

# COMMUNITY SPONSORSHIPS FOR REFUGEES AND OTHER FORCED MIGRANTS: LEARNING FROM OUTSIDE AND INSIDE THE UNITED STATES

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*The number of refugees and other forcibly displaced persons is at a historic high, but countries have failed to address this global resettlement need. Traditionally, the United States counts among the top resettlement contributors, followed by Canada. But after U.S. refugee admissions reached an all-time low under former President Trump, the system has not returned to its prior pace. In fact, over 100,000 open slots remained unused of the 125,000 target for refugee admissions in fiscal year 2022. There is a need to look at options to fill the gap.*

*Unlike Canada and many other refugee resettlement countries, the United States is only in the early stages of formally introducing a private sponsorship system to increase its capacity and receive more refugees. Under private sponsorships, individuals collaborate to provide financial, emotional, and practical support for refugees. Some countries also empower sponsors to nominate specific refugees to enter and stay in their country. The Biden administration recognizes that private sponsorships can help to rebuild the U.S. refugee system and launched a private sponsorship pilot program.*

*Against this backdrop, this Article argues that community-based sponsorships are historically rooted in U.S. migration law and policy, and discusses what future U.S. private refugee sponsorships on a permanent basis should look like. The Article looks at Canada and six other countries with community-based refugee sponsorship programs: Australia, Argentina, Germany, Ireland, New Zealand, and the United Kingdom. It complements this comparative analysis of programs outside the United States by comparing recent community sponsorship models within the United States. A case study conducted for the purposes of this Article reveals the experiences of volunteer groups in Seattle who sponsored Afghan and Ukrainian families under the*

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*Sponsor Circles initiative – an initiative that has supported Americans in sponsoring Afghans, Ukrainians, and others, such as with application support, various resources, and expert guidance.*

*Eventually, putting together lessons from outside and within the United States, the Article proposes policies that are based on experience, practicability, and the specific needs of the actors likely to be involved in future U.S. private refugee sponsorships.*

## TABLE OF CONTENTS

INTRODUCTION . . . . .	404
I. LEARNING FROM OUTSIDE THE UNITED STATES . . . . .	407
A. <i>Defining Community Sponsorships</i> . . . . .	407
B. <i>The Canadian Model as Point of Reference</i> . . . . .	409
1. History and Evolution of Private Sponsorships in Canada . . . . .	409
2. Core Principles and Characteristics of Canadian Private Refugee Sponsorships . . . . .	413
C. <i>Community and Private Refugee Sponsorships in Other         Countries</i> . . . . .	416
1. Australia . . . . .	416
2. Argentina . . . . .	419
3. Germany . . . . .	420
4. Ireland . . . . .	421
5. New Zealand . . . . .	421
6. United Kingdom . . . . .	422
D. <i>Comparative Analysis</i> . . . . .	424
1. Additionality . . . . .	424
2. Eligible Sponsors . . . . .	425
3. Scope of Beneficiaries, Selection, and Naming through Sponsors . . . . .	425
4. Travel Costs and Financial Requirements . . . . .	426
5. Length of Sponsorship and Responsibilities . . . . .	427
6. Legal Status . . . . .	427
II. ROOTS AND NATURE OF COMMUNITY SPONSORSHIPS IN THE UNITED STATES . . . . .	428
III. LEARNING FROM CURRENT INITIATIVES IN THE UNITED STATES . . . . .	430

A.	<i>Reform Attempts under the Biden Administration Towards Private Sponsorships</i> . . . . .	431
B.	<i>Co-sponsorships</i> . . . . .	432
1.	The Integrated Refugee and Immigrant Services in Connecticut . . . . .	433
2.	The International Rescue Committee . . . . .	435
3.	Ethiopian Community Development Council . . . . .	435
4.	HIAS . . . . .	436
5.	Lessons to be Learned . . . . .	437
C.	<i>The Community Sponsorship Hub</i> . . . . .	439
D.	<i>The Sponsor Circles Program</i> . . . . .	440
1.	Sponsor Circles Program for Afghans . . . . .	440
2.	Uniting for Ukraine . . . . .	441
E.	<i>Case studies of Sponsor Groups in Seattle</i> . . . . .	446
1.	The First Case Study . . . . .	446
2.	The Second Case Study . . . . .	447
3.	Lessons to be Learned . . . . .	450
IV.	SPONSORSHIP THROUGH U.S. UNIVERSITIES AND OTHER HIGHER EDUCATION INSTITUTIONS . . . . .	453
A.	<i>World University Services as Canadian Best Practice Example</i> . . . . .	453
B.	<i>Initiatives in Other Countries Beyond Canada</i> . . . . .	454
1.	The University Corridors for Refugee Students Project in Italy . . . . .	454
2.	The Middle East Scholars Program in Lithuania . . . . .	455
3.	King's College in the United Kingdom . . . . .	455
C.	<i>Initiatives in the United States</i> . . . . .	456
1.	Every Campus a Refuge . . . . .	456
2.	Initiative on Increasing U.S. Education Pathways for Refugee Students . . . . .	456
D.	<i>Lessons to be Learned</i> . . . . .	457
V.	RECOMMENDATIONS FOR A PERMANENT FUTURE U.S. PRIVATE REFUGEE SPONSORSHIP PROGRAM . . . . .	459
A.	<i>Additionality</i> . . . . .	460
B.	<i>Eligible Sponsors</i> . . . . .	460
C.	<i>Types of Refugee Beneficiaries</i> . . . . .	462

D. <i>Selection of Sponsorship Beneficiaries and the Naming Principle</i> . . . . .	464
E. <i>Travel Costs and Financial Requirements</i> . . . . .	466
F. <i>Length of Sponsorship</i> . . . . .	468
G. <i>Legal Status</i> . . . . .	469
H. <i>Additional Lessons from U.S. Community Sponsorship Practice</i> . . . . .	470
CONCLUSION . . . . .	471

### INTRODUCTION

Nearly 90 million people are forcibly displaced worldwide. Of that total, 21.3 million are refugees under the mandate of the United Nations High Commissioner for Refugees (UNHCR).<sup>1</sup> The UNHCR recognizes resettlement<sup>2</sup> as one of three “durable solutions” for refugees<sup>3</sup> to achieve self-reliance.<sup>4</sup> These three durable solutions are (i) voluntary repatriation to the home country, (ii) integration within a country of first refuge, or (iii) resettlement from the country of first refuge to a third country. Refugees who cannot return to their home country and who cannot integrate in the country of first refuge, constitute the target group for resettlements.<sup>5</sup> Refugee resettlement to third countries “remains an important protection tool that addresses the special needs of refugees whose fundamental human rights are at risk in the country of refuge.”<sup>6</sup>

In 2019, only half a per cent of the world’s refugees was resettled.<sup>7</sup> In 2022, UNHCR identified a historic high number of 116,481 refugees in need

1. FIGURES AT A GLANCE, UNHCR USA (June 16, 2022), <https://perma.cc/T39D-8RZC>.

2. “Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.” UNHCR, UNHCR RESETTLEMENT HANDBOOK 3 (rev. ed. July 2011), <https://perma.cc/SR5F-DTDG>. Refugees who are resettled to the United States can apply for permanent residence status after one year, but under U.S. law this status is not immediately guaranteed.

3. See Mark Franken, *Admitting Refugees for Resettlement: A Mission of Rescue*, 26 DEF. ALIEN 188, 189 (2003).

4. See UNHCR, THE 10-POINT PLAN IN ACTION 184, 186 (2016), <https://perma.cc/YP8M-9ATH>. “The basic criterion for a good programme is self-reliance.” UNHCR, CORE GROUP ON DURABLE SOLUTIONS, FRAMEWORK FOR DURABLE SOLUTIONS FOR REFUGEES AND PERSONS OF CONCERN para. 10 (May 2003), <https://perma.cc/XN76-RURE>.

