Commission on Security & Cooperation in Europe: U.S. Helsinki Commission

"Supporting Ukrainian Refugees: U.S. Policy and Visa Issuance"

Committee Members Present:
Senator Ben Cardin (D-MD), Chairman;
Senator Roger Wicker (R-MS), Ranking Member;
Senator Richard Blumenthal (D-CT);
Representative Marc Veasey (D-TX)

Witnesses:
Dana Francis, Acting Deputy Assistant Secretary of State, Bureau of Population, Refugees, and Migration, U.S. Department of State;
H. E. Marek Magierowski, Ambassador of Poland to the United States;
Irina Manelis, Esq., Principal, Manelis Law

The Hearing Was Held From 2:30 p.m. To 3:43 p.m., Room 562, Dirksen Senate Office Building, Washington, D.C., Senator Ben Cardin (D-MD), Chairman, Commission for Security and Cooperation in Europe, presiding

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CARDIN: Helsinki Commission will come to order. Let me thank our witnesses for their cooperation, which is typical whenever we have hearings. There will be some conflicts from activities in the House and the Senate. The House is not in session this week, so our House members who participate, I believe, will be doing it through video through Webex. And then we start a series of two votes at 2:30 or now. So we may be interrupted by having to shuttle back and forth, but we'll do the best that we can.

Before I give my opening comments, I do want to comment on the tragedy in Texas. It is just absolutely shocking, hard to understand, how the sanctity of an elementary school could be violated, and 10-year-olds killed for no reason at all. It is a tragedy of incredible proportions. And I mention that because the United States – and we're here at the Helsinki Commission, and we examine how every country has lived up to their commitments under the Helsinki Final Act, including the United States. And we self-examine ourselves, particularly when we're outliers among the other nations. And clearly the United States is an outlier on the number of guns that we have in this country per capita and the amount of gun violence we have in this country.

And I say that because I think every member of the Senate believes that our prayers go out to the victims, but we need to act. We need to reduce and eliminate these senseless killings. And I just hope that we use the same type of process we use in the Helsinki Commission to bring about consensus and to find bipartisan ways forward to make our schools safer and our communities safer. So I just really wanted to make those observations before starting today's hearing, which is protecting Ukrainian refugees, U.S. policy, and visa issuance.

Russia's bloody and unprovoked full-scale invasion of Ukraine has caused the largest refugee crisis in Europe since World War II. An estimated 13.5 million Ukrainians have been displaced by the war, a third of the population. And more than six million of those have fled Ukraine to seek refuge in other countries. I would add here that, displaced or not, all people remaining inside Ukraine are still under the threat from Russia. Given Ukraine's exit restrictions on males from 18 to 60, the vast majority are women and children. And displaced or not, all Ukrainians remaining in Ukraine are at risk.

Most have fled to EU countries bordering Ukraine or to Moldova. I want to thank all of these frontline countries for their tremendous effort in welcoming and taking care of Ukrainian refugees. The EU and the European Commission quickly stepped up to meet this enormous challenge. These numbers are staggering. Poland – and these are numbers as of mid-May. Poland has taken in almost 3 ½ million Ukrainians – 3 ½ million. Romania, almost a million. Hungary, 620,000. Moldova, almost a half a million – and this is a tiny country in size. Slovakia, almost a half a million.

These are numbers that are very challenging, to say the least. Now, I didn't mention those that have – are now currently – Ukrainians who are in the Russian Federation and Belarus, because these individuals, many of whom have not be evacuated. They have been forced to go into Russia. And we fear that's for the purposes of literally genocide, to wipe out the Ukrainian culture. Poland has taken in the largest number of Ukrainian refugees, according to the United

Nations. As I mentioned, 3 ½ million. I want to give Poland the recognition it deserves for its historic and, I would say, even heroic response.

From the beginning, the people of Poland opened their hearts and their homes, taking care of arriving refugees, many of whom were desperate and traumatized. Polish President Duda recently said: Dear Ukrainians, your relatives, wives, parents, and children, who were forced to leave for Poland are not refugees in our country. They are our guests. The government of Poland has passed legislation providing legal status, work permits, and access to health care, education, and financial social support to Ukrainians who have had to flee. That's certainly a model that we wish to acknowledge and thank.

Ukrainian Foreign Minister Kuleba recently tweeted that the people and the government of Poland have proven to be more than neighbors. Dear Poles, you are those whom Ukrainians trust to look after their families when they go to the front line. This is the highest and most valuable trust. We will also remember what you did for us. There can be no greater praise. The United States must also do its part to support the Ukrainian refugees. We have already provided significant humanitarian assistance to support the Ukrainian refugees and the countries that are hosting them.

And just last week, the Senate passed a $40 billion aid package providing emergency military and humanitarian aid for Ukraine, including $900 million specifically for assistance for Ukrainian refugees, such as to provide trauma and support services, English language training, and housing. We should also take in our share of refugees. While I understand that many Ukrainians want to stay closer to their country in hopes of returning soon, some have relatives and friends in the United States who want to help.

In March, President Biden announced that the United States will take up to 100,000 Ukrainians fleeing the war, with an emphasis on vulnerable populations and family reunification. In April, a new program called Uniting for Ukraine established a process by which eligible Ukrainian citizens and their immediate family members can be sponsored by an individual or entity in the United States for advanced authorization to travel to the United States for up to two years of humanitarian parole.

