagates a continuous cycle of news exposure for cable news consumers, affecting and often intensifying public sentiment, be it positive or negative, around immigration issues.²⁸³ In this hyper-connected era, media has become a primary influencer

²⁷⁸ Card et al., 1.

²⁷⁹ Card et al., 1.

²⁸⁰ Card et al., 2.

²⁸¹ Card et al., 1.

²⁸² Card et al., 1.

²⁸³ David De Coninck et al., “Media Use and Attitudes toward Immigrants and Refugees in Western Europe and the United States” (paper presented at the ECREA Digital Fortress Europe Conference, Brussels, Belgium, October 2019), 11.

in shifting attitudes toward migrants and refugees, either fostering a climate of acceptance or propagating an opposing view, thereby highlighting its significant role in the immigration discourse.

A 2021 article in the *Journal of Economics* highlighted the role of media trustworthiness in instigating divisive and negative perspectives toward immigration.²⁸⁴ The study suggested that extensive media coverage on a subject heightens concerns primarily among viewers with high trust in the media they consume.²⁸⁵ Interestingly, consumers with little faith in their media sources respond with polarized views, exacerbating negative attitudes toward immigrants among right-leaning individuals while intensifying positive views among left-leaning individuals.²⁸⁶

G. SUMMARY

In summary, various factors, including historical precedent, social and economic issues, media influence, politics, and race, influence social attitudes toward migrants. Religion, education level, and economic conditions can also shape social acceptance. Additionally, physical distance from immigration issues can lead to generalized perceptions of how media, particularly the 24-hour news cycle, influences and amplifies narratives regarding immigration. Political rhetoric is highlighted as incredibly divisive and influential in current attitudes, alongside cultural, familial, and security considerations that combine to form a complex picture of the U.S. stance on immigrants and refugees. Together, these elements underscore that attitudes toward migrants are shaped by a complex interplay of factors rather than simple or single-issue perspectives.

²⁸⁴ Massimiliano Agovino, Maria Rosaria Carillo, and Nicola Spagnolo, “Effect of Media News on Radicalization of Attitudes to Immigration,” *Journal of Economics, Race, and Policy* 5 (2022): 318, <https://doi.org/10.1007/s41996-021-00091-4>.

²⁸⁵ Agovino, Carillo, and Spagnolo, 318.

²⁸⁶ Agovino, Carillo, and Spagnolo, 333.

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IV. PARTISAN POLITICS

Immigration issues significantly influence partisan policies in all administrations and can affect a candidate's success or failure in political races. Historically, political parties have held diverse views on immigration, integrating these stands into broader socioeconomic and national security ideologies. Since the 1970s, with increasing partisan polarization, consensus on granting entry to conflict-affected immigrants has been scarce.²⁸⁷ Typically, conservative viewpoints favor stricter border control while liberal views often support less stringent measures, emphasizing U.S. humanitarian aid and stabilizing immigrant conditions.²⁸⁸ Similarly, political positions also fluctuate with evolving national narratives and demographic shifts. This complex interface of partisan politics and immigration policy has profound implications for the direction of homeland security and the challenges that immigrants face.

A. MEASURING POLITICAL WILL

Assessing the impact of leaders' political determination and the influence of polarization is a complex and imprecise task. As expressed by Linn Hammergren, the notion of political will is "the slipperiest concept in the policy lexicon."²⁸⁹ Broadly defined, "political will is the extent of committed support among key decision-makers for a particular policy solution to a particular problem."²⁹⁰ A lack of political will is often applied to address uncertain results or attribute failure, which may shift the blame.

²⁸⁷ Card et al., "Computational Analysis of 140 Years of US Political Speeches," 1.

²⁸⁸ J. Baxter Oliphant and Andy Cerda, "Republicans and Democrats Have Different Top Priorities for U.S. Immigration Policy," Pew Research Center, September 8, 2022, <https://www.pewresearch.org/short-reads/2022/09/08/republicans-and-democrats-have-different-top-priorities-for-u-s-immigration-policy/>.

²⁸⁹ Linn Hammergren, *Political Will, Constituency Building, and Public Support in Rule of Law Programs* (Washington, DC: U.S. Agency for International Development, 1998), 19, https://pdf.usaid.gov/pdf_docs/PNACD023.pdf.

²⁹⁰ Lori Ann Post, Amber N. W. Raile, and Eric D. Raile, "Defining Political Will," *Politics and Policy* 38, no. 4 (2010): 7, <https://doi.org/10.1111/j.1747-1346.2010.00253.x>.