5. See Kristin Bergtora Sandvik, *On the Social Life of International Organizations: Framing Accountability*, in ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS 287, 296 (Jan Wouters, Eva Brems, Stefaan Smis & Pierre Schmitt eds., 2010).

6. Garry G. Troeller, *UNHCR Resettlement: Evolution and Future Direction*, 14 INT’L. J. REFUGEE L. 85, 95 (2002).

7. *The World’s Refugees in Numbers*, AMNESTY INT’L, <https://perma.cc/Q9LV-XZVP> (last visited Nov. 27, 2022).

for resettlement, but resettlement countries only admitted 58,457.<sup>8</sup> Traditionally, the United States counts among the top resettlement contributors, followed by Canada. But after unprecedentedly low refugee admission numbers under former President Trump, the U.S. system has not recovered.<sup>9</sup> The United States has an obligation and an opportunity to help alleviate the issue of forcibly displaced persons.

This Article advocates establishing a U.S. private refugee sponsorship program where private sponsors agree to become responsible for refugees and other forced migrants, enabling their admission and resettlement to the United States. The Biden administration has started piloting such a program. This forms part of its attempts to restore the U.S. refugee program after cuts under the Trump administration.<sup>10</sup> For that reason, the Article also recommends where the government should look to eventually develop a permanent future U.S. private refugee sponsorship program.

Community and private refugee sponsorships can open resources in addition to “regular” resettlements. While “regular” resettlements involve the government of the resettlement country overseeing the resettlement process, community and private sponsorships rely on the resources of other actors. Under the Global Compact on Refugees, 181 states<sup>11</sup> committed “to establish private or community sponsorship programmes that are additional to regular resettlement . . .”<sup>12</sup> In response, the immigration ministers of Canada, the United Kingdom, Spain, Argentina, Ireland, and New Zealand endorsed community-based sponsorship programs in a joint statement, and invited other countries to adopt similar programs.<sup>13</sup> The Global Refugee Sponsorship Initiative (GRSI) works to inspire resettlement countries around the world. It shares Canada’s experience with private refugee sponsorships and supports countries that are creating new programs designed to meet their unique needs. The number of countries with community-based sponsorships has grown.<sup>14</sup> The United States, however, is lagging behind, despite its long tradition of resettling refugees. It could learn from the international perspective.

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8. *Resettlement Data*, UNHCR, <https://perma.cc/4NYH-YGHY> (last visited Feb. 13, 2023).

9. See, e.g., Jessica Christ, *Where Do We Go From Here? Examining Twenty Years of Refugee Policy and Admissions Numbers*, REFUGEE EDUC. ADVANCEMENT LAB (Feb. 23, 2022), <https://perma.cc/CH6B-7ZXE>.

10. Exec. Order No. 14,013, 86 Fed. Reg. 8839 (Feb. 4, 2021), <https://perma.cc/8HS6-CLJG>.

11. The United States and Hungary voted against the adoption of the Global Compact on Refugees. *UN affirms ‘Historic’ Global Compact to Support World’s Refugees*, UN NEWS (Dec. 17, 2018), <https://perma.cc/KKS7-82ZF>.

12. Global Compact on Refugees, adopted by G.A. Res. 73/151, ¶ 95 (Dec. 17, 2018).

13. See Gregory Maniatis & Jennifer Bond, *A New Model for Refugee Resettlement Puts People First, and Gathers Support*, OSF VOICES (July 17, 2018), <https://perma.cc/74S8-37M4>.

14. “As sponsorship schemes proliferate—from Canada and Europe to Latin America and Oceania—now is a critical moment to make sure . . . that long-running schemes have the support they need to continue to exist, and perhaps to grow.” SUSAN FRATZKE, LENA KAINZ, HANNE BEIRENS, EMMA DORST & JESSICA BOLTER, *REFUGEE SPONSORSHIP PROGRAMMES: A GLOBAL STATE OF PLAY AND OPPORTUNITIES FOR INVESTMENT*, MIGRATION POL’Y INST. EUR. 1 (Dec. 2019), <https://perma.cc/2HUD-LX3H>.

Community sponsorship experiences in other countries and in recent initiatives in the United States indicate positive effects for the beneficiaries and the receiving communities. A 2020 study in Canada showed that privately sponsored refugees were more likely than government-assisted refugees to be working within the first year after entering Canada, with an employment rate at 90% for men and 71% for women.<sup>15</sup> Earlier in 2016, the evaluation of Canada's Syrian Refugee Initiative found that privately sponsored refugees were more likely to report that they knew how to find a job in Canada.<sup>16</sup> Other findings from Canada revealed that privately sponsored refugees tended to stay at their initial destinations. Accordingly, private sponsorships could mitigate secondary migration from rural areas and contribute to the geographic dispersal of resettled refugees.<sup>17</sup> Furthermore, admitting refugee students sponsored by higher education institutions could be a particularly fruitful way to expand refugee resettlements. Positive effects on the integration of refugee students resulted from such sponsorships under the lead of the World University Service Canada (WUSC).<sup>18</sup>

In the United States, one study similarly confirmed the overall positive effects of co-sponsorships for refugee beneficiaries and the receiving community in Connecticut, which this Article will examine in greater depth.<sup>19</sup> In fact, many U.S. private sector organizations like the Refugee Investment Network<sup>20</sup> or Tent,<sup>21</sup> and employers like Back of House Concepts<sup>22</sup>—a company hiring more than fifty Afghan evacuees in Seattle—facilitated the economic and social inclusion of privately-sponsored refugees in the United States. For example, a CEO Council of thirty-six top corporations supported the Sponsor Circles Program with contributions of \$179 million.<sup>23</sup> This CEO

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15. Lisa Kaida, Feng Hou & Max Stick, *The Long-Term Economic Integration of Resettled Refugees in Canada: a Comparison of Privately Sponsored Refugees and Government-Assisted Refugees*, 46 J. ETHNIC & MIGRATION STUD. 1687, 1689–90, 1696 (June 2019).

16. See Evaluation Division, *Rapid Impact Evaluation of the Syrian Refugee Initiative*, GOV'T OF CAN., EVALUATION DIV. 5 (Dec. 21, 2016), <https://perma.cc/7RPE-W3Y7>.

17. See Jennifer Hyndman, *Geo-scripts and Refugee Resettlement in Canada: Designations and Destinations*, 66 CAN. GEOGRAPHER 653 (2022).

18. See Carolyn McKee, Lee-Anne Lavell, Michelle Manks & Ashley Korn, *Fostering Better Integration Through Youth-Led Refugee Sponsorship*, 35 REFUGEE 74, 75, 78–79 (2019).

19. See Kathryn Libal, Grace Felten & Scott Harding, *Refugee Resettlement in the United States: The Central Role of Voluntarism in a Time of Backlash*, in REFUGEES AND ASYLUM SEEKERS: INTERDISCIPLINARY AND COMPARATIVE PERSPECTIVES 85–87 (S. Megan Berthold & Kathryn Libal eds., 2019). See also *infra* § III. B.

20. *Unlocking Refugee Self-Reliance*, REFUGEE INV. NETWORK, <https://perma.cc/3XMU-AEG4> (last visited Oct. 30, 2022).

21. TENT, <https://perma.cc/VYN6-E9XS> (last visited April 16, 2023). PRM announced on December 12, 2022 a public-private initiative with the Tent Partnership for Refugees “to support employment opportunities and economic integration for refugees and other forcibly displaced people around the world.” Media Note, Off. of the Spokesperson, U.S. Dep't of State, Tent Partnership for Refugees (Dec. 12, 2022), <https://perma.cc/MC5W-CT78>; see Nayla Rush, *New Public-Private Partnership Dedicated to Jobs for Refugees*, CTR. FOR IMMIGR. STUD. (Dec. 14, 2022), <https://perma.cc/W34Y-SYAG>.

22. *How We Do It*, BACK OF HOUSE CONCEPTS, <https://perma.cc/UND7-68AK> (last visited Oct. 30, 2022).