This is a good step. But we must ensure that the United States Citizenship and Immigration Service has the capacity and resources to effectively administer this program, and to overcome its own current backlogs in visa applications. It's now been three months since Russian dictator Vladimir Putin decided, without provocation, with launch a full-scale invasion of Ukraine. Ukrainian forces are pushing Russian troops out of some areas, and some refugees are already returning, particularly to western Ukraine, despite the continued danger.

However, it appears that most refugees will not be able to return in the near term. We therefore must consider the sustainability of our efforts and the wellbeing of refugees. We must ensure that our efforts are as effective as possible. At this point, I would recognize my distinguished colleague on the Helsinki Commission, the Republican chair of the Helsinki Commission, Senator Roger Wicker.

WICKER: Thank you very much, Chairman Cardin, my dear friend and someone who I've fought with shoulder-to-shoulder on behalf of freedom for people around the world, to including everyone within the 57 countries of the OSCE, and who's been a steadfast champion for standing up to the brutality and totalitarianism of Putin's Russia, on behalf of the people of Eastern Europe. And thank you, Chairman Cardin, for mentioning the heartache that we all feel for our friends and fellow Americans in Texas. It's cast a pall on this capital. The flags are at half-staff, and we struggle to decide what to make of it. But it's good of the chair to mention that.

In March – well, first of all, in mid-January I was with a delegation that actually made it into Kyiv. We were one of the last groups of members who actually made it to the capitol, met with leaders of Ukraine, met with President Zelensky and others. And then in mid-March, two or three weeks after the invasion, I joined several other Senate colleagues to visit the Polish border of Ukraine. We flew into Warsaw. We then made it over to the eastern Polish city of Rzeszów and went by car the next day to the border crossing at Korczowa. We were able to speak with refugees, meet with aid workers. I certainly want to salute the World Central Kitchen, who – and other NGOs – who have been very helpful in helping to provide sustenance and shelter for these refugees.

I'm not very technical today, Mr. Chairman. But I do have five photographs that I would show to you and to our witnesses. As a matter of fact, before the hearing was called to order I was able to show our witnesses a close-up of these photographs. This is a – this is a picture of a long, long line of refugees there at the Korczowa border crossing on the 13th of March. Most of these crossing the Ukrainian-Polish border. This is a photograph of Kyle Parker, the leading Republican staff – no, let me say this – the leading Senate staff person on the Helsinki Commission. He's comforting a young child there at the border, having brought toys from the United States, and comforting the child and the mom.

This is a particularly poignant picture of an elderly Ukrainian woman there at the Polish border who had to be wheeled across in a wheelchair. One particularly resolute young woman managed a faint smile as she talked to Senator Rob Portman about their travails and their journey over to the border. And then lastly, Mr. Chairman, a small child and his mom caught my eye. The mom was not sobbing, but she could not stop the tears from flowing from her eyes, just a constant stream. And this is a picture that I captured of the young child reaching up to attempt to wipe the tears from his mom's eyes. And I would ask, however it is possible, Mr. Chairman, that we insert those in the record at this point.

CARDIN: Without objection, assuming we can figure it out a way to get it into the record, they'll be placed in the record.

WICKER: Thank you. Mr. Chairman, I left the Ukrainian border convinced that it will take a sustained and intensified effort from the United States and the West to stop Vladimir Putin. But we must remain steadfast. And you mentioned the $40 billion – a huge amount of money that the American taxpayers are once again sending to the war effort there. Let me just say, it – I'm not in any way guaranteeing that that will be all the money that it will take from the United States to win this. But we must remain resolute and make sure that the money is spent –

being spent effectively and efficiently. But in my view, victory is the endgame, and not an artificial appropriation number.

I want to particularly – I want to thank our witnesses, and particularly Ambassador Magierowski. I want to thank him for what their country is doing. They've been on the other side of this. They know – they know what it means. And the sacrifice and welcome of the Polish people has been gratifying and astounding. We need to continue providing defense to our European allies, and we need to look at our visa programs. I can tell you, there are many American families, there are many Mississippi families, who want to help Ukrainian refugees, who are willing to host Ukrainian refugees. And we'd like to have some information today about how we might be helpful.

So thank you very much. Thank you to the witnesses. And, Mr. Chairman, thank you for convening this important fact-finding hearing.

CARDIN: So let me explain how we will proceed. We have two panels. We'll first hear from Dana Francis, who is the director and currently acting deputy assistant secretary in the Bureau of Population, Refugees and Migration at the U.S. Department of State. She has been a foreign service officer since 1999, serving overseas in El Salvador, Colombia, Belgium, and Cameroon. In Washington, she has worked on issues related to Sudan, West Africa, and the Balkans, and as a fellow in the office of U.S. Senator Chris Coons. We will not hold that against you. That's a plus. (Laughs.) She has focused primarily on political and refugee issues and has served twice as a regional refugee coordinator, in Bogota and Brussels.

After the first panel we have a second panel. We might have to – we're going to try to keep the hearing going, but we might have to take a break after the first panel in order for Senator Wicker and I to vote on the floor of the Senate. With that, Ms. Francis, glad to hear from you. If you could summarize your statement in about five minutes so we have time questions. Your statement and all of the statements of all the witnesses, without objection, will be made part of our committee record.