Although numerous theories address the formation of political will, Post, Raile, and Raile simplify their definition into four essential aspects.²⁹¹ First, a suitable set of decision-makers with the proper authority is necessary.²⁹² Second, a shared understanding of a specific issue on the formal agenda is vital.²⁹³ The third element involves a dedicated group of decision-makers committed to backing a specific policy.²⁹⁴ Finally, the party must see the policy or effort as an effective solution to obtaining agreement or consensus.²⁹⁵ It is challenging to assess political will and its influence on policy, particularly in a polarized political environment. Political will is a critical but often ambiguous and elusive concept in policymaking. The components described by Post, Raile, and Raile are a formula for understanding how political determination can lead to policy implementation and are used to better analyze success or failure within political processes.

One method for measuring political will in terms of activity, action, and scoring is through annual scorecards published as an act of transparency by the U.S. government. GovTrack records the number of bills sponsored by all members of Congress for public visibility and searchability.²⁹⁶ As a disclaimer for the scoring metrics, GovTrack states that “a higher or lower number below does not necessarily make this legislator any better or worse, or more or less effective, than other Members of Congress.”²⁹⁷ Not only does GovTrack show the number of bills introduced and laws enacted by representatives, but it also shows and ranks a representative’s ability to work with other members across the aisle, including in the House and Senate.²⁹⁸ Furthermore, GovTrack presents data on whether

²⁹¹ Post, Raile, and Raile, 7.

²⁹² Post, Raile, and Raile, 7.

²⁹³ Post, Raile, and Raile, 7.

²⁹⁴ Post, Raile, and Raile, 7.

²⁹⁵ Post, Raile, and Raile, 7.

²⁹⁶ “Report Cards for 2022,” GovTrack, February 12, 2023, <https://www.govtrack.us/congress/members/report-cards/2022>.

²⁹⁷ GovTrack.

²⁹⁸ “Rep. Eleanor Holmes Norton [D-DC]’s 2022 Legislative Statistics,” GovTrack, accessed November 18, 2023, https://www.govtrack.us/congress/members/eleanor_norton/400295/report-card/2022.

members of Congress join and cosponsor bipartisan bills and assigns an ideological score, which can also measure political will.²⁹⁹

Gauging public support is a complex process often used to explain a political agenda's progression or failure. Polling is a common technique used to estimate public will and opinion. Craig Charney presents a simplified equation to measure public readiness to back a political agenda.³⁰⁰ He asserts that political will is a blend of opinion, intensity, and salience.³⁰¹ A lack of these elements suggests an absence of political will to support an agenda. For leaders to build influence, individuals must first hold a firm opinion to support a policy or political ideology.³⁰² Second, these individuals' convictions and communication methods need the strength to stir them to action.³⁰³ Finally, the concept of salience—an ideology or issue's prominence, importance, and emotional impact—supplies the final catalyst for action.³⁰⁴ Leaders aim to harness and enhance these elements—public opinion, intensity, and salience—through impactful messaging campaigns delivered via traditional and social media and speeches to drum up support for their cause.

B. EFFECT OF POLARIZATION

Political leaders often use polarizing language to garner support from a partisan base. This strategy has historically been leveraged to promote controversial stances on immigration. To illustrate, in 2016, during his presidential campaign, Donald Trump claimed, “In the last five years, we’ve admitted nearly 100,000 immigrants from Iraq and Afghanistan—in these two countries, according to Pew research, most residents say that the barbaric practice of honor killings against women are often or sometimes justified.”³⁰⁵

²⁹⁹ GovTrack.

³⁰⁰ Craig Charney, “Political Will: What Is It? How Is It Measured?,” Charney Research, May 5, 2009, <https://www.charneyresearch.com/resources/political-will-what-is-it-how-is-it-measured/>.

³⁰¹ Charney.

³⁰² Charney.

³⁰³ Charney.

³⁰⁴ Charney.

³⁰⁵ “Full Text: Donald Trump Immigration Speech in Arizona,” Politico, August 31, 2016, <https://www.politico.com/story/2016/08/donald-trump-immigration-address-transcript-227614>.

Arguably, this kind of rhetoric played a significant role in Trump’s presidential victory, as it incited fear and hostility toward immigrants, thus enhancing support for his proposed border wall. Additionally, Trump stated that his administration would modify immigrant vetting procedures by seeking applicants’ views on various topics, such as honor killings, respect for women, gays, and minorities, attitudes toward radical Islam, and much more.³⁰⁶ He reinforced these views by citing a 2013 Pew Research Center poll that had reported 60 percent of survey participants in Iraq and Afghanistan said the killing of women was “often or sometimes justified” when protecting the honor of men.³⁰⁷ According to Hesson and Kahn of the Reuters news service, these tough stances on immigration significantly contributed to Trump’s eventual win of the presidency.³⁰⁸ The use of polarizing language by political leaders can mobilize partisan bases and has been a potent tool in securing electoral success, as was the case in Trump’s 2016 presidential campaign.

