

SNAPSHOT

Introduction

At the same time that hundreds of thousands of asylum seekers from Central and South America, the Caribbean, and Africa were denied entry into the United States at the US-Mexico border, more than 20,000 Ukrainians were admitted into the country. More than 20,000 were granted an exemption to Title 42, the Trump-era public health order that has been used to summarily expel people to Mexico or the countries they arrived from without the ability to request asylum. Following these exemptions, the Biden administration created a new sponsorship program, [Uniting for Ukraine](#) (U4U), which has [granted parole](#) for more than 100,000 Ukrainians since late April 2022.

In a new report, *Inequity at the US-Mexico Border: Ukrainians Seeking Safety and Implications for US Asylum Processing*, the Women's Refugee Commission (WRC) examines how Ukrainians seeking asylum were treated differently from people from other countries, and how the coordinated entry of Ukrainians demonstrates that it is possible to process people seeking asylum at ports of entry in an orderly, humane manner.

Our top recommendations

Based on our findings, we make the following recommendations:

- 1. The Biden administration should ensure that people fleeing violence and persecution—regardless of nationality or other demographics—can access functioning asylum and refugee resettlement systems.**
- 2. DHS should prioritize building its internal capacity to process asylum seekers**, including by fully utilizing its current processing capacity and sustainably ramping up its ability to process people seeking protection at ports of entry.
- 3. DHS and the Department of State should work with Mexican immigration authorities to ensure that people can safely approach the border and are not prevented from accessing ports of entry.**
- 4. The US government must provide public, migrant-facing information in various languages about requesting asylum at ports of entry** to prevent misinformation and the extortion of migrants and individuals seeking protection.
- 5. The US government should prioritize sustainable, proactive, and long-term investment in nonprofit organizations engaged in reception of asylum seekers at the US-Mexico border** and maintain ongoing government and civil society coordination to facilitate a fair asylum process and onward travel for people seeking protection.

Background

Since Russia invaded Ukraine on February 24, 2022, more than [15 million people have been displaced](#). In the weeks following the invasion, thousands sought protection in the United States via the US-Mexico border.

In early March, DHS issued a [notice](#) authorizing border officials to exempt from Title 42, on a case-by-case basis, Ukrainian nationals who presented at land ports of entry. This unique exception to Title 42 allowed 20,994 Ukrainians to cross via ports of entry safely into the United States from Mexico in April 2022. An estimated [95 percent](#) of them received humanitarian parole, which allows them to stay and apply for a work permit in the United States for a limited time.

At the same time, thousands of others—mainly Black, brown, and Indigenous people fleeing persecution—were turned away at the border due to Title 42, either forced to wait in dangerous conditions in northern Mexico cities or expelled directly back to the countries they fled.

By April 25, 2022, Customs and Border Protection (CBP) no longer allowed Ukrainians entry at the US-Mexico border, declaring it would “[apply Title 42 equally](#) to all nationalities.” The Biden administration created a new sponsorship program called Uniting for Ukraine, which is now the only pathway for Ukrainians to apply for and be granted parole. This parole program has no numerical limit, and Ukrainians can apply from anywhere. By mid-October 2022, an estimated [106,000 Ukrainians were granted parole](#) and arrived in the United States. Individuals paroled into the United States through U4U can [immediately work](#) without the United States Citizenship and Immigration Services approving their employment authorization application. U4U allows Ukrainians and their families to [remain in the US](#) for up to two years, with a sponsor in the US who can provide financial support throughout their stay.

The Biden administration has relied on humanitarian parole to address the protection needs of other populations, including the recently announced [Processes for Cubans, Haitians, Nicaraguans, and Venezuelans](#) (Processes for CHNV). Alarming, however, the administration paired these new parole programs with an asylum ban, via Title 42, for Cubans, Haitians, Nicaraguans, and Venezuelans trying to seek protection at the US-Mexico border. The Processes for CHNV are significantly more restricted than U4U.

While supplementary legal migration pathways like humanitarian parole should be expanded, they should never replace access to asylum at the border. The most vulnerable individuals may be forced to flee their home suddenly and often cannot wait to apply for alternative protection pathways, which require them to wait outside the United States and often have stringent documentation requirements.

Lessons learned from initial processing of Ukrainians at the San Ysidro Port of Entry

The processing of Ukrainians in April 2022 demonstrates that it is possible to process people seeking asylum at ports of entry in an orderly, coordinated manner. Such processing can [help prevent dangerous crossings](#) between ports—through individuals must be able to seek protection no matter their mode of entry—and allow border officials to focus on drug, trade, and travel inspection instead.

Nonprofit organizations, faith groups, and local governments worked together to assist Ukrainians in Mexico and in the United States. These organizations and officials help meet the short-term shelter, food, medical, and other basic needs of migrants.

A well-managed, humane border requires open and accessible ports of entry for people seeking asylum. Regardless of other available migration pathways, access to asylum should not be traded, substituted, or eliminated for any subset of people. It is a right for people to reach US soil, request asylum, and go through its legal process—no matter their nationality or manner of entry.

[Read](#) the full backgrounder.

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Women’s Refugee Commission

The Women’s Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. womensrefugeecommission.org.

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