

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SJR 14 (Allen)
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TSG

SUBJECT

Ukrainian refugees

DIGEST

This resolution describes the refugee crisis resulting from the recent Russian military assault on Ukraine, calls upon the federal government to facilitate the resettlement of Ukrainian refugees generally, and on the Governor of California to aid in the resettlement of Ukrainian refugees within California, specifically.

EXECUTIVE SUMMARY

In late February, the Russian military launched a large-scale military invasion of Ukraine, setting off a devastating war that has already resulted in widespread destruction and the death of many thousands. To date, Ukrainian forces have managed to prevent Russian forces from taking over all but a handful of Ukrainian cities. In response, Russia's military has begun bombing those cities with a steady barrage of missiles and artillery in an apparent attempt to terrorize and demoralize the Ukrainian populace. There are widespread and well-documented reports of explosives hitting apartment buildings, theaters, hospitals, and shopping malls, among other civilian infrastructure. Over 1,000 Ukrainian civilians have been killed and many more have been injured. Hundreds of thousands of Ukrainians of all ages and abilities are without power, water, and heat in the midst of sometimes frigid temperatures. The United Nations reports that some 3.5 million people have fled Ukraine, with most taking shelter in Poland, Moldova, or Romania. Some Ukrainian refugees have even begun to appear at the U.S. - Mexico border, seeking asylum here.

This resolution details this crisis and calls upon state and federal leaders to facilitate and aid the resettlement of Ukrainian refugees here.

The bill is author-sponsored. Support comes from human rights advocates and resettlement agencies. There is no opposition on file. If the resolution passes out of this Committee, it will next be heard on the Senate Floor.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides for the protection of people who have fled persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. (U.N. General Assembly, Universal Declaration of Human Rights, Dec. 10, 1948, 217A(III), Art. 14.)
- 2) Prohibits the federal government from returning to their home countries people whose life or freedom would be threatened because of the person's race, religion, nationality, membership in a particular social group, or political opinion. (8 U.S.C. §1231(b)(3).)
- 3) Protects all asylum seekers by prohibiting the federal government from returning to their home countries people who have fled persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. (8 U.S.C. §1101(a)(42)(A).)
- 4) Defines "refugee" as meaning any person who is outside any country of such person's nationality, or in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail themselves of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. (8 U.S.C. § 1101(a)(42)(A).)

This resolution:

- 1) Makes findings and declarations that:
 - a) Describe the timing and nature of the Russian military assault on Ukraine, including the bombing of major cities.
 - b) Detail the resulting humanitarian crisis and the needs of Ukrainian refugees.
 - c) Contend that the U.S. and California must also do our part in addressing this global crisis by supporting refugees fleeing wars of aggression, including by offering resettlement here.
- 2) Urges President Joseph Biden and Congress to facilitate the resettlement of Ukrainian refugees.
- 3) Calls upon Governor Newsom to aid in the resettlement of Ukrainian refugees within California.
- 4) Directs the Secretary of the Senate to transmit copies of this resolution to the author for appropriate distribution.

COMMENTS

1. Brief background on the war in Ukraine

As this resolution states, the current, massive exodus of refugees out of Ukraine was precipitated by the Russian military invasion on February 24, 2022. As the Council on Foreign Relations summarizes it however, the origins of the conflict date to at least a little further back:

Armed conflict in eastern Ukraine erupted in early 2014 following Russia's annexation of Crimea. The previous year, protests in Ukraine's capital Kyiv against Ukrainian President Viktor Yanukovich's decision to reject a deal for greater economic integration with the European Union (EU) were met with a violent crackdown by state security forces. The protests widened, escalating the conflict, and President Yanukovich fled the country in February 2014.

One month later, in March 2014, Russian troops took control of Ukraine's Crimea region. Russian President Vladimir Putin cited the need to protect the rights of Russian citizens and Russian speakers in Crimea and southeast Ukraine. Russia then formally annexed the peninsula after Crimeans voted to join the Russian Federation in a disputed local referendum. The crisis heightened ethnic divisions, and two months later pro-Russian separatists in the Donetsk and Luhansk regions of eastern Ukraine held a referendum to declare independence from Ukraine.

Armed conflict in the region quickly broke out between Russian-backed forces and the Ukrainian military. Moscow denied military involvement, though both Ukraine and NATO reported the buildup of Russian troops and military equipment near Donetsk and Russian cross-border shelling immediately after Russia annexed Crimea. The conflict transitioned to an active stalemate, with regular shelling and skirmishes occurring along the front line that separated Russian- and Ukrainian-controlled border regions in the east. [...]