C. PLEASING THE PUBLIC

In partisan politics, the art of pleasing the public is a strategic maneuver that politicians from across the ideological spectrum have long employed to gain and maintain support. Reflecting on past presidents can provide insight into how this tactic has been pivotal in shaping immigration landscapes.

President Reagan, with his cordial demeanor and effective communication skills, was dubbed by the press as the “great communicator,” skillful at connecting with the American public.³⁰⁹ His ability to present conservative ideas in a favorable light helped solidify his base and appeal to the center. Reagan, a conservative Republican, signed a law

³⁰⁶ Politico.

³⁰⁷ James Bell et al., *The World’s Muslims: Religion, Politics and Society* (Washington, DC: Pew Research Center, 2013), 89, <https://www.pewresearch.org/religion/2013/04/30/the-worlds-muslims-religion-politics-society-morality/>.

³⁰⁸ Ted Hesson and Chris Kahn, “Trump Pushes Anti-immigrant Message Even as Coronavirus Dominates Campaign,” Reuters, August 14, 2020, <https://www.reuters.com/article/us-usa-election-immigration-insight-idUSKCN25A18W>.

³⁰⁹ Geoffrey Nunberg, “And, Yes, He Was a Great Communicator,” *New York Times*, June 13, 2004, <https://www.nytimes.com/2004/06/13/weekinreview/and-yes-he-was-a-great-communicator.html>.

in 1986 that gave amnesty to almost three million undocumented immigrants to obtain legal status, seen as an attempt to grow his voter base.³¹⁰

President Clinton took a different approach; his charismatic connection with voters allowed him to cultivate a centrist position, with bipartisan support to create policies that found wide appeal, even in a divided government. His administration put the focus on bolstering border security to reflect public concerns. In October 1994, Operation Gatekeeper was launched to intensify U.S. immigration enforcement, primarily along the Californian border with Mexico, by constructing barriers and expanding border patrol presence.³¹¹ Further tightening the immigration system, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed in 1996.³¹² The IIRIRA introduced stringent measures like expedited removal of undocumented immigrants, severe penalties for illegal residency, and increased law enforcement efforts.³¹³

President George W. Bush's leadership after 9/11 endeared him to many Americans, though later decisions created deep partisan divides concerning the U.S. involvement in Iraq. President Bush's immigration policies reflected a balance between security and public sentiment. The Homeland Security Act of 2002, established in response to the 9/11 terrorist attacks, led to the formation of DHS, enhancing immigration oversight through Immigration and Customs Enforcement and USCIS.³¹⁴ The 2006 Secure Fence Act, reflecting public demand for stronger borders, funded an 850-mile border fence and enhanced security technology and personnel.³¹⁵ Bush advocated significant immigration

³¹⁰ Library of Congress, "1986: Immigration Reform and Control Act of 1986," LOC Latinx Resource Guide, accessed December 12, 2023, <https://guides.loc.gov/latinx-civil-rights/irca>.

³¹¹ "Background to the Office of the Inspector General Investigation," Department of Justice, Office of the Inspector General, accessed November 19, 2023, <https://oig.justice.gov/sites/default/files/archive/special/9807/gkp01.htm>.

³¹² Donald Kerwin, "From IIRIRA to Trump: Connecting the Dots to the Current US Immigration Policy Crisis," *Journal on Migration and Human Security* 6, no. 3 (2018): 192, <https://doi.org/10.1177/2331502418786718>.

³¹³ Kerwin, 195.

³¹⁴ Andrew M. Baxter and Alex Nowrasteh, *A Brief History of U.S. Immigration Policy from the Colonial Period to the Present Day* (Washington, DC: Cato Institute, 2021), 19, <https://www.cato.org/policy-analysis/brief-history-us-immigration-policy-colonial-period-present-day>.

³¹⁵ Baxter and Nowrasteh, 19.

reform, proposing a legal status pathway for undocumented immigrants.³¹⁶ However, these reforms were not enacted despite his advocacy, underscoring the difficulty of meeting the diverse public sentiment on immigration issues.³¹⁷

President Obama’s “hope and change” message resonated with a broad coalition, from young voters to diverse demographics, by promoting progressive policies with an inclusive narrative.³¹⁸ In 2021, his Deferred Action for Childhood Arrivals (DACA) program provided a two-year legal status for young people brought to the United States as children. However, contrary to his popular message of hope, Obama deported more migrants than any administration before him, so much so that he was given the moniker “deporter in chief” in the media while still maintaining popularity and winning a second term as president.³¹⁹