23. See Rendall Lane, *Exclusive: Inside The Powerful New CEO Club Quietly Welcoming Refugees*, FORBES (Oct. 19, 2022), <https://perma.cc/JM2Y-VYLZ>.

collaboration defined three major goals, which are exemplary of the types of practical objectives that these partnerships can achieve: (i) equip refugees with cellphones, laptops, and internet access; (ii) help refugees to find jobs; and (iii) improve the public perception of refugees.

Finally, private refugee sponsorships could mitigate controversial debates on migration issues. Evidence from the United Kingdom suggests that such sponsorships could reduce fears about others more generally, make working practices more inclusive for diverse populations, and bring new perspectives into relatively homogeneous communities.<sup>24</sup> This is a prerequisite to change narratives, decrease xenophobia, and enhance community building, which, in turn, would benefit the United States as a whole.

Against that backdrop, this Article recommends a permanent future U.S. private refugee sponsorship program based on lessons from other countries and current U.S. pilot initiatives. Section I clarifies the meaning of community-based refugee sponsorships and summarizes models established outside the United States, namely in Canada, Argentina, Australia, Germany, Ireland, New Zealand, and the United Kingdom. Section II identifies the historical roots and nature of such sponsorships in U.S. migration law and policy. Section III is a survey of more recent pilot programs in the United States. It includes co-sponsorships and private sponsorships, amongst others, for displaced people from Afghanistan and Ukraine. Regarding the latter, case studies were conducted specifically for the purposes of this Article with two sponsor groups in Seattle. In addition to private individuals, higher education institutions should also become sponsors under a permanent future U.S. private refugee sponsorship program. Section IV highlights their unique benefits as sponsors for refugee students. Section V concludes the Article with recommendations for a permanent future U.S. private refugee sponsorship program.

## I. LEARNING FROM OUTSIDE THE UNITED STATES

This Section argues that the United States should evaluate programs established in other countries to refine its current pilot program.

### A. *Defining Community Sponsorships*

Forms of community support in the reception of individuals in need of protection vary, but they have in common that they serve to integrate these individuals into the receiving community. The terms “community sponsorship” and “private sponsorship” implicate specific features and carry a particular meaning. This Section elaborates on these two terms and differentiates them.

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24. MARISOL REYES & JENNY PHILLIMORE, LIKE PEBBLES IN A POOL: THE EFFECT OF COMMUNITY SPONSORSHIP ON KNOWLEDGE ABOUT, AND ATTITUDES TO, REFUGEES IN LESS-DIVERSE COMMUNITIES (June 2020), <https://perma.cc/3B2B-3GJF>.

“Community sponsorship” has been denoted an umbrella term. According to UNHCR, the term covers “different types of community-based and private sponsorship programmes that allow individuals, groups of individuals or organizations to come together to provide financial, emotional and practical support for the reception and integration of refugees who are admitted to their country.”<sup>25</sup> Nikolas Feith Tan has pointed to “ill-definitions” and a lack of consensus on the community sponsorship concept.<sup>26</sup> As a common denominator, he has identified four core elements of community sponsorships: (i) shared responsibility for financial and social support among government, civil society, and individuals for a defined period; (ii) controlled arrival of refugees, either as asylum seekers holding humanitarian visas or as recognized refugees; (iii) resettlements that are additional to “regular” government-assisted resettlements, meaning that they do not count towards government-set quota for the normal refugee flow;<sup>27</sup> and (iv) retention of ultimate responsibility for sponsored refugees by government authorities.

Private sponsorships are one form of community sponsorships. All the above core elements apply to private sponsorships, but there are unique features of private sponsorships. For example, UNHCR mentions the so-called “naming” principle, i.e., the ability of sponsors to refer or nominate sponsorship beneficiaries, as a special feature of private sponsorships. It defines private sponsorship programs as programs that “allow individuals, groups of individuals or organisations to nominate specific refugees to enter and stay in their country.”<sup>28</sup> Likewise, Judith Kumin identifies naming through sponsors as a characteristic of private sponsorships, adding that some sponsors do not have specific persons in mind and agree to be “matched” with refugees not related or otherwise known to them.<sup>29</sup> It follows that naming constitutes an essential part of private sponsorships, but does not count among the core elements of all community-based sponsorships.

The Canadian Private Sponsorship of Refugees Program, the first of its kind, has traditionally allowed sponsors to nominate refugee beneficiaries. Some other countries, such as Australia, Germany, Ireland, or the United Kingdom have not followed this approach in all of their programs, which will be discussed in detail later in Subsections C and D. When looking at formal titles of the latter countries’ programs, it appears that the word “community”

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25. *Community Sponsorship Programmes*, UNHCR: NORDIC AND BALTIC COUNTRIES, <https://perma.cc/84NT-QC6P> (last visited Oct. 29, 2022).

26. See Nikolas Feith Tan, *Community Sponsorship in Europe: Taking Stock, Policy Transfer and What the Future Might Hold*, 3 FRONTIERS HUM. DYNAMICS 1, 2 (2021).

27. “[A]dditional community sponsorship expands refugee protection, while community sponsorship that replaces resettlement allows the state to outsource its responsibility . . .” *Id.* at 3.

28. *Private Sponsorship Pathways*, UNHCR, <https://perma.cc/TRM5-KNU8> (last visited Oct. 29, 2022).

29. See JUDITH KUMIN, MIGRATION POL’Y. INST., WELCOMING ENGAGEMENT: HOW PRIVATE SPONSORSHIP CAN STRENGTHEN REFUGEE RESETTLEMENT IN THE EUROPEAN UNION 3 (Dec. 2015).



(rather than “private”) is actually used.<sup>30</sup> This aligns with the above consideration that the naming principle is a specific feature of private sponsorships. Following the policy documents of the programs of countries who do not allow sponsors to name refugee beneficiaries, it would be correct to say that these programs are community-based sponsorship programs, but not private sponsorships in the narrow sense.

For purposes of this Article, the U.S. refugee program<sup>31</sup> shapes the meaning of private sponsorships. The Article employs the term “private sponsorships” to describe a shift from the concept of contractual public-private relationships between the state and nine selected Resettlement Agencies to private individuals. Private sponsorships outside the realms of these Agencies are intended to lessen the burden on them.

Decentralization and delegation of reception and placement tasks for refugees could also shift these tasks to individual states or municipalities. However, this entails the risk of duplicating procedures and creating unnecessary administrative burdens. This Article focuses on private organizations and individuals. Forms of refugee sponsorships through states and/or municipalities in the United States are a potential area for future research.

## B. *The Canadian Model as Point of Reference*

Canada was the first country in the world to establish a private refugee sponsorship program. It has become an exemplar for other countries. The first part of this Subsections introduces the history and evolution of private refugee sponsorships in Canada, dating back to World War I. The second part carves out the core principles of the Canadian program, i.e., naming, additionality, and permanent residency, and other essential program design characteristics.

### 1. *History and Evolution of Private Sponsorships in Canada*

Private refugee sponsorships in Canada date back to the aftermath of World War I. They were first established through the initiative of religious organizations, the Mennonite Central Committee<sup>32</sup> and the Jewish Immigrant Aid Services.<sup>33</sup> New religious collaborations supporting refugees evolved

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30. For example, the Australian *Community* Refugee Integration and Settlement Pilot (CRISP), or *Community* Sponsorship Ireland (CSI), or U.K.’s *Community* Sponsorship Scheme (CSS). By comparison, the Canadian program is referred to as *Private* Sponsorship of Refugees (PSI) Program (emphasis added).

31. See *The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities*, U.S. CITIZENSHIP & IMMIGR. SERVS. (Aug. 6, 2021), <https://perma.cc/GTB6-577X>.

32. Between 1923 and 1930, Canada accepted over 21,000 Mennonites from the Soviet Union, with the understanding that Canadian Mennonite communities would provide for the resettlements of these newcomers. Luann Good Gingrich & Thea Enns, *A Reflexive View of Refugee Integration and Inclusion: A Case Study of the Mennonite Central Committee and the Private Sponsorship of Refugees Program*, 35 REFUGE 9, 12 (2019).