FRANCIS: Chairman Cardin, Ranking Member Wicker, and other distinguished members of the Helsinki Commission, thank you for the opportunity to testify today about the work that the State Department's Bureau of Population, Refugees and Migration, PRM, and our international partners have been doing to assist refugees fleeing from Russia's war on Ukraine. It was three months yesterday since Russia began its full-scale invasion of Ukraine, and the humanitarian costs of this war have been immense for the more than 8 million internally displaced persons inside Ukraine and more than 6.6 million who are outside the country as refugees.

The overwhelming majority of those fleeing, as Senator Cardin mentioned, have been women and children. And they include both Ukrainians and third-country nationals. The U.S. is the largest single-country donor of humanitarian assistance to Ukraine. We have provided more than $1 billion in humanitarian assistance in the past eight years, including more than $688 million this year. We're working closely with the government of Ukraine, European allies and

partners who are on the forefront of this response, as well as international organizations and NGOs to mitigate the humanitarian impacts.

So far this year PRM's portion of humanitarian assistance comes to nearly $212 million. More than 93 million (dollars) of that has been for efforts inside Ukraine, and then $119 million to support efforts for refugees in neighboring countries. Our funding's primarily channeled through international organizations that are experts in responding to the needs of vulnerable people displaced by conflict, including U.N. agencies and the International Committee of the Red Cross. With our funding these organizations provide protection services and urgently needed aid to refugees. They support and bolster the capacities of governments and NGOs to respond.

Some of the types of assistance that we provide for refugees are urgent relief at reception centers, including food, safe drinking water, shelter, clothing, emergency health care, mental health care, psychosocial support, legal support, case management, referrals to other services. In addition, we provide multipurpose cash assistance as an important part of the transitional safety net for refugees. It allows refugees the freedom and dignity of choice for how to meet their needs. UNHCR has established cash assistance operations in Ukraine, as well as in Moldova, Poland, Romania, and Slovakia.

Ukraine's neighbors in countries further afield in Europe and the world have demonstrated tremendous solidarity and compassion in accepting and providing care for refugees. We especially commend host countries, Poland and others, that have offered temporary protection mechanisms that allow refugee integration into state welfare systems, access to health care, childcare, education, housing programs, and the ability to seek employment.

I traveled to Poland and Moldova last month and I saw firsthand how national and local officials, plus NGOs and private citizens, are responding to the situation. At the government refugee reception center in Warsaw, for example, I saw how recent arrivals could register for a national identity number, enroll their children in school, apply for social services, get specialized counseling and other support, including opening up a bank account, getting vaccinated – a variety of services. It was efficient and it was impressive.

In the months ahead, PRM also will continue our proactive humanitarian and migration diplomacy with host nations to make sure that the responses are maintained. We'll work with the EU to provide additional funding and operational support for this effort. We will remain closely engaged with international humanitarian organizations to meet crucial response gaps. We'll continue to advocate that all refugees receive protection so that their needs are met, including refugees who are elderly, persons with disabilities, members of the LGBTQI+ community, women and children, stateless persons, and others.

We will remain at the forefront of efforts to help address the human cost of this war and meet the needs of the civilians caught in the middle. Thank you.

CARDIN: Thank you very much for your testimony, but more importantly thank you for what you're doing. It's extremely challenging for someone to leave their native country to try to take whatever possessions they can, under war conditions, in many cases separated from their family members because of the need for their male family members to serve in the military, some with very young children, not knowing when they'll be returning home. To deal with that type of a trauma situation, and then to be faced with the uncertainty on housing and education and health care – all that adds to the challenges.

So recognizing just how difficult it is to deal with such a large number of people who have been displaced as a result of Mr. Putin's invasion of Ukraine, just give us an assessment of how well the international community is meeting the need of this extraordinarily large number of refugees and how well we're meeting them in each of the countries that have the largest numbers – where there is need for additional attention to make sure that we respond in the appropriate way? Where are the countries that need the greatest degree of outside direction or resources, and what more do we need to do as an international community and as a leader in the international community?

FRANCIS: Thank you for the question, Senator Cardin. To answer the question most simply, I would say that the international response has been very robust and very good. The bulk of the credit goes to the frontline states that have been hosting the refugees. As you mentioned, Poland has taken in more than 3 million people, and the other frontline states as well. The European Union has come forward with significant funding, as well as the temporary protective directive which gives people access to a lot of health care, education, social services. We've been meeting regularly with other international donors, since before probably around Christmas time, when we could see that this was potentially coming down the road.

Right now, the U.N. has an appeal out for the refugee situation. And they are predicting really significant financial needs through the end of this year. So I think that's the place where the international community can probably contribute most directly to the needs that are out there. And we, at the State Department, will be contributing to that appeal based on the most recent funding that the Senate has just approved.

In terms of where there are gaps and what the countries are doing, the countries that are within the EU have had a lot of support from the EU. We were – probably the country that was challenged the most was Moldova because it's not an EU member state. The government of Moldova has been very forward-leaning in accepting refugees. We've worked with UNHCR and IOM, the International Organization for Migration, to create a corridor so that people can move through Moldova into other countries if they wish to. But the needs there are probably the most significant of any of the frontline states that we've been working with. But again, overall, the response has been quite impressive.

(Pause.)

CARDIN: I'm going to – I was conferring with Senator Wicker in regards to the vote schedules that are on there. I'm going to go cast my vote now, come back, and then continue the

hearing. So I'll turn the gavel over to Senator Wicker, and I'll be back as soon as I am able to cast a vote.