President Trump harnessed the power of direct communication through social media to engage his base, using polarizing rhetoric that often intensified partisan divides yet kept his supporters fervently loyal.³²⁰ To satisfy his voter base, Trump adopted immigration policies tougher than his party’s stance, seeking to broaden his political appeal. He famously attempted to fulfill his promise of a southern border wall through executive orders and funding maneuvers.³²¹ His administration also enacted controversial measures, such as the “Muslim ban” and the zero-tolerance policy, which resulted in family separations. Additionally, Trump aimed to end DACA and forced asylum seekers to remain in Mexico, displaying his restrictive stance on immigration.³²²

³¹⁶ Baxter and Nowrasteh, 19.

³¹⁷ Baxter and Nowrasteh, 20.

³¹⁸ “Hope and Change,” OpenStaxCollege, May 7, 2014, <https://pressbooks-dev.oer.hawaii.edu/ushistory/chapter/hope-and-change/>.

³¹⁹ Baxter and Nowrasteh, *A Brief History of U.S. Immigration Policy*, 20.

³²⁰ Lisa Intrabartola, “How Trump Shaped the Media,” Rutgers Today, January 19, 2021, <https://www.rutgers.edu/news/how-trump-shaped-media>.

³²¹ Baxter and Nowrasteh, *A Brief History of U.S. Immigration Policy*, 21–22.

³²² Baxter and Nowrasteh, 21.

These presidents took steps to broaden their public support and please their voter base in ways that reflected their administration’s priorities and philosophies on immigration and border security. The effectiveness and impact of these policies have been subject to ongoing debate and various legal challenges.

D. EXECUTIVE POWERS

Executive branch influence over immigration is central and highly consequential to immigration policy and practice in the United States. It includes the power held by the president to direct immigration matters through executive orders, proclamations, and directives to ensure national security and public safety. This power derives from the vesting clause in Article II of the U.S. Constitution, which empowers the president to execute federal law.³²³ Executive policies can directly alter immigration enforcement priorities, adjudication procedures, and the admission and resettlement of refugees, thereby profoundly affecting the direction and landscape of immigration in the nation.

The president can affect immigration directly via executive actions. He or she may exert such powers through the Executive Office of Immigration Review (EOIR) and the Board of Immigration Appeals, which fall under the authority of the Department of Justice (DOJ), overseen by the U.S. attorney general appointed by the president. Immigration Court (IC) judges serve as attorneys and federal employees within the DOJ. However, they are administrative law judges without the independence to function autonomously within the judicial system, free from outside influence, pressure, or interference.³²⁴ U.S. District Court judges are federally appointed with lifetime tenure and the highest judicial independence, separate from the executive and legislative branches: “Unlike a U.S. District Court judge, an immigration judge’s authority is not derived from Article III of the Constitution, which establishes the Judicial Branch.”³²⁵ IC judges serve as administrative

³²³ U.S. Const. art. II, §1, cl. 1, https://constitution.congress.gov/browse/essay/artII-S1-C1-1/ALDE_00013790/.

³²⁴ Transactional Records Access Clearinghouse, “Immigration Court Primer,” TRAC Immigration, accessed July 14, 2022, https://trac.syr.edu/immigration/quickfacts/about_eoir.html.

³²⁵ Transactional Records Access Clearinghouse, “Judicial Oversight v. Judicial Independence,” TRAC Immigration, accessed September 18, 2022, https://trac.syr.edu/immigration/reports/194/include/side_4.html.

attorneys who are federal employees by intention and can be hired and terminated as desired by the executive branch. The DOJ oversees the IC system, so the immigration objectives of the executive branch can guide the IC, thus undermining its role as an impartial mediator.

The Trump administration (2017–2021) demonstrated the power of the executive branch over immigration by adopting conflicting strategies regarding the IC system. On the one hand, it worked persistently to expedite legal decisions in an effort to shrink the large backlog of cases. On the other hand, it implemented policies that made it harder for judges to handle their schedules effectively and added new cases more quickly. As a result, even though more cases were completed, the backlog grew by 92 percent from fiscal year 2017 to the end of fiscal year 2020.³²⁶ This accumulation represented an increase from the annual average of 146,000 completed cases during Obama’s second term.³²⁷ The executive branch, including DHS and DOS, implemented the changes in immigration policy during Trump’s presidency. In particular, the administration’s approach toward refugees and asylum applications was noteworthy: “The administration implemented a suite of overlapping policies to reduce the number of refugees and asylum seekers who could access protection in the United States, including the lowest annual refugee admissions ceilings set since the inception of the modern U.S. refugee resettlement program in 1980.”³²⁸ These policies directly affected the IC system and case backlog.