33. See Shauna Labman, *Private Sponsorship: Complementary or Conflicting Interests?*, 32 REFUGE 67, 68 (2016).

during and after World War II.<sup>34</sup>

Canada implemented the 1951 Refugee Convention<sup>35</sup> through the 1976 Immigration Act, where private refugee sponsorships became legally formalized in Canadian law. This Act authorized the Governor-in-Council to regulate the types of sponsorship beneficiaries, and the requirements that sponsoring persons or organizations would have to fulfill.<sup>36</sup> The 2001 Immigration and Refugee Protection Act, the successor legislation of the 1976 Immigration Act, also refers to private sponsorships. Section 13 paragraph 1 of the 2001 Immigration and Refugee Protection Act stipulates that Canadian citizens, permanent residents, groups of Canadian citizens, and certain corporations may sponsor foreign nationals.<sup>37</sup> By contrast, the U.S. refugee framework does not include an express legal basis for refugee sponsorships. A more detailed description of the U.S. framework follows in Section II of this Article.

An important first test of Canada's program was the admission of refugees displaced from Southeast Asia in 1979 and 1980. Canada admitted the majority of these refugees through private refugee sponsorships. It resettled 60,000 Southeast Asian refugees, and fifty-seven percent of them were privately sponsored.<sup>38</sup>

Initially, religious groups and organizations took up most sponsorships. Over time, the background of sponsors became more diverse. First, most privately sponsored refugees did not know their sponsors. Sponsorships for relatives to reunite newcomer families became more frequent when the number of privately sponsored refugees in Canada rose. They asked organizations to sponsor their relatives and friends.<sup>39</sup>

In 1990, the Canadian government initiated a review of the private refugee sponsorship program. The review report provoked concerns that the naming principle, which allows sponsors to nominate refugee beneficiaries, had turned into a supplementary tool for family reunification. Still, the Canadian government did not abolish naming by sponsors.

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34. This includes the Canadian Christian Council for the Resettlement of Refugees (1946), the Approved Church Program (1953), and the National Inter-Faith Immigration Committee (1968). *Id.* at 68.

35. Convention Relating to the Status of Refugees, July 18, 1951, 189 U.N.T.S. 137. Canada ratified the 1951 Refugee Convention and 1967 Protocol on June 4, 1969. Protocol relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267. For the ratification status of the Convention, see UNITED NATIONS TREATY COLLECTION Chapter V no. 2, <https://perma.cc/Q92Q-AX55>. For the ratification status of the 1969 Protocol, see UNITED NATIONS TREATY COLLECTION Chapter V no. 5, <https://perma.cc/DDT2-RE8K>.

36. Immigration Act 1976, c 52 s 1 para. 1(b), (k.1) (Can.).

37. The Immigration and Refugee Protection Regulations set out the details for admission under the Canadian Private Sponsorship Program and related programs. See Immigration and Refugee Protection Regulations, SOR/2002-227 (Can.), <https://perma.cc/X9EN-XBH8>.

38. See Ian Van Haren, *Canada's Private Sponsorship Model Represents a Complementary Pathway for Refugee Resettlement*, MIGRATION POL'Y INST. (July 9, 2021), <https://perma.cc/SY36-JP8S>.

39. *Id.*

However, Canadian immigration officers increasingly refused the admission of sponsor-referred individuals.<sup>40</sup> There is no formal appeals process for sponsor-referred individuals receiving a refusal decision. In some cases, these individuals can seek judicial review before a Canadian Federal Court, but the review is limited to the process, as opposed to an appeal on the merits.<sup>41</sup> By comparison, under the U.S. refugee program, the decision of an U.S. Citizenship and Immigration Services (USCIS) officer cannot be appealed before a court at all.<sup>42</sup> Likewise, several European resettlement countries, including the Czech Republic, Denmark, Finland, France, the Netherlands, Norway, Portugal, Sweden, and the United Kingdom, do not grant individuals referred for resettlement a right to judicial review of refusal decisions.<sup>43</sup>

In 1994, the first Canadian private-public partnership to support refugees was founded.<sup>44</sup> In these projects, the Canadian government shared the settlement support with private sponsors.<sup>45</sup> In 2013, the Blended Visa Office-Referred (BVOR) program formally introduced the blended support model. The BVOR program deviates from the naming principle. Private groups can only sponsor refugees referred by UNHCR, without the possibility of naming.<sup>46</sup>

Canada used the BVOR program to admit forcibly displaced individuals from Syria in 2016. Potential BVOR sponsors faced a sporadic and uncertain matching process,<sup>47</sup> which critics compared to a market-place.<sup>48</sup> Also, the BVOR fast-track processing of Syrian refugees did not eliminate long wait

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40. “Naming refugees to sponsor as opposed to government referrals requires the further step of government approval. There has been a high refusal rate of sponsor-referred names (averaging 49 per cent between 1998 and 2007). Labman, *supra* note 33, at 69.

41. *See The Refugee our Group Wanted to Sponsor was Refused after an Interview. Can we Appeal?*, GOV’T. OF CAN., (July 26, 2022), <https://perma.cc/2XMV-S7H8>; *How to file an Application for Leave and for Judicial review (Immigration)*, FED. CT. (June 22, 2022), <https://perma.cc/NEH2-MSZ5>.

42. The decision of an U.S. Citizenship and Immigration Services (USCIS) officer about the eligibility of potential resettlement beneficiaries cannot be appealed. Reconsideration of the case can only be requested if new or previously unavailable information arises, and it is at the discretion of the USCIS officer who conducted the original screening interview to grant a new interview. *See Resettlement Process*, REFUGEE COUNCIL USA, <https://perma.cc/S27S-YBQ6> (last visited Mar. 27, 2021).

43. *See Tom de Boer & Marjoleine Zieck, The Legal Abyss of Discretion in the Resettlement of Refugees: Cherry-Picking and the Lack of Due Process in the EU*, INT’L. J. REFUGEE L. 54, 71 (2020).

44. The very first blended project targeted Afghan Ismaili refugees. The government provided the first three months of settlement support, with private sponsors using this time to fundraise and sponsor the refugees for the remaining nine months of the one-year sponsorship period. *See id.* at 69.

45. Blended projects arose with the Sierra Leonean Community (the community was able to name its own referrals), the Anglican Primate in 2009, a program for Iraqi refugees in 2009, and the Rainbow Refugee Committee (for LGBTQ refugees). *See id.*

46. *See Shauna Labman & Madison Pearlman, Blending, Bargaining, and Burden-Sharing: Canada’s Resettlement Programs*, 19 J. INT’L. MIGRATION & INTEGRATION 439, 440–42 (2018).

47. “The standard BVOR process begins with UNHCR-referred refugee cases approved by Canadian visa officers abroad. Cases are then sent to the Matching Centre, which dispatches refugee ‘profiles’ with general information about the refugee(s) to sponsoring groups. In principle, BVOR refugee profiles are available for 3 months. If a case is not matched with an appropriate sponsor in that time, the case goes back on the list of GARs [government-assisted refugees] to be resettled. . . . In reality, these profiles were generally matched within 24 hours.” *Id.* at 443

48. *See id.* at 445.

times.<sup>49</sup> Consequently, the Canadian government was struggling to find willing BVOR sponsors.<sup>50</sup> The number of BVOR admissions shrank from 1,285 in 2017 to 993 in 2019, despite a target of 1,650.<sup>51</sup> BVOR admissions further decreased and reached a low of only 75 in 2021 – compared to 9,540 privately-sponsored refugees admitted in that year.<sup>52</sup>

In addition, Canada established the Joint Assistance Sponsorship (JAS) program, another form of blended support for vulnerable refugees with special needs. The JAS already existed before the institution of the BVOR program in 2013. For example, in 1999, the Canadian government partnered with private groups to assist in integrating Kosovar refugees.<sup>53</sup> While annual BVOR admissions are regularly indicated in an individual number – separate from government-assisted and privately sponsored refugees – JAS beneficiaries count towards the number of government-assisted refugees. They receive income support from the government for food, shelter, clothing, and basic household goods. Additionally, they are matched with a group of private sponsors providing supplemental, non-financial support, such as settlement help and emotional support.<sup>54</sup>

Restrictive regulatory changes in 2011 and 2012 marked the current Canadian private refugee sponsorship program. These restrictions trace back to increasing processing backlogs on sponsorship applications.<sup>55</sup> The changes included: (i) limitations on the scope of eligible beneficiaries;<sup>56</sup> (ii) sponsorship caps;<sup>57</sup> and (iii) preferential treatment of government-assisted refugees.<sup>58</sup>

Notwithstanding these restrictions, and continued processing backlogs, the Canadian government has shifted more responsibility towards private

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49. *See id.* at 446.