WICKER: Well, thank you very much. And one of the things we do for a living is vote on confirmations. And we have a number of those today. But that doesn't take away from the important fact-finding hearings that we have too.

Let me just say, we are receiving phone calls at my offices both in Washington and around in Mississippi by American citizens who are asking if they could sponsor a family. Where should we send people? What volunteer resettlement agencies are you working with, and should we direct constituents to these agencies? Catholic Charities of Jackson, for example, wonders if there's a plan to accommodate unaccompanied refugee Ukrainian children to enter the United States. So if you could talk about that under the umbrella of the United for Ukraine Program, I would appreciate it.

FRANCIS: Thank you, Senator, for the question. Yes, the response of the American people has been very generous and very extraordinary since the start of this crisis. And we're grateful for people's willingness to help. In terms of sponsorship, I know in speaking with the Polish ambassador before this hearing, he mentioned that there are a number of NGOs and different organizations that can help. We can – we can provide you with those names afterwards. In terms of unaccompanied children, the government of Ukraine has not given permission for them to be adopted overseas at this point. They wish for them to stay close to Ukraine, where most of them actually have family members still Ukraine.

The United for Ukraine Program will provide a pathway for – potentially for Ukrainian refugees to come into the United States. About 80 percent of that will be administered through the Department of Homeland Security, and people will be paroled into the United States for a short period of time. And I would refer you to DHS for the specifics on that program.

WICKER: OK. And, well, let me just say, it isn't – it isn't exclusively people who would like to adopt children, but who would like to sponsor children or a family for a limited period of time also, during – after which perhaps they could be returned to their homes. That's our hope. And so there is – there is that. Some Ukrainians may not be able to obtain a sponsor. A travel visa may be their only option. Considering the extended appointment wait times for a visa interview, is the United States government looking at something to expedite the visa process for such persons?

FRANCIS: You're a bit outside my area of expertise at the moment. But there's nothing that I'm aware of. I'd be happy to check with our Consular Affairs Bureau.

WICKER: All right. Well, now, let me ask you this, Madam Secretary. Are you – are you prepared to stay here for a few more moments while the ambassador takes the microphone, and perhaps we could have an interaction in the Q&A with both of you after he's testified? Or do you have scheduling constraints that require you to leave?

FRANCIS: I'd be happy to stay.

WICKER: OK. And also, if – you suggested that you might be able to provide us names of contacts that contact agencies later. Let me just say, if during the next few moments someone on your staff could give you a list that we – that people listening right now in real time could be made aware of, that would be helpful. We don't have a written record of this. It is essentially a podcast. And so if we – if there's any information you could provide for us in that regard, we would appreciate it. Now, if you'll bear with me for a moment.

(Pause.)

All right. And again, I'm not the chairman of this – of this hearing, but if we could then call to the table His Excellency Marek Magierowski, the ambassador of Poland to the United States, and Irina Manelis, the founder and principal at Manelis Law, to testify with regard to immigration law, I would appreciate it. Welcome to both of you.

So, Mr. Ambassador, we are delighted to have you. You worked as a reporter, editor, and columnist for over 20 years before going to work for the chancellery of the president of the Republic of Poland. From 2017 to 2018, you served as undersecretary of state at the Ministry of Foreign Affairs. And you've also served as ambassador from Poland to Israel. So you have a great deal of expertise for us, and we welcome you, and recognize you for your opening statement, sir.

MAGIEROWSKI: Thank you very much, Senator Wicker. I have already greeted Senator Cardin. Ladies and gentlemen, let me, first and foremost, extend my heartfelt condolences to the relatives of all victims of that unspeakable tragedy which occurred yesterday in Uvalde, Texas.

Honorable members of the Commission, distinguished senators and representatives, let me express my gratitude for this unique opportunity to testify before the Helsinki Commission on matters of paramount importance not only for my country, but also with regard to the future of the global security architecture. Three months ago President Putin, unprovoked and acting in a premeditated manner, unleashed full-out war on a neighboring sovereign and freedom-loving nation, causing unimaginable damage and suffering, mostly to civilians. The Kremlin's thinly veiled intent to erase the Ukrainian national identity, culture and language is utterly abhorrent. And the Russian leader's genocidal proclivities should be condemned on the strongest possible terms.

As a consequence of Russia's barbaric aggression against Ukraine, Poland, and other countries in Central and Eastern Europe are facing an unprecedented humanitarian challenge. And the whole world is now on the verge of a global food crisis of extraordinary proportions, also due to the Russian Federation's unlawful and inhumane actions. Ladies and gentlemen, three days ago the Polish President Andrzej Duda paid a visit to Kyiv and delivered a speech in the Ukrainian parliament. He pointed out emphatically that, quote, "despite widespread devastation, despite most horrible crimes, despite the great suffering that the Ukrainian people experienced each day, the Russian invaders have never broken you. They have never succeeded. And I trust they will never succeed. The free world today has the face of Ukraine, unquote."

OK, they are just asking me to interrupt my speech. OK, thank you very much.

(Pause.)

CARDIN: Again, my apologies for the interruptions here. But I want to welcome both of our witnesses.

MAGIEROWSKI: You're at the right moment because I'm going to quote President Duda, which you have already one in your speech. I was talking about his appearance in front of the Ukrainian parliament a few days ago. And President Duda added, "Your loved ones, spouses, parents, children, grandchildren, those millions of people who had to leave Ukraine, fleeing the tragedy of war also to Poland, are not refugees in our country. They are our guests."