E. ISSUES OF A TWO-PARTY SYSTEM

As of 2021, the U.S. political system is quite diverse, with 209 state-level ballot-qualified registered parties.³²⁹ However, despite this apparent richness of parties, the political landscape has been dominated by Republicans and Democrats since the parties

³²⁶ Jessica Bolter, Emma Israel, and Sarah Pierce, *Four Years of Profound Change* (Washington, DC: Migration Policy Institute, 2022), 68, <https://www.migrationpolicy.org/sites/default/files/publications/mpi-trump-at-4-report-final.pdf>.

³²⁷ Bolter, Israel, and Pierce, 65.

³²⁸ Bolter, Israel, and Pierce, 73.

³²⁹ “List of Political Parties in the United States,” Ballotpedia, accessed October 15, 2023, https://ballotpedia.org/List_of_political_parties_in_the_United_States.

split in 1860.³³⁰ This dominance allows little room for a third-party candidate to win the presidency. Consequently, the belief that any vote cast for an independent party is “wasted” discourages voters from supporting any third-party candidates.³³¹

The U.S. political system, characterized by its two-party dominance, shapes its immigration policies. Defined by the principles and beliefs of the Republican and Democratic Parties, these policies regularly flip-flop depending on which party is in control of Congress or the White House, reflecting the divergent ideologies at the two ends of the political spectrum.³³² The two-party system enables significant policy swings. Polarization can also lead to political impasse, primarily driven by conflicting party views.³³³ Furthermore, the influence of these two parties extends beyond domestic boundaries, affecting international relations based on their approach toward immigration and foreign policy.³³⁴

1. Partisan Polarization

In a two-party system, differing philosophies and constituents’ demands can lead to vastly different approaches to immigration policy, establishing polarization. Commonly, conservatives advocate stringent immigration policies and sealed borders while liberals typically support fewer restrictions for non-citizens and encourage open borders.³³⁵ This constant clash of ideologies inevitably leads to partisan disputes. That is not to say partisan positions cannot evolve to suit a changing initiative or appeal to a voter base. Consequently,

³³⁰ Owen Rust, “How the 2 Major American Political Parties Evolved,” Collector, December 20, 2022, <https://www.thecollector.com/evolution-of-american-political-parties/>.

³³¹ “The Wasted Vote Myth,” *Free Press*, Autumn 2000, <https://freepress.org/article/wasted-vote-myth>.

³³² Melissa de Witte, “Party Sorting to Blame for Political Stalemate,” Stanford News, October 26, 2020, <https://news.stanford.edu/2020/10/26/party-sorting-blame-political-stalemate/>.

³³³ de Witte.

³³⁴ Jennifer McCoy and Benjamin Press, “What Happens When Democracies Become Perniciously Polarized?,” Carnegie Endowment for International Peace, January 18, 2022, <https://carnegieendowment.org/2022/01/18/what-happens-when-democracies-become-perniciously-polarized-pub-86190>.

³³⁵ Rachel Kleinfeld, *Polarization, Democracy, and Political Violence in the United States: What the Research Says* (Washington, DC: Carnegie Endowment for International Peace, 2023), <https://carnegieendowment.org/2023/09/05/polarization-democracy-and-political-violence-in-united-states-what-research-says-pub-90457>.

this polarization and potential flip-flop in political position significantly hinder the formulation of unified policies.

2. Political Gridlock

Polarization and partisan division often lead to a stalemate in the political process, particularly in formulating and executing immigration policies. The contrasting perspectives of the two parties frequently result in a deadlock, which can undermine efforts and produce less-effective outcomes.³³⁶ Within a two-party system, achieving bipartisan agreement can be difficult, especially in a politically intense environment.

3. Policy Swings

A two-party system tends to destabilize immigration policy by swinging to either conservative or liberal policies with the change of each administration. Additionally, a new administration often rolls back policies of the previous administration, further disrupting immigration initiatives. As an example of partisan rollback efforts, as published in a report by Barnosky et al., President Trump rolled back 210 policies spanning multiple agencies after President Obama’s eight-year term.³³⁷ By his 100th day in office in 2021, President Biden had reestablished or rolled back 57 of those policies changed by President Trump.³³⁸ The cyclical nature of the two-party system promotes instability in immigration policy, highlighting the urgency for bipartisan solutions to ensure continuity.

4. Dependence on Executive Action

The last major immigration reform occurred in 1986 when the House and Senate were under a Democratic majority.³³⁹ Since then, only smaller-scale immigration

³³⁶ Sarah Binder, “How Political Polarization Creates Stalemate and Undermines Lawmaking,” *Washington Post*, December 7, 2021, <https://www.washingtonpost.com/news/monkey-cage/wp/2014/01/13/how-political-polarization-creates-stalemate-and-undermines-lawmaking/>.