50. “Although the blended program was relatively popular when the country raced to resettle 25,000 Syrian refugees in 2016, when it was used to resettle nearly 10 percent of refugees, the government has struggled recently to find willing sponsors for refugees they do not know.” Van Haren, *supra* note 38.

51. *Evaluation of the Blended Visa Office-Referred (BVOR) Program*, IMMIGR., REFUGEES & CITIZENSHIP CAN. 20 (June 11, 2021), <https://perma.cc/273H-TR9N>.

52. *See Number of Refugees Admitted as Permanent Residents in Canada in 2021, by Admission Class*, STATISTA (June 21, 2022), <https://perma.cc/3JCU-KZME>.

53. *See* Michael Molloy, *When the Refugees Came*, OPEN CAN., <https://perma.cc/SS9X-7J58> (last visited Feb. 13, 2023).

54. *See Joint Assistance Program: About the Process*, GOV'T. OF CAN., (Jan. 5, 2023), <https://perma.cc/WX5G-CXMJ> (last visited Oct. 30, 2022).

55. Michael Casasola, *The Indochinese Refugee Movement and the Subsequent Evolution of UNHCR and Canadian Resettlement Selection Policies*, 32 REFUGEE 41, 49 (2016).

56. The Canadian government limited the eligibility for Group of Five and Community Sponsorships to refugees recognized by UNHCR or a state. *See* Labman, *supra* note 33, at 69.

57. The Canadian government introduced caps for Sponsorship Agreement Holders (SAHs). “The caps were both global and specific, targeting specific missions (Nairobi, Pretoria, Islamabad, and Cairo), thereby limiting sponsor ability to respond to specific refugees.” *Id.*

58. For example, the Canadian government changed the Interim Federal Health Program to the detriment of sponsored refugees in 2012. The reforms reduced access to services for privately sponsored refugees “whereas government-assisted refugees retained extended coverage equivalent to that under provincial and territorial benefits.” *Id.* at 70.

sponsors.<sup>59</sup> In 2019, over 19,100 refugees were resettled via the private sponsorship program, compared to approximately 10,000 government-assisted resettlements.<sup>60</sup>

Recently, Canada addressed forced displacements from Ukraine triggered by the Russian invasion with a special program called Canada-Ukraine Authorization for Emergency Travel (CUAET).<sup>61</sup> This measure permits Ukrainians and their immediate family members of any nationality to remain in Canada as temporary residents for up to three years. This is not a refugee resettlement pathway with permanent residence upon arrival, meaning no cap exists on the number of visas, work, and study applications granted under the CUAET.<sup>62</sup>

Remarkably, the Canadian government opened a special family reunification sponsorship pathway for immediate and extended family members of Canadian citizens and permanent residents, including permanent residence for the Ukrainian family members to “start a new life in Canada.”<sup>63</sup> Notwithstanding CUAET’s success, the initiative was criticized because no similar program exists for Afghans or other groups of refugees and forcibly displaced persons.<sup>64</sup> Moreover, statistics indicate admissions under the CUAET have stalled, suggesting a processing backlog.<sup>65</sup>

## 2. *Core Principles and Characteristics of Canadian Private Refugee Sponsorships*

The core principles of Canada’s private refugee sponsorship program are naming by sponsors, additionality, and permanent residence status upon arrival. This Section defines and analyzes these concepts and other key characteristics of the Canadian program, such as the types of sponsors and beneficiaries, processing times, travel and visa costs, and the sponsorship duration.

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59. In 2013, the government committed to resettle 1,300 Syrian refugees by the end of 2014. This number included 200 government-assisted refugees, with the remaining 1,100 refugees expected to arrive through private sponsorships. *Id.*

60. Van Haren, *supra* note 38.

61. See *Canada-Ukraine Authorization for Emergency Travel*, GOV’T. OF CAN., <https://perma.cc/F4L8-W9C8> (last visited Oct. 30, 2022).

62. CUAET introduced unprecedented and promising features. Canada lifted the requirement of identity documents for travel. There is no economic imperative for CUAET beneficiaries; they receive an open work visa to apply for any jobs. See Stephanie J. Silverman, *The Unprecedented Ukraine-to-Canada ‘Air Bridge’ Could Mean a Brighter Future for all Refugees*, IMEDD (Apr. 17, 2022), <https://perma.cc/EHN8-FWNZ>.

63. Family sponsorship is open for Canadian citizens and permanent residents to sponsor Ukrainian nationals outside Canada who are their spouses, common-law, or conjugal partners or dependent children (including adopted children). *Ukraine Immigration Measures: Help Bring Family Members to Canada*, GOV’T. OF CAN. <https://perma.cc/Y6XC-TKNW> (last visited Nov. 28, 2022). See also *Canada-Ukraine Authorization for Emergency Travel*, GOV’T. OF CAN., <https://perma.cc/2B8K-YT3T> (last visited Oct. 30, 2022).

64. Silverman, *supra* note 62.

65. See Robert Falconer, *Canadian Immigration Policy and the Russo-Ukraine War*, UNIV. OF CALGARY, SCH. OF PUB. POL’Y 8 (Aug. 2022) <https://perma.cc/5JJF-AR2U>.

Empowering sponsors to identify and nominate beneficiaries has been one of the most lauded and at the same time criticized features of the Canadian program. Naming by sponsors has contributed to the persistence of private sponsorships in Canada in several ways. First, it empowers groups and private individuals to influence refugee policy. Second, it makes room for diversity by allowing the private sector to select beneficiaries based on different priorities than those applied for government-sponsored refugees. Third, it has improved the adaptation process in the sense that prior relationships between the sponsors and beneficiaries have contributed to better integration outcomes.<sup>66</sup>

Critics claimed that, by enabling family reunification, the naming principle would erode a state's commitment to resettle the most vulnerable refugees.<sup>67</sup> On the other hand, respect to private life and family unity forms an essential part of universal human rights treaties to which Canada has committed.<sup>68</sup> A cumulative evaluation of Canada's refugee program in 2007 highlighted links to UNHCR's Agenda of Protection and to humanitarian protection without any concerns about sponsor referrals.<sup>69</sup>

Indeed, government-assisted refugees tend to be more vulnerable because they are selected based on their protection needs. Vulnerability impacts their potential to integrate, namely because of factors like language proficiency and educational background. By contrast, there is a positive link between family reunification through private sponsorships and the integration outcomes of privately sponsored refugees. In the end, government-assisted and privately sponsored resettlements complement each other by serving humanitarian and integration-related goals. In addition, sponsor referrals contribute to the diversification of Canada's refugee admissions. If private sponsorships remain additional and do not replace government-assisted resettlements of the most vulnerable individuals, the benefits of enabling sponsors to nominate refugees prevail.

A second feature of Canada's program is additionality. This means that Canada admits privately sponsored refugees in addition to the target set for

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66. See Sabine Lehr & Brian Dyck, 'Naming' Refugees in the Canadian Private Sponsorship of Refugees Program: Diverse Intentions and Consequences, in STRANGERS TO NEIGHBOURS 42–60 (Shauna Labman & Geoffrey Cameron eds., 2020).