Over the last 12 weeks, Poland has absorbed a wave of 3.5 million guests. An overwhelming majority found safe shelter in private homes, hosted and embraced by Polish families. An unheard-of outpouring of sympathy and solidarity towards our Ukrainian brethren, and an inspiring example of cooperation between hundreds of NGOs, thousands of volunteers, state authorities and municipalities, all working tirelessly to ease the plight of those in need. According to several surveys conducted since the beginning of the war, between 60 and 70 percent of Polish citizens have been involved to a lesser or greater extent in helping Ukrainian refugees, offering accommodation, establishing reception centers, running charities, donating, or raising funds.

Last March, the parliament in Warsaw approved a bill which essentially facilitate the integration of Ukrainian migrants in the host country. More than a million have already applied for Polish ID which allows them, for instance, to set up their own businesses and enjoy full variety of social care benefits. Ukrainians can also send their offspring to Polish educational institutions. Approximately 200,000 Ukrainian children have already been incorporated into Poland's schooling system. They are eligible for free health insurance. Thousands have been vaccinated not only against COVID-19, but also against more common diseases.

Honorable members of the Commission, for most Poles solidarity is by no means an empty word. Nor is it merely the name of the most famous dissident movement in Central Europe in the times of Soviet subjugation. Nowadays solidarity, as a geopolitical concept, is one of the crucial pillars of Poland's foreign policy. It is our pride, but also our obligation. Poland was oppressed by Soviet Russia for decades. In that period, many nations displayed remarkable solidarity with us. Americans, Germans, the British, the French helped us regain our freedom. Today we are helping the Ukrainians defend theirs, arming those who are fighting the Russian aggressor in Ukraine and, at the same time, taking care of their families in Poland. We need this common effort, and we need solidarity to prevent the annihilation of the brave Ukrainian people. Thank you very much.

CARDIN: Mr. Ambassador, thank you again for being here. As I said in my opening statement, thank you for your incredible work that your country is doing to deal with the refugees. I had a chance to be with President Duda, as did Senator Wicker, at the Three Seas

Conference last year. So we had a chance to have some conversations. And we thank you very much for your extraordinary leadership.

We'll now hear from Irina Manelis, who is the founder and principle of Manelis Law. She has practiced immigration law for the past decade, including on family reunification, naturalization, humanitarian relief, removal defense, employment-based visas, and appellate and litigation advocacy. She has been named to SuperLawyers Rising Stars for Virginia – it would be more impressive if that was Maryland, but we'll let that go – (laughter) – every year since 2018, and to the Virginia Business Legal Elite for Immigration Law every year since 2019. She's also served as a panelist for continuing legal education seminars, presented at the community forums, and published editorials on a wide array of immigration law topics. As a child, she immigrated to the United States from Odessa, Ukraine. Glad to hear from you.

MANELIS: Thank you so much. Chairman Cardin, Ranking Member Wicker, and honorable members of the Helsinki Commission, I am tremendously honored to appear before you alongside such distinguished panelists, and to express my profound gratitude for your incredible and critical support of Ukraine at this stark and solemn moment. A moment which, likewise, compels a robust, effective, and humane immigration response.

As an immigration lawyer, I know firsthand how our immigration policy can take either a crushing toll or offer the most essential lifeline, and the deep precarity that lies in between. This difference between being lifted up or being left behind also reverberates in my family history. I was born, as you mentioned, in Odessa, Ukraine, and immigrated to the United States with my family as Jewish refugees from the former Soviet Union. Not far from my birthplace, my parental – rather, I'm sorry – my father's parents were murdered in the Holocaust, while my father, then a toddler, narrowly escaped.

My family and I now watch in abject horror as Russian forces brazenly brutalize Ukraine's people, causing six million – as you mentioned, mostly women and children – to flee. Our allies have shown up in remarkable ways. And it is a deep honor to sit next to you, Mr. Ambassador. History will remember Poland's example with deep fondness. And while our response is overdue, last month we launched the Uniting for Ukraine parole program, which deserves to be commended for its innovative efficiencies. The administration has also designated Ukraine for temporary protective status, commonly known as TPS.

Both initiatives are highly welcome, but the manner of their rollout has already resulted in many falling through the cracks. In some cases, administrative action can help. And I'll provide a few examples. Under Uniting for Ukraine, the principal beneficiary must be a Ukrainian citizen, and can be accompanied by a spouse or children. But mixed nationality families face a "Catch-22." If the father is the Ukrainian citizen and must remain behind, the mother is not eligible. Nor are their Ukrainian children, because they must be accompanied by a parent or guardian in order to travel.

The administration could take measures to fix this, including through redefining the eligible relatives to include parents of Ukrainian children. Further, many Ukrainians arrived after the eligibility window for TPS had closed but before Uniting for Ukraine had begun. And

so they've been left in limbo. The administration can act to provide timely and generous extensions of status, and also to redesignate TPS for Ukraine to expand eligibility. Likewise, individuals previously granted parole can be re-paroled.