³³⁷ Clara Barnosky et al., *Reversing Trump Environmental Rollbacks: A 100 Day Analysis on the Biden Administration’s Reversals* (Berkeley: UC Berkeley School of Law, 2021), 2, <https://www.law.berkeley.edu/wp-content/uploads/2021/05/Trump-Rollbacks-Report.pdf>.

³³⁸ Barnosky et al., 2.

³³⁹ “Historical Overview of Immigration Policy,” Center for Immigration Studies, June 22, 2011, <https://cis.org/Historical-Overview-Immigration-Policy>.

initiatives have managed to pass, with partisan politics stalling more significant reform attempts.³⁴⁰ Executive action is frequently used by presidents to swiftly enact their policy visions despite the partisan divide. Since President Eisenhower’s tenure in 1952, all presidents have consistently applied this strategy to shape immigration policy.³⁴¹ President Biden followed this approach in his first year in office, implementing 296 executive actions about immigration, 89 of which rolled back measures from President Trump’s term.³⁴² As long as Congress lacks bipartisan cooperation, wide-ranging immigration reform remains improbable, thus reinforcing the reliance on executive actions.

³⁴⁰ Center for Immigration Studies.

³⁴¹ Philip E. Wolgin, “By the Numbers: Every President since Eisenhower Has Taken Executive Action on Immigration,” Center for American Progress, October 6, 2014, <https://www.americanprogress.org/article/by-the-numbers-every-president-since-eisenhower-has-taken-executive-action-on-immigration/>.

³⁴² “Biden Has Taken Nearly 300 Executive Actions on Immigration in His First Year, Outpacing Trump,” Migration Policy Institute, January 19, 2022, <https://www.migrationpolicy.org/news/biden-executive-actions-immigration-first-year>.

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V. FINDINGS AND RECOMMENDATIONS

What explains the variation in U.S. policy toward refugees and asylum seekers from different countries? There is not a single reason for these differences. Instead, the policy changes are influenced by various factors, including social, political, economic, security concerns, and historical context. These factors can either create support for or opposition to specific groups of migrants.

A. FINDINGS

1. Afghans

Discrepancies in the treatment of Afghans and actions by the United States after the U.S. withdrawal from Afghanistan can be attributed to several causes, as discussed in Chapter II. First, Afghan locals who previously worked for the U.S. government were seen as affiliates with a proven track record, which included a screening process that established their trustworthiness and loyalty. Those lacking such an employment history with the United States faced obstacles and required screening. The urgency of the U.S. withdrawal compounded the challenge of vetting. Indeed, the United States was on a strict timeline to leave, just as the Taliban began taking over, which limited the time available for thorough security checks or background investigations for those seeking humanitarian evacuation. The main priority during this period was the completion of the U.S. withdrawal.

Second, during this operation, the U.S. Embassy in Kabul was shut down and then abandoned, resulting in the loss of a direct U.S. presence to aid Afghans trying to leave the country. Typically, Afghans who sought residency in the United States had to undergo in-person interviews at the embassy. With the embassy's closure, their options were severely limited, as they now had to travel to a third country that hosted a U.S. embassy to continue their application process. Furthermore, without the presence of a U.S. embassy coordinating exits or the availability of routine civilian or military transport, fleeing the country became highly improbable.

As discussed in Chapters III and IV, public sentiment and political discourse significantly shaped immigration policies and humanitarian efforts for Afghan nationals.

Polls suggest that the public and politicians were particularly sympathetic and supportive of Afghans who worked with the United States.³⁴³ In contrast, there was less support for the broader Afghan population, partly due to concerns over crime and security. U.S. government policies did manifest support, offering TPS, extended protections, and asylum opportunities for Afghans already in the United States. Nonetheless, these benefits did not extend to the broader Afghan population. These policy decisions reflect a trend of empathy and preferential treatment for Afghans associated with U.S. interests, differentiating them from other Afghan people.

The final factor in the United States' distinct treatment of Afghans involved security concerns. The United States set up safe-haven sites, often on military bases, providing the necessary space and security for processing. Secure staging facilities were created specifically for more-thorough vetting and medical screenings, indicating a suspicion of this immigrant group—a level of scrutiny not applied to Ukrainian civilians.