67. See *id.* at 43.

68. International law protects the family as a "fundamental group unit of society," namely under Art. 23 para. 1 of the International Covenant on Civil and Political Rights (ICCPR), Dec. 16, 1966, 999 U.N. T.S. 171. This is also stated in the non-binding Art. 16 para. 3 of the Universal Declaration of Human Rights (UDHR), G.A. Res. 217A, U.N. GAOR, 3d Sess., 1<sup>st</sup> plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948). Regarding the scope of Art. 23 ICCPR, the Human Rights Committee highlighted that the right to found a family implies "the possibility to procreate and live together." The possibility to live together, in turn, necessitates the adoption of appropriate measures, "both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons." Human Rights Committee, *General Comment No. 19: Article 23 (The Family)*, REFWORLD para. 5, 9 (adopted at the Thirty-ninth session of the Human Rights Committee, July 27, 1990), <https://perma.cc/98AE-RC4X>.

69. See Lehr & Dyck, *supra* note 66, at 48f.

government-assisted refugees.<sup>70</sup> In fact, the number of privately sponsored refugees exceeded the number of government-assisted refugees.<sup>71</sup> Also, the JAS constitutes a blended program, but counts towards the number of government-assisted resettlements. Critically speaking, these developments circumvent additionality.<sup>72</sup>

In terms of eligible sponsors, applications for sponsorship may be submitted by<sup>73</sup> Sponsorship Agreement Holders (SAHs), Community Sponsors, or Groups of Five. Currently, there are more than 120 SAHs throughout Canada (excluding Quebec).<sup>74</sup> From all types of eligible sponsors, SAHs have undertaken the most sponsorships.<sup>75</sup>

SAHs are incorporated organizations holding a sponsorship agreement with the Minister of Immigration, Refugees and Citizenship. The agreement sets out a predetermined number of sponsorships each year. This numerical cap prevents SAHs with capacity to undertake more sponsorships.

Community Sponsors can be any organizations, associations, or corporations. As opposed to SAHs, they do not have to be incorporated organizations, and there is no limit on the number of sponsorships that Community Sponsors may undertake per year, provided that they can demonstrate financial and settlement capacity.<sup>76</sup> As Groups of Five, at least five individuals collectively agree to sponsor a refugee living abroad. Each group member must be a Canadian citizen or permanent resident.<sup>77</sup> Other countries, and the current U.S. pilot program, which will be discussed in detail later in this Article, followed the Canadian Groups of Five model. Community Sponsors and Groups of Five can both choose to partner formally with an individual (for instance a family member of the refugee who lives in Canada). In contrast to SAHs, they can only sponsor persons who have already been formally recognized as a refugee by UNHCR or a country of first refuge.<sup>78</sup>

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70. Canada sets explicit targets for private sponsorships. They should reflect the processing capacities of Immigration, Refugees and Citizenship Canada. See KUMIN, *supra* note 29, at 31.

71. For example, in 2019, it was nearly twice as high. See Ian Van Haren, *supra* note 38.

72. KUMIN, *supra* note 29.

73. See *The Private Sponsorship of Refugees (PSR) Program*, RSTP, <https://perma.cc/ZJQ8-W4YN> (last visited Oct. 30, 2022).

74. 75 percent of SAHs are faith-based organizations. See *Sponsorship Agreement Holders (SAH)*, RSTP, <https://perma.cc/K7RJ-BA6C> (last visited Oct. 30, 2022).

75. See Jennifer Hyndman, William Payne & Shauna Jimenez, *Private Refugee Sponsorship in Canada*, FORCED MIGRATION REV. 56-59 (2017).

76. See *Community Sponsor*, RSTP, <https://perma.cc/M2X3-A9JU> (last visited Oct. 30, 2022).

77. See *Groups of Five*, RSTP, <https://perma.cc/Q8F3-SAR5> (last visited Oct. 30, 2022).

78. Community Sponsors and Groups of Five must be able to provide documentary proof of this status such as a refugee status recognition or “mandate letter” from UNHCR or a document issued by the respective third country. *Id.* SAHs may sponsor Convention refugees, and other forced migrants qualifying for the Country of Asylum Class. Sections R139, R146 and R147 lay out the eligibility requirements for the Country of Asylum Class. Applicants “must have been, and must continue to be, seriously and personally affected by civil war, armed conflict or massive violations of human rights; must be outside all of their countries of nationality and habitual residence; and must have no reasonable prospect, within a reasonable period, of another durable solution, . . .” *Country of asylum class – Conditions*, GOV’T. OF CAN., <https://perma.cc/68RG-UP85> (last visited Oct. 30, 2022).

Another major program design characteristic includes travel costs and processing fees. For their transportation from overseas to the final destination in Canada, sponsorship beneficiaries must pay back transportation loans. In other words, Canada requires refugees to pay for their transportation but provides financial assistance to cover these costs. Repayment is expected to start one year after arrival in Canada. Sponsors do not have to assist refugees with this repayment, but they may choose to do so.<sup>79</sup>

There are no application fees for private sponsorship applications.<sup>80</sup> There is, however, a huge processing backlog. Some beneficiaries and their Canadian sponsors have been waiting over two years since the submission of the sponsorship application. Media reported that 38,681 government-assisted and 71,980 privately sponsored refugees were yet to be processed as of April 26, 2022.<sup>81</sup> Once the refugee beneficiaries have arrived, the sponsorship duration under the Canadian program is usually twelve months.<sup>82</sup>

### C. *Community and Private Refugee Sponsorships in Other Countries*

The previous Section analyzed Canada's private sponsorship system in greater depth because it was the first of its kind and has served as a role model for other countries. This Subsection explores the programs of six countries: Australia, Argentina, Germany, New Zealand, Ireland, and the United Kingdom. The outlined programs represent various approaches towards community-based sponsorships outside of North America. These approaches will inform the comparative analysis in the Subsection following below.

#### 1. *Australia*

Australia first introduced community sponsorships under the 1979 Community Refugee Settlement Scheme.<sup>83</sup> It revived community engagement to support refugees with the Community Support Program (CSP). The

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79. See *Fact sheet: All About Transportation Loans, RSTP*, <https://perma.cc/ZVM5-XLSD> (Dec. 2019).

80. See *Are There any Fees for Applying to Sponsor a Refugee?*, GOV'T. OF CAN., <https://perma.cc/Z3JB-LGMV> (last visited Oct. 30, 2022).

81. See e.g., Pratyush Dayal, *Refugees Feel Forgotten as Canada's Immigration Backlog Sits at Nearly 2 Million Applications*, CBS NEWS (last updated May 5, 2022), <https://perma.cc/M5YD-DCUN>. "Refugees looking to be resettled in Canada encounter wait times of over three years to have their applications processed." Emre Esensoy & Tyler Green, *Delays in Immigration: What Options do you Have?*, GREEN & SPIEGEL, LLP (Sept. 2022), <https://perma.cc/VD8M-XYEL>.

82. "If refugees are not fully self-sufficient at the end of this year – and statistical data suggest that while the vast majority of refugees are ultimately economic contributors, many require more than one year to establish self-sufficiency – they become eligible for government-funded support." Stacey Haugen, Patty Tamara Lenard & Emily Regan Wills, *Creating Canadians Through Private Sponsorship*, 53 CAN. J. POL. SCI. 560, 562 (2020). A longer period is provided for JAS beneficiaries. As they are exceptionally vulnerable, sponsorship lasts for a minimum of 24 months, with a possible extension to 36 months. See *The Joint Assistance Sponsorship (JAS) Program, RSTP*, <https://perma.cc/M934-7VZN> (last visited Oct. 30, 2022).