But more broadly, without decisive action the vast delays that you mentioned afflicting our immigration system will undermine the efficacy of these programs, unless measures are put in place. The secret sauce of Uniting for Ukraine, streamlining, automation and simplification, can be replicated to expedite the processing of vital employment and travel authorization in TPS. But still more is needed. While parole is an important part, it is only a part of a tenable solution. Many Ukrainians will want to return home once it is safe but given the devastating wreckage we cannot assume that this will be feasible or desirable soon. Meanwhile, our immigration laws and backlogs prevent or obstruct people of parole status from obtaining many other immigration options.

And amidst such dislocation and uncertainty, those who need it should have a legal pathway towards permanent residence – a lifeline Congress can provide. There's also the concern about the potential precedent of using parole to bypass the refugee protections forged in the ashes of World War II, all while Russian forces commit war crimes and as they create Europe's largest refugee crisis since the Second World War. The administration mentioned vulnerable groups, refugee admissions, and Lautenberg in their announcement on the 21st, but it lacked concrete details on implementation or how our beleaguered refugee processing capacity can be equipped to meet the need of this moment.

We need solutions. And we can look to previous examples, such as our operation to resettle Kosovar refugees and strategic use of priority two direct access program. In this dire hour, Americans generously and overwhelmingly support providing Ukraine's courageous people with safety here. And we must meet this historic moment with morality and modernity. It will make all the difference.

CARDIN: Well, thank you very much for your testimony. And thank you for what you're doing in regards to the immigrant/refugee community.

Mr. Ambassador, I want to start with a question for you. I acknowledge and am very grateful that there is strong international support in every category to stand up to the Russian aggression, including support for the refugees. Financial support and incredible welcoming by the surrounding countries to take in the refugees. It is heartwarming to see this. But we also know that over the last several decades there has been challenges with the immigrant communities in Europe and in the United States, where there has been outright anti-migrant activities that I find very abhorrent, but it is a reality that we have in our communities. We also know there can be conflicts for employment opportunities or other opportunities in the community in which migrants can get blamed – refugees can get blamed for the frustrations that citizens have.

So I start by saying it's been wonderful to see the welcoming in Poland and other countries in Europe. It is very sincere. The refugees are being treated with a great deal of dignity and respect and care. But do we run a risk that the popular sentiment could shift and we

might have a concern about how welcoming the population is towards this newfound group of refugees that, in many cases, are becoming a very significant number in the population of the community?

MAGIEROWSKI: Thank you very much, Chairman Cardin, for this question. I want to stress one thing pretty clearly. Even before the war, before the Russian invasion of Ukraine, there was fertile ground in Poland for the absorption of even more migrants, or refugees if you will, from Ukraine because we had between 1 (million) and 1.5 million Ukrainians, predominantly economic migrants, who had already lived and worked in Poland.

So those – for example, the family connections were pretty strong both in Poland and in Ukraine. Isolated racial incidents in Poland; almost none. Also, because those Ukrainian migrants used to learn the Polish language in a matter of months, perhaps because these two languages are so similar to each other. They've had similar cultural background. We are both Slavic nations. So that model of integration is really remarkable. I think, and I have said this on multiple occasions here in America, that this should be a model to follow for some other European countries.

There is one particular – I've heard and read hundreds of stories of Ukrainian refugees over the last couple of weeks. The majority of those refugees are women and children. As I said in my remarks, there's now a possibility to apply for Polish ID for them, which does not automatically make them Polish citizens, but it does give them a lot of benefits. And thanks to the statistics that we have been garnering over the last few weeks, we know that 94 percent – approximately 94 percent of those refugees are women and children.

And there's one recurrent phrase in all those stories that I have already mentioned. The women who arrive in Poland, they say and they ask: Do you have a job for me? I want a job. I don't want an allowance. Of course, they are grateful to those – all those families who house them today in their private homes, but they don't want to be reliant, so to speak, on our generosity. They want to live normal lives, although not in their country, not in their homeland. On the other hand, out of those 3.5 million refugees, roughly 2 million have stayed in Poland. Of course, we can't force them to leave our country. We don't want to relocate them. We don't want to resettle them. As President Duda said, they are our guests.

Two million have stayed in Poland, also because they hope that this war will end shortly and that they will be able to return to their homes in Kharkiv, in Kyiv, and other Ukrainian cities. This is a new situation for us, of course. It's hard to predict what – as you rightly mentioned, what the social sentiment will look like in a few months, but I believe that what we have shown so far, that tremendous outpouring of solidarity and sympathy, will not fade away; it will not vanish. I think this bond is already so strong and so unbreakable that I am pretty optimistic about what our approach will look like, the approach of the Polish nation, the approach of the Polish society in the foreseeable future, in light of this really unprecedented humanitarian challenge.

CARDIN: That's an encouraging comment; I must tell you that.

Let me – if I might, let me go to Ms. Manelis for one moment. Thank you for your specific suggestions as it relates to the eligibility issues. I think that's important for us to understand Uniting for Ukraine and the eligibility for that program, also for the changes you're suggesting in the TPS program on date. Those that were here in the United States at the beginning of the conflict were granted the right to remain here under temporary protective status. We had originally some Ukrainians who tried to enter our country through our southern border and it was a mixed message as to whether they could get into this country or not. It was very chaotic and very inconsistent. President Biden has now announced a specific program with expectations, about a hundred thousand with this expedited process. Are the individuals that are either here on TPS or are arriving under the Uniting for Ukrainians – is it here because they have family for temporary reasons or is it more likely that they're going to want to have a more permanent status here in the United States, ultimately leading to the eligibility for citizenship?