In October 2021, Russia began moving troops and military equipment near its border with Ukraine, reigniting concerns over a potential invasion. [...] By December, more than one hundred thousand Russian troops were in place near the Russia-Ukraine border [...]. In mid-December 2021, Russia's foreign ministry issued a set of demands calling for the United States and the North

Atlantic Treaty Organization (NATO) to cease any military activity in Eastern Europe and Central Asia, to commit against further NATO expansion toward Russia, and to prevent Ukraine from joining NATO in the future. The United States and other NATO allies rejected these demands and warned Russia they would impose severe economic sanctions if Russia invaded Ukraine. The United States sent additional military assistance to Ukraine, including ammunition, small arms, and other defensive weaponry.

In early February 2022, U.S. President Joe Biden ordered around three thousand U.S. troops to deploy to Poland and Romania—NATO countries that border Ukraine—to counter Russian troops stationed near its border with Ukraine and reassure NATO allies. Satellite imagery showed the largest deployment of Russian troops to its border with Belarus since the end of the Cold War. Negotiations between the United States, Russia, and European powers—including France and Germany—did not result in a resolution. While Russia released a statement claiming to draw down a certain number of troops, reports emerged of an increasing Russian troop presence at the border with Ukraine.

In late February 2022, the United States warned that Russia intended to invade Ukraine, citing Russia’s growing military presence at the Russia-Ukraine border. Russian President Vladimir Putin then ordered troops to Luhansk and Donetsk, separatist regions in Eastern Ukraine partly controlled by Russian-backed separatists, claiming the troops served a “peacekeeping” function. The United States responded by imposing sanctions on the Luhansk and Donetsk regions and the Nord Stream 2 gas pipeline a few days later. On February 24, during a United Nations Security Council meeting to dissuade Russia from attacking Ukraine, Putin announced the beginning of a full-scale land, sea, and air invasion of Ukraine targeting Ukrainian military assets and cities across the country. Biden declared this attack “unprovoked and unjustified” and has since issued severe sanctions in coordination with European allies targeting four of Russia’s largest banks, its oil and gas industry, and U.S. technology exports to the country. [...]

Direct negotiations between Russia and Ukraine continue with [Ukrainian President Volodymyr] Zelensky indicating there are signs of progress; however, no formal agreement has been reached. Fighting on the ground has continued in and around major Ukrainian cities, with attacks on hospitals and residential complexes. Several Russian long-range missile strikes have caused

significant damage to Ukrainian military assets, urban residential areas, and communication and transportation infrastructure.¹

2. Current United Nations assessment of the humanitarian crisis in Ukraine

The United Nations (U.N.) estimates that by late March, some 3.5 million people have fled Ukraine.² In addition, according to recent U.N. reports:

- The number of civilian casualties across Ukraine continues to rise. As of 20 March, [the Office of the U.N. High Commissioner on Refugees] reports 2,421 civilian casualties, including 925 killed; actual figures are likely much higher. Hundreds of thousands of people remain trapped in areas which are heavily impacted by fighting and shelling.
- The intensity of the fighting, and notably the indiscriminate airstrikes hitting civilians and civilian infrastructure, continues to trigger large-scale displacement, while simultaneously exacerbating the humanitarian needs of those who are internally displaced or remain in heavily affected areas.
- The humanitarian situation in Mariupol remains dire. From 18 to 20 March, over 13,000 people were evacuated. However, authorities in Donetsk Oblast say thousands who fled Mariupol now face starvation in Manhush and Melekine as they are once again trapped without safe passage out of locations where food and water are increasingly scarce.³

3. About refugee resettlement in California

The processing of refugees for possible resettlement into the U.S. is overseen by the federal government through the Office Refugee Resettlement (ORR). Once they are approved to travel to the U.S. however, most of the actual refugee resettlement work (meeting refugees at the airport, arranging housing, helping them to apply for temporary benefits and health care, registering children in school, etc.) is carried out through a nationwide network of non-profit organizations who receive federal grants to do the work.

This same, federally-driven system operates in California. However, the state still plays a significant role in many aspects of refugees lives, in particular when they are first

¹ *Conflict in Ukraine* (Mar. 25, 2022) Council on Foreign Relations <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine> (as of Mar. 27, 2022).

² *Refugees Fleeing Ukraine Since 24 February 2022* (Mar. 21, 2022) United Nations High Commissioner on Refugees <https://data2.unhcr.org/en/situations/ukraine> (as of Mar. 23, 2022).

³ *Ukraine Situation Flash Update #5* (Mar. 24, 2022) United Nations High Commissioner on Refugees <https://reliefweb.int/sites/reliefweb.int/files/resources/Ukraine%20situation%20flash%20update%20N0%20%205%2018%2003%202022.pdf> (as of Mar. 27, 2022).

arriving and must interact closely with many state and local government programs for things like drivers' licenses, health care, and temporary public benefits.