83. See Khanh Hoang, *Lessons from History: The Community Refugee Settlement Scheme*, CMTY. REFUGEE SPONSORSHIP AUSTL. (Apr. 27, 2018), <https://perma.cc/Q35E-8G4L>.



preceding Community Proposal Pilot (CPP) started in 2013,<sup>84</sup> and the CSP<sup>85</sup> formally began in late 2017.<sup>86</sup> Characteristics of the CSP are its lack of additionality, admission based on work-readiness, and high costs. Community-based refugee sponsorships in Australia have been transitioning, as the Australian government introduced the Community Refugee Integration and Settlement Pilot (CRISP) in 2022.<sup>87</sup>

Unlike Canada's program, the CSP quota is not additional to the general Refugee and Humanitarian Program (RHP). Also, the naming principle is not fully realized. Community organizations, families and individuals cannot directly nominate individuals for sponsorship under the CSP. They must act through approved proposing organizations (APOs), where they can suggest eligible applicants, or request assistance to be matched.<sup>88</sup> These organizations have entered into a deed of agreement with the Department of Home Affairs.<sup>89</sup>

CSP beneficiaries do not necessarily have to qualify as refugees under the 1951 Refugee Convention, who, by definition, must be outside their home country and fear persecution because of one of the five grounds enumerated in the Convention, i.e., race, religion, nationality, membership in a particular social group, or political opinion. The qualification as Humanitarian entrant is sufficient. Humanitarian entrants constitute a specific category of forcibly displaced migrants defined under Australian law. To meet this definition, CSP applicants must be outside their home country and subject to gross human rights violations.<sup>90</sup> Like Canada, Australia grants permanent residence to CSP beneficiaries upon arrival. However, there are additional requirements. CSP beneficiaries must be "job ready," between the ages of eighteen and fifty, with functional English and a job offer or skills enabling them to get a job quickly. The CSP is formally open to all nationalities. In practice, the Australian government determines resettlement priority countries each

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84. The pilot was intended to provide for up to 500 places per annum *within* Australia's humanitarian program. Susan Kneebone, Anthea Vogl & Kate Ogg, *The Evolution of Programs for Community Sponsorship of Refugees in Australia*, RLI BLOG ON REFUGEE L. & FORCED MIGRATION (Nov. 1, 2022), <https://perma.cc/LX83-C65R>.

85. The CSP introduced an entirely new set of selection criteria and higher fees. *Id.*

86. On December 17, 2021, the Australian immigration minister announced changes to the CSP including the reduction of the Visa Application Charge from AUD 19,449 for a primary applicant to AUD 7,760; no additional charge will be applied to secondary applicants. This means that the family size does not impact the total Visa Application Charge. *See Community Sponsorship Reforms*, AUSTL. GOV'T, DEP'T OF HOME AFF., <https://perma.cc/HZM7-T9JD> (last visited Oct. 30, 2022).

87. *See Community Refugee Integration and Settlement Pilot (CRISP)*, CMTY. REFUGEE SPONSORSHIP AUSTL., <https://perma.cc/4Z6Q-UN52> (last visited Oct. 30, 2022).

88. *See Community Support Program (CSP)*, AUSTL. GOV'T, DEP'T OF HOME AFF., <https://perma.cc/Z7UJ-JWL3> (last visited Oct. 30, 2022).

89. For a list of APOs, *see id.*

90. *See Community Support Program: Eligibility*, AUSTL. GOV'T, DEP'T OF HOME AFF., <https://perma.cc/48TC-6MFV> (last visited Dec. 9, 2022).

year. Certain approved organizations were reportedly given an unofficial list of priority countries for the CSP.<sup>91</sup> This led to sharp criticism.<sup>92</sup>

The CSP is particularly expensive for sponsors.<sup>93</sup> They must cover the costs for the beneficiaries' airlift, visa fees, and all living costs and settlement support for the first year, or otherwise repay the government for any use of social security benefits through an Assurance of Support Arrangement. Sponsors pay the government directly for visa and other services. APOs also charge costs for their administrative and resettlement services.<sup>94</sup>

Overall, critiques about lacking additionality, extensive costs, vague eligibility criteria focusing on work-readiness, and potential discrimination triggered a review of the CSP. The Australian government temporarily suspended the program during the COVID-19 pandemic.<sup>95</sup> It resumed the CSP and announced cost-related changes in December 2021, including a reduction of visa charges.<sup>96</sup> At the same time, the Australian government countered the criticism<sup>97</sup> with a less employment-based and less family-reunification focused pilot program.<sup>98</sup> This pilot, the CRISP, operates alongside the CSP. Through CRISP, the government intends to support 1,500 refugees who will arrive in Australia between 2022 and 2025.<sup>99</sup>

CRISP admissions are not additional. Like under the CSP, they remain within Australia's usual refugee intake. However, the government declared its commitment "to ensuring that in the future, sponsorship programs . . . will become additional to our existing refugee intake numbers."<sup>100</sup> As a "sponsor a stranger" program,<sup>101</sup> CRISP focuses on UNHCR referrals to enable resettlements of those who are identified as being in most urgent needs.

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91. See Ben Doherty, *South Sudan, Somalia and Iran Excluded From One of Australia's Refugee Programs*, GUARDIAN (April 4, 2019, 2:00 PM EST), <https://perma.cc/C3X6-BCEN>.

92. See *id.*

93. See Susan Kneebone, Asher Hirsch & Audrey Macklin, *Opinion: Private Resettlement Models Offer a Way For Australia to Lift its Refugee Intake*, CONVERSATION (Sept. 19, 2016, 8:36 PM EST), <https://perma.cc/R8A4-TGF4>.

94. Visa fees must be covered by sponsors and directly paid to the government. See Susan Kneebone, Anthea Vogl & Kate Ogg, *The Evolution of Programs for Community Sponsorship of Refugees in Australia*, RLI BLOG ON REFUGEE L. & FORCED MIGRATION (Nov. 1, 2022), <https://perma.cc/ST6K-JD33>.

95. See *id.*

96. See *Community Sponsorship Reforms*, AUSTL. GOV'T, DEP'T OF HOME AFF., <https://perma.cc/486Q-SE5F> (last visited Oct. 30, 2022).

97. Major critiques addressed the lack of additionality, high fees and costs for sponsors, and selection criteria that are vague and likely lead to discrimination (such as "work ready"). See Asher Hirsch, Khanh Hoang & Anthea Vogl, *Australia's Private Refugee Sponsorship Program: Creating Complementary Pathways or Privatizing Humanitarianism?*, 35 REFUGEE 110, 111 (2019).

98. See Katharine Murphy, *Australia Eyes Canada-Style Community Sponsorship Model in Overhaul of Refugee Program*, GUARDIAN (May 9, 2021, 1:30 PM EST), <https://perma.cc/MD5N-5CM5>.

99. See *Community Refugee Integration and Settlement Pilot (CRISP)*, CMTY. REFUGEE SPONSORSHIP AUSTL., <https://perma.cc/YHZ6-QANA> (last visited Oct. 30, 2022).

100. Press Release, The Hon. Andrew Giles MP, Minister for Immigr., Citizenship and Multicultural Aff., Minister Marks First Refugee Arrivals Under the Community Refugee Integration and Settlement Pilot (Aug. 26, 2022), <https://perma.cc/67C7-54PB>.

101. *Application Guidebook For Community Supporter Groups in the Community Refugee Integration and Settlement Pilot (CRISP)* 5, CMTY. REFUGEE SPONSORSHIP AUSTL. (Aug. 2022), <https://perma.cc/Z3P6-QC9V>.

Furthermore, CRISP is only open for individuals without family links in Australia. Community Supporter Groups (CSGs) are expected to provide twelve months of practical settlement and integration support. CSGs must be comprised of five or more adult volunteers. There is no specific minimum financial commitment required for CSGs, as this depends on a range of varying factors.<sup>102</sup>

## 2. *Argentina*

Argentina's private sponsorship program is additional to government-assisted resettlements,<sup>103</sup> and it allows sponsors to nominate beneficiaries, but it does not grant permanent status directly upon arrival. Geographically, the program targets individuals displaced due to the conflict in Syria. It is called Special Humanitarian Visa Program for Foreigners Affected by the Syrian Conflict (Syria Program).<sup>104</sup>

Argentina's Migration Law allows admissions based on temporary status visas. To get permanent status, humanitarian visa recipients must petition for refugee status once they arrive in the country.<sup>105</sup> With this additional process, Argentina differs from the Canadian model, where the beneficiaries get permanent status immediately upon arrival.