MANELIS: Thank you so much for your question, Chairman Cardin. I would say there's a range of options available based on who the people are and what their aims are and what their objectives are, but as you noted, because we so haphazardly announced the policy because there was such a delay, we currently have numerous people who are in limbo, essentially. TPS has been announced but until an individual applies and is granted temporary protected status they're not yet in status, and so, for instance, someone who came on a visitor visa, they might put in an application and part of the backlog delays that you mentioned could result in problems for them further down the line if the TPS application is not adjudicated timely.

The patchwork of immigration laws that we have often predicate one's eligibility for a visa status on having remained in status previously. So someone, for example, on a visitor visa might be able to change status to TPS but later, if they want to seek opportunities for permanent residence, unless there's something that's specific to Ukrainian nationals that's provided, they're going to be looking at the options generally available to anyone pursuing permanent residence in the United States, which might include family or employment-based options. And for someone who is not in status, they're not going to be able to pursue many of those options.

For people in parole, they're even in a more daunting and precarious situation. They cannot, under our laws, change status from parole to what is called a temporary nonimmigrant visa category. So if parole is not extended and they're looking for other options, it's not an easy fix for them to accomplish, nor are they going to be eligible for employment-based adjustment, meaning a green card through the employment process, which is a real shame because the Ukrainian community comes to us with a high degree of skills, a very high level of education, and would otherwise potentially be eligible for certain nonimmigrant visas based on employment, as well as potentially green cards based on employment.

CARDIN: Let me see if I can get the timing here. A person who was here in the United States at the beginning of the conflict and has applied for TPS status, is it likely that determination has been finalized so that they have status and can work here in the United States?

MANELIS: Very unlikely. Unfortunately, one of the key themes that you brought up, Chairman, and that I think I will continue to strike is our system is badly backlogged and so people are going to be coming up straight into a system that is not equipped to handle their needs

unless changes are made. Even something like employment authorization, which the ambassador mentioned: It's a dignity to people to want to support themselves, to stand on their own two feet, to feed their families. Right now if a person puts in that kind of application it takes about nine to 12 months.

CARDIN: I was going to ask the time frames. Is that nine to 12 months the time frame that you would be talking to a potential person who was here at the beginning of the conflict it would take before their TPS status could be determined?

MANELIS: So that might be around that time, or six to nine months for TPS. For the people who come in on parole, they're going to apply for employment authorization after they enter the United States, and so that's the current time frame. And I just want to juxtapose that with the time it should actually take to process that form. Just as an example, the application for employment authorization, it's a seven-page form, four pages of substance. The DHS has been on record that it takes an average of 12 minutes to process that form. There's nothing particularly complex about it, particularly when you look into someone who's on uniting for parole; they just need to verify the person's identity, that they in fact have uniting for parole status. And so their ability to process these cases is going to drastically impact the lives of the people we are trying to serve under this program. And the more that we can do to equip our immigration services to allow them to integrate, as the ambassador said, the more we will find a welcome for them in our communities and the more they will be able to contribute.

CARDIN: Thank you. We were joined by Congressman Veasey; I don't know if he's still online.

Congressman Veasey, are you there?

I know he was online. We know that he's somewhere in cyberspace.

VEASEY: Senator?

CARDIN: Got you.

VEASEY: There we go. Am I recognized for questions?

CARDIN: You're up.

VEASEY: OK, thank you very much. I appreciate that.

I know that early on in the crisis we saw in the news about a lot of the refugees being treated differently based on the color of their skin, and I sent a letter to the European Commission asking them to look into the issue. And we have not heard much about that recently, which I think is good, but I was hoping that someone could talk a little bit about – particularly the Polish ambassador. Does he feel that Poland has measures in place to monitor discrimination and ensure that it's not happening now? Just wondering what sort of changes

have been made to make sure that as refugees are moving through the country that people are being treated fairly.

CARDIN: Mr. Ambassador?

MAGIEROWSKI: Thank you very much. I want to assure you that we treated all people who were crossing the border between Ukraine and Poland equally. Of course, if you have to deal with a wave of more than 3 million refugees you can't rule out there would be some incidents, but I believe we have been doing remarkably well also in that respect. And I can just refer you to some expressions of gratitude the Polish government received over the last couple of weeks from other governments: India's, Pakistan's, Zambia's. We were helping also citizens of those countries, mostly students, who had started at Ukrainian universities and we were actually evacuating many of them with a huge effort of our state institutions. Also part of those reports that you might have read or heard in international media about the so-called unequal treatment of refugees at the Polish-Russian border may have been part of the Russian disinformation campaign and, believe me, we have overwhelming evidence of those malign activities of the Russian Federation also in this sphere.

VEASEY: And that is one of my big concerns, Mr. Ambassador, is as this continues to – as we continue to watch this over the news and over the airwaves making sure that people are being treated fairly I think is something that needs to happen because we certainly don't want the Russians to exploit that. They're certainly not the poster child for how to treat people of different races but they certainly would exploit that if they felt that people were having trouble moving between these countries, particularly students of color that may have been just, you know, setting in the Ukraine and trying to reach safety to a neighboring country like yours.

I wanted to switch questions and ask you about human trafficking. I'm not sure if you're aware the Helsinki Commission held a hearing last month on preventing Ukrainian refugees from falling prey to human traffickers, particularly so many women and children that are seeking housing. What are you all doing to make sure that human trafficking is not taking place, and are you seeing very much illegal activity around human trafficking right now?