2. Ukrainians

Public and political support for Ukrainian civilians fleeing the conflict with Russia was significant. Special permissions were granted to expedite access to the United States, but most importantly, there were no restrictions placed on Ukrainian citizens based on service to the United States. Unlike Afghan evacuees, Ukrainians were not required to undergo security and medical screenings at secure staging facilities. They received parole for entry, similar to Afghan refugees, but without the use of tracking and vetting mechanisms, such as the Hummingbird system, to monitor their reception and movements. Uniquely, Ukrainian refugees benefited from United for Ukraine, a public sponsorship initiative enabling American citizens to offer housing and financial aid. This program, later extended to other eligible nations, facilitated a plan for social integration and support, providing the refugees the ability to work and pursue permanent residency in the United States.

³⁴³ Schaeffer, “Public Opinion about the U.S. Military Exit from Afghanistan.”

Ukrainian citizens experienced more favorable treatment than Afghans did for various reasons, as explained in Chapters II and III. First, Ukrainians benefited from substantial support both from the public and politicians, which led to easier entry into the United States. The Ukrainian conflict's specific circumstances and its extensive media attention led to proactive government measures to help Ukrainians. The expedited access and the lack of restrictions likely reflected a humanitarian response to an urgent crisis, prioritizing the welfare of those fleeing the conflict over procedural or bureaucratic hurdles.

Second, the United States has developed strategic alliances with Ukraine, which have fostered political and public backing, especially given the recent geopolitical conflicts in Eastern Europe. The preferential approach to Ukrainian refugees reflects this alliance and the collective stance against Russia's hostilities. In contrast, the United States' pulling out of Afghanistan, which included closing its embassy, marked the termination of its collaborative relationship with that country, leading to a different, less-favorable treatment of Afghan nationals by the United States.

Third, research has demonstrated that strong public support for Ukrainian refugees remains unchanged even though the U.S. government has not formally employed the refugees.³⁴⁴ Polling has also revealed that the American public is not particularly worried about security issues or a rise in crime related to the arrival of Ukrainians. The United States has not mandated stringent security and medical checks for Ukrainian refugees, suggesting that they are not considered a significant security threat compared to other refugee groups. This perception might be influenced by a lower fear of terrorist infiltration from Ukraine than from Afghanistan.

Finally, the U.S. government has supported Ukrainian citizens by establishing programs like United for Ukraine. These initiatives and expanded support for certain refugees reflect a deliberate strategy to offer sanctuary and promote societal integration. These initiatives serve the broader goal of assisting refugees in becoming independent and contributing members of their new communities.

³⁴⁴ Empathy Research Lab, *Attitudes toward Ukrainian and Afghan Refugees*.

3. Haitians

Of the countries studied in this thesis, Haiti has received the least support from both the American public and politicians. Although TPS for Haiti was extended in 2022 due to political instability, criminal activities, and frequent natural disasters, the United States has historically provided minimal humanitarian aid to Haiti. Additionally, support for Haitians looking for refuge in the United States has traditionally been limited. Unlike the situation with Ukraine, there is no widespread political or public movement or enthusiasm to help Haitians fleeing their country.

The explanation for the variation in U.S. actions toward the Haitian population, past and present, as opposed to citizens of other nations, is multifaceted. Contributing elements identified in this thesis include strained economic and political ties and the influence of media coverage (or lack thereof). The United States maintains diplomatic relations with Haiti and has an embassy there. However, political unrest and crime have complicated economic interests and trade between the two countries. The assassination of President Jovenel Moïse in 2021 and escalating gang activity have made economic support challenging.

As covered in Chapter II, the history of U.S.–Haitian relations is marked by times of U.S. occupation (1915–1934) and repeated intervention in Haitian affairs. This troubled past influences today’s policy decisions. Because of these past policies and changing views on immigration, Haitians have not always received substantial support in their migration to the United States.³⁴⁵

Finally, as discussed in Chapter III, media coverage often generates public awareness and sympathy for migrants and refugees. However, Haiti’s long-standing issues do not receive the same sustained media coverage or public interest as more immediate or dramatic events elsewhere, such as in Ukraine. As a result, the immediate needs of Haiti and concern for its people, including migrants, fade from the public’s focus.

³⁴⁵ Sweet, “The U.S. Is Trying to Do Right by Ukrainian Refugees.”

B. FUTURE RESEARCH

Future research could examine inefficiencies in the U.S. immigration system to shorten residency application timelines. Studies may assess policies through cost–benefit analyses, considering the economy, job market, crime rates, diversity, and immigration procedures. Research could also identify discrimination trends and learn from successful past practices to improve the economic and social outcomes of immigration policy. New performance metrics may also help evaluate policy effectiveness and pinpoint necessary changes.