State and county interaction with refugee resettlement is coordinated by the Refugee Programs Bureau (RPB) within the California Department of Social Service. The RPB's website describes its role as follows:

The Refugee Programs Bureau (RPB) on behalf of the California Department of Social Services provides statewide administration of California's Refugee Resettlement Program and the Cuban/Haitian Entrant Program within pertinent federal guidelines, funding constraints and the State Plan. The RPB has responsibility for managing and coordinating the delivery of benefits and services to the refugee and entrant populations of California in partnership with counties and local refugee service providers. The RPB also has oversight responsibility for the Repatriation Program, Unaccompanied Refugee Minors Program, Refugee School Impact Grant, Older Refugee Discretionary Grant and the Trafficking and Crime Victims Assistance Program.

4. An opportunity to reflect on our nation's treatment of refugees more broadly

The sentiment behind this resolution is entirely appropriate. The Ukrainian people are suffering mightily. Offering aid, welcome, and respite to those Ukrainians who have been able to get out is a humanitarian imperative. Without taking anything away from the validity of that sentiment at all, the moment also offers an opportunity to reflect on whether, as a people, we have lived up to the ideals expressed in this resolution when it comes to refugees from turmoil and conflict elsewhere in the world.

In recent days, a first trickle of Ukrainian refugees have arrived at the southern U.S. border. There, they join thousands of migrants, many also fleeing various forms of violence in their homelands, who have been waiting months or sometimes years in squalid, dangerous conditions just for the opportunity to explain why they are afraid to go home. Media reports indicate that the Ukrainians are being granted entry to the U.S. on a one-year humanitarian parole.⁴ On the ongoing and ludicrous notion that the other individuals seeking asylum at the border represent a unique threat of introducing COVID cases into the country, border officials have been instructed – first by the Trump Administration and now by President Biden as well – not even to listen to these refugees, let alone consider permitting any of them to pass through to safety. (42 U.S.C. § 265.)

⁴ Soloman and Afanasieva. *U.S. Lets Ukrainians Fleeing War into United States from Mexico* (Mar. 17, 2022) Reuters <https://www.reuters.com/world/us/us-lets-ukrainians-fleeing-war-into-united-states-mexico-2022-03-16/> (as of Mar. 27, 2022).

This resolution urges the U.S. and California to facilitate and aid the resettlement of Ukrainian refugees. The moment also offers an opportunity to examine why we are not doing the same for others in their time of need. As United Nations High Commissioner on Refugees Filippo Grandi recently put it:

This level of solidarity should set the example for all refugee crises. Even as the Ukraine crisis intensifies, we must not forget the millions more children, women and men displaced by conflict, persecution, violence and human rights abuses. In many other regions of the world – far too many – the devastation inflicted on millions of innocents is no less real and no less cruel. The right to seek and gain asylum is universal. It is not conditional on the colour of your skin, your age, gender, beliefs or birthplace. Respect for refugee rights is not open to interpretation or negotiation.⁵

5. Arguments in support of the bill

According to the author:

As the world grapples with the repercussions of the most recent military aggression and humanitarian crisis in a peaceful land, it is imperative that our state and our nation extend a hand to those seeking refuge. This resolution will signal our Legislature’s unwavering solidarity with the Ukrainian people and channel California’s spirit of inclusion and compassion towards making our state a more welcoming home for all.

SUPPORT

None known

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 1328 (McGuire, 2022) prohibits state agencies and California public pension funds from transacting with, investing in, or contracting with the Russian Federation and Belarus or companies that do business with them in light of the invasion of Ukraine.

⁵ Grandi. *News Comment: Without International Solidarity, Ukraine’s Displacement Crisis Could Turn Into Catastrophe* (Mar. 24, 2022) United Nations High Commissioner on Refugees <https://www.unhcr.org/news/press/2022/3/623ce1e44/news-comment-international-solidarity-ukraines-displacement-crisis-turn.html> (as of Mar. 27, 2022).

HR 93 (Kiley, 2022) sets forth the history of the present war in Ukraine, proclaims the solidarity of the Assembly with the Ukrainian people, and condemns Vladimir Putin for the invasion of Ukraine. HR 93 is currently pending referral in the Assembly Rules Committee.

HR 94 (Cooley, 2022) sets forth the history of the present war in Ukraine, expresses solidarity with the Ukrainian president and people, condemns the Russian attack on Ukraine, and resolves that California stands with the U.S. and its allies. HR 94 passed off the Assembly Floor on March 3, 2022.

Prior Legislation:

AJR 15 (McCarthy, Res. Ch. 97, Stats. 2021) marked the occasion of World Refugee Day, June 20, 2021, detailed refugee crises taking place across the globe, and urged the U.S. President and Congress strengthen the international leadership role of the U.S. to find political solutions to existing conflicts, prevent new conflicts from beginning, and aid people who have been displaced by conflict, and also urged the U.S. Congress to make a bipartisan commitment to promote the safety, health, and well-being of refugees and displaced persons.

AJR 19 (Gloria, Res. Ch. 183, Stats. 2019) made a series of findings and declarations regarding refugees, the U.S. refugee resettlement program, and the positive contribution to California made by refugees who have resettled here. The resolution urges the federal government to meet its current refugee resettlement commitment and to expand the size of that commitment next year.