MAGIEROWSKI: Senator, I think that the crucial issue, an issue of critical importance, is exactly the care that we have offered the Ukrainian refugees in Poland in terms of accommodation, in terms of the integration into the Polish labor market. This is the best tool that we can use in order to prevent human traffickers from being too active and emboldened in Poland. There hasn't been, actually, any cases of human trafficking which would have attracted our attention over the last couple of weeks. We are, of course, very meticulous analyzing all those disquieting reports about the possibility of human trafficking thriving on that surge of refugees from Ukraine, but so far, again, I think that we have been dealing with this problem pretty efficiently.

VEASEY: Thank you very much, Mr. Chairman. I'll yield it back to you.

CARDIN: Thank you very much, Congressman.

Senator Blumenthal.

BLUMENTHAL: Thank you very much. You know, I went to the Ukraine-Poland border and saw refugees coming across the border with nothing more than what they were wearing and their pets and their stuffed animals, women and children. The men have stayed to fight. And I am wondering how long you think, given the sheer numbers, that Poland can serve as a place for them to go and whether you think a hundred thousand coming to this country is sufficient.

MAGIEROWSKI: Senator Blumenthal, I think that, as I said just a few minutes ago, we don't want to – we don't want them to leave Poland. By the way, as I mentioned integration into the Polish labor market, about 160,000 people of Ukrainian descent, those refugees who have crossed the border since the beginning of the hostilities have already found a job in Poland, so they have been also fully incorporated into the Polish labor market. Also, thanks to ridiculously low unemployment rate in Poland, which is about 3 percent, 3.5 (percent), this allows us to absorb that wave of migrants, also in terms of our capacities in this field. Again, it's very hard to predict how this war will go on and how this war will end, because I believe and I hope that it will eventually end, but I think that the current situation is pretty reassuring and encouraging from our perspective as well.

That visit that I also mentioned of President Duda to Kyiv and his speech he delivered in the Ukrainian Parliament was also an indication of what our intentions are. This is not a short-lived expression of our solidarity. This is a long-term bond. This is a long-term policy also, of the Polish government, of the Polish authorities, and I believe this is a general view of the Polish society, that something has changed in our bilateral relationship with Ukraine for good, in spite of the fact that our relations have basically been pretty excellent since the collapse of communism and since our both countries essentially regained independence. But this is a turning point in our bilateral relationship, which also affects this particular interconnection between our nations, not only between our governments.

BLUMENTHAL: I think the world is immensely grateful. Certainly in Connecticut we are tremendously admiring of what Poland has done to accept this refugee population. What has been concerning, I think to some, is whether the welcome will be enduring, simply because of the fiscal, the economic burden, on Poland. And what you're saying I think is enormously reassuring.

MAGIEROWSKI: Mr. Blumenthal, we have to be pragmatic and realistic about Poland's ability to absorb millions of refugees from a neighboring country, but again, it is our obligation. I have also said on multiple occasions here that this is something that some other nations did not do for Poland in 1939 when we were invaded by Germany, and so with Russia, so we feel obliged to help Ukrainians defend their freedom and defend their sovereignty because they are essentially fighting also for our freedom: Europe's, the United States, and of course Poland's.

This is my – of course my personal view, but I believe that this is a very long-term policy and this is a very long-term concept of these two nations also showing other nations in Europe

how effectively and how fruitfully we can cooperate in spite of these sad and terrifying circumstances we all find ourselves in.

BLUMENTHAL: Thank you. I really appreciate your being here and your very informative testimony. Thank you.

And to all the witnesses, thank you.

CARDIN: Mr. Ambassador, I think you are a model for the global community, so thank you for that. I really do think the strength has been the coalition and our commitment to stay with this as long as we need to for Ukraine's victory over Russia's aggression, and that includes how the refugees are being accepted in neighboring countries. So thank you so much for Poland's extraordinary leadership of setting an example for the global community.

Ms. Manelis, I tell you, we're going to be calling upon you. Now that I know we have a super lawyer on our side, we're going to be looking at how we can work with Secretary Francis to deal with the backlog. Part of our efforts are to get the resources so that we don't have that type of a backlog. We're having a similar discussion today on the asylum issues where individuals need to have much more timely determinations than we see today. That issue might actually be on the floor of the Senate this week on an effort to reverse President Biden's effort to get a more streamlined process on determining asylum status, so we're going to work with you because we do have bipartisan support to try to streamline our process so that we don't have this undetermined status for that long of a period of time.

Senator Shaheen's a member of this Commission. She's chairing a hearing today on the Appropriations Committee. That's why she's not with us. She has been actively engaged on these issues so we'll be sharing your testimonies with her.

So this is – we wanted to make sure that the Helsinki Commission put a focus on this aspect of the consequences of Russian aggression. I can assure you we're going to be following up on all these points and we will probably be reaching out for additional help and information as we try to find a way forward to help those front-line countries in dealing with the refugees as well as carrying out our responsibility in regards to Ukrainians here in America. From the point of view of resources, I think we have shown our willingness to support resources globally. But it's more than that. It's leadership and recognizing that the front-line states are the ones that are taking on the greatest burdens today, and we thank them, and Poland's number one on our list.

So thank you all very much. And with that, the hearing will be adjourned.

[Whereupon, at 3:43 p.m., the hearing ended.]