C. RECOMMENDATIONS

To enhance the United States’ humanitarian response, relieve strain on the immigration system, and provide more consistent parole processes, this thesis proposes a threefold strategy:

1. Transfer jurisdiction of the IC to the U.S. judicial system to ensure more impartial and standardized legal proceedings.
2. Standardize the tracking and vetting process for incoming migrants to maintain robust security measures while ensuring efficient and fair treatment.
3. Expand and simplify the pathways for obtaining LPR status to facilitate a more streamlined and accessible immigration process.

These measures aim to balance U.S. humanitarian obligations with the safety and welfare of American citizens, a commitment that includes upholding racial equality and diversity.

First, considering the backlog of asylum cases, restructuring the IC is necessary. As of September 2023, the IC has a backlog of 2,794,629 cases pending trial.³⁴⁶ This number includes immigrants in deportation proceedings from removal orders and appeals. The time frame for a case to be heard in court, from the issuance of the immigrant’s notice to appear, averages 8,450 days—equating to a waiting period of over 23 years before a case is

³⁴⁶ Transactional Records Access Clearinghouse, “Immigration Court Backlog: Historical Backlog (from 1998),” TRAC Immigration, October 2023, <https://trac.syr.edu/phptools/immigration/backlog/>.

expected to reach trial.³⁴⁷ Additionally, the immigration asylum backlog for new asylum appeals stands at 1,009,625 cases, and the average wait time for the initial asylum hearing is 1,444 days, or nearly four years.³⁴⁸ The average asylum hearing case takes even longer in Texas, a central corridor into the United States, at 2,040 days, or almost six years.³⁴⁹

The IC falls under the DOJ, specifically EOIR. Transferring control of the IC system from EOIR to the U.S. judicial system may reduce potential political interference causing instability. This recommendation could be achieved by appointing federal judges to oversee immigration cases, as these judges could operate independently and not be subject to restrictions or dismissals based on executive branch decisions. Furthermore, integrating IC judges into the U.S. judicial system would grant them greater autonomy to preside over cases and render decisions.³⁵⁰ This change could result in a more stable immigration process because any policy modifications would require congressional approval. This structure could lead to more lasting reforms, although achieving approval from Congress might be challenging.

Second, modernizing outdated DHS immigration protocols could enhance efficiency and reduce wait time in residency and asylum applications, leading to quicker approval for residency or removal processes. With this recommendation, there is a need for an updated tracking and vetting system that works effectively in all situations, whether it be everyday residency applications or international humanitarian crises resulting in refugees and parolees. The 2022 Office of Immigration report, referenced in Chapter II, notes that the withdrawal of U.S. forces from Afghanistan prompted the creation of a new system for vetting and tracking.³⁵¹ Despite these efforts, the report also acknowledges that

³⁴⁷ Transactional Records Access Clearinghouse.

³⁴⁸ Transactional Records Access Clearinghouse.

³⁴⁹ Transactional Records Access Clearinghouse.

³⁵⁰ Transactional Records Access Clearinghouse, “Judicial Oversight v. Judicial Independence.”

³⁵¹ Department of Homeland Security, Office of Inspector General, *DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees*.

oversight was lost for some of the Afghan parolees, hence the need for an improved tracking and vetting system.³⁵²

Last, as the research showed in Chapter II, implementing an achievable route toward LPR for immigrant parolees is critical to stabilizing the immigrant population and reducing the caseload on the immigration system. Unlike with asylees, providing long-term solutions for immigrants given a temporary stay in the United States would stabilize immigrant families and communities, as well as bolster the U.S. economy by expanding the tax base and sustaining the labor force. A transparent process for parolees to obtain LPR can provide stability, as shown in Chapter II. It can foster a sense of permanency for immigrant families and communities, potentially yielding greater national solidarity.

The United States can manage caseloads more efficiently by preventing repeated appeals from those battling to stay in the country. If immigrants on parole were offered pathways to LPR, it could decrease the number of individuals required to appear in court, thereby helping to alleviate the existing bottlenecks in the IC system. These elements would provide a permanent solution for parolees determined to remain in the United States and, in turn, lift the operational pressure on CBP and reduce associated financial burdens.

D. CONCLUSION

A strategy for managing humanitarian crises incorporates immigration policy updates and efficiencies to ease the overburdened IC system and create a pathway to LPR status for parolees. With an astonishing immigration case backlog, there is a need for critical reform, including the possibility of transferring the IC from the DOJ to the broader U.S. judicial system to mitigate political interference and operational fluctuations. DHS should update immigration protocols and systems to enhance security and expedite processes, taking cues from the Hummingbird software developed for Afghan refugee vetting. Last, establishing a pathway to LPR for immigrant parolees could offer them stability, alleviate court backlogs, and support the U.S. economy while reducing pressure on CBP.

³⁵² Department of Homeland Security, Office of Inspector General, *Unified Coordination Group*.

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