Sponsors or sponsor institutions in Argentina can apply for the prospective beneficiary's humanitarian visa. Once the application procedure has been initiated, the prospective beneficiary must appear in person at the nearest Argentine consulate and submit the required documents. If there is no prior relationship between prospective sponsors and beneficiaries, UNHCR refers refugees for sponsorship. It is a unique feature of Argentina's program that sponsors must form groups of three or more if they have no family ties to the sponsorship beneficiary. They must commit to support the beneficiary for at least one year. Sponsors do not need to prove a specific financial capacity.<sup>106</sup>

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102. The estimated quantum depends, among other things, on the size and composition of the refugee household, and the amount of in-kind support. *Id.* at 10.

103. See KUMIN, *supra* note 29, at 5.

104. Eligible beneficiaries must be people of Syrian nationality and their family members, regardless of their nationality, and people of Palestinian nationality who are habitual residents or have resided in Syria and received assistance from the United Nations Agency for Palestine Refugees in the Near East (UNRWA).

105. Article 23 lit. k of Argentina's Migration Law provides that recognized refugees and asylum seekers will be granted two-year renewable residence permits. While individuals resettled to Argentina for humanitarian reasons by virtue of Article 23 lit. m Migration Law are not formally recognized as refugees under the Refugee Convention definition, they may petition Argentina for Convention refugee protection once they have arrived on its territory. An English translation of Argentina's Migration Law is available at *Argentina Immigration Laws, Translation from Spanish to English / Law 25871*, HG.ORG LEGAL RES., <https://perma.cc/T4SH-5E9B> (last visited Dec. 6, 2022).

106. See *Syria Programme*, PATROCINIO COMUNITARIO, <https://perma.cc/JJ5R-56RF> (last visited Oct. 30, 2022).

### 3. Germany

In Germany, community-based refugee sponsorships have existed in various Länder (federal states of Germany) since 2013. In these programs, private sponsors have acted as guarantors for refugees to receive a visa and a two-year residence permit.<sup>107</sup> In 2019, Germany launched the Newstart in a Team (NesT) program, which operates in addition to government-assisted resettlements.

Germany's NesT program evolved from a pilot program to a permanent program. NesT started as a pilot program,<sup>108</sup> and became permanent in January 2023.<sup>109</sup> By May 2022, 31 sponsor groups supported 139 refugees under NesT. The intended 2023 NesT admissions comprise 200 individuals from Kenya, Jordan, Lebanon, Egypt, and Niger.<sup>110</sup>

NesT does not allow sponsors to name their beneficiaries. Instead, the Federal Office proposes a family or individual from the group of refugees referred by UNHCR. The Federal Office matches beneficiaries with sponsors based on criteria like the size of the sponsored families and the available accommodation provided by the sponsors.<sup>111</sup>

The beneficiaries receive "resettlement-refugee status" in Germany. This means that they get a renewable three-year residence permit (without having to undergo an asylum procedure). They are also entitled to a work permit, and welfare and educational opportunities including language courses upon arrival. Given that the initial three-year period is automatically renewed, Germany's NesT program offers a status that resembles refugee status.<sup>112</sup> This distinguishes the German program from Argentina, where sponsorship beneficiaries must petition for refugee status upon arrival.<sup>113</sup>

Sponsors can be institutions, associations, and groups of at least four individuals. They provide financial, housing, personal, and mental support for at least one year.<sup>114</sup> NesT sponsors do not have to prove a specific amount of financial means. As of 2023, the Federal Office reduced the minimum number of required group members from five to four. It also shortened the

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107. Vanessa Pohlmann & Helge Schwiertz, *Private Sponsorship in Refugee Admission: Standard in Canada, Trend in Germany?* RYERSON CTR. FOR IMMIGR. & SETTLEMENT & CERC IN MIGRATION & INTEGRATION 2–3 (July 2020), <https://perma.cc/6KRN-ZJBX>.

108. The target for the pilot comprised 500 refugees. *Id.* at 3.

109. See Benjamin Bathke, *German Civil Society-Driven Refugee Resettlement Program Made Permanent*, INFOMIGRANTS (July 5, 2022), <https://perma.cc/K5FN-3PA5>.

110. See *Monitoring and evaluation of community sponsorship programmes in Europe: first lessons learned*, SHARE NETWORK 13 (May 2022), <https://perma.cc/S85S-666M>.

111. See *Resettlement and the NesT-Programme*, BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE (Feb. 14, 2023), <https://perma.cc/FSV3-SH5B>.

112. See *id.* See also Bathke, *supra* note 109.

113. See Jennifer Bond & Ania Kwadrans, *Resettling Refugees through Community Sponsorship: A Revolutionary Operational Approach Built on Traditional Legal Infrastructure*, 35 REFUGEE 87, 105 n. 145 (2019).

114. See *Leitfaden für Mentorinnen und Mentoren im Rahmen des Aufnahmeprogramms "Neustart im Team"*, NEUSTART IM TEAM 4, 26 (Nov. 3, 2022), <https://perma.cc/626W-VYEE> (last visited Dec. 6, 2022).

requirement of housing support to one year instead of two because evaluations revealed that sponsor groups faced challenges in finding and financing accommodations, especially in urban areas.<sup>115</sup>

#### 4. Ireland

Since 2017, Community Sponsorship Ireland (CSI) has operated as a strand of the Irish Refugee Protection Program (IRPP) – within the IRPP quota. Ireland has targeted 2,900 IRPP admissions between 2020 and 2023.<sup>116</sup> Between 2019 and October 2022, Ireland admitted about 40 refugee beneficiaries through the CSI.<sup>117</sup> The program includes registered refugees identified and referred to Ireland by UNHCR as in need for resettlement. This means that CSI neither implements the additionality nor the naming principle.<sup>118</sup>

There is no formal geographic limitation for beneficiaries, but the vast majority of CSI beneficiaries were Syrian nationals living in either Lebanon or Jordan. CSI beneficiaries receive formal refugee status in Ireland, with access to citizenship after three years.<sup>119</sup>

Like in Canada, Irish sponsors must form a core group of five individuals at a minimum. They must align themselves with a Regional Support Organization (RSO). RSOs hold a contractual relationship with the Department of Justice and Equality, and function as intermediary between the government and the sponsor groups.<sup>120</sup> Sponsor groups commit to ensuring an appropriate housing solution for two years, and eighteen months of financial and non-financial support. For this support period, sponsors must demonstrate a minimum of 10,000 Euros of available funds.<sup>121</sup>

#### 5. New Zealand

New Zealand admits refugees with a Community Organization Refugee Sponsorship (CORS) visa. This occurs in addition to the annual quota of Immigration New Zealand's Refugee Quota Program. Sponsor referrals and UNHCR referrals are both possible under the CORS.<sup>122</sup>

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115. See SHARE NETWORK, *supra* note 110, at 14. See also Benjamin Bathke, *supra* note 109.

116. See GOV'T OF IR., REP. OF THE ADVISORY GRP. ON THE PROVISION OF SUPPORT INCLUDING ACCOMMODATION TO PERS. IN THE INT'L PROT. PROCESS 17 (Sept. 2020), <https://perma.cc/2HJD-X84Z>.

117. See *Share projects: Quality Sponsorship Network (QSN)*, SHARE NETWORK, <https://perma.cc/K3VL-972C> (last visited Feb. 20, 2023).

118. The Irish government committed to additionality, namely the enhancement of existing resettlement mechanisms. See GOV'T OF IR., DEP'T OF JUST. AND EQUAL., COMMUNITY SPONSORSHIP IRELAND: INITIAL POLICY FRAMEWORK 3, <https://perma.cc/28B3-548H> (last visited Oct. 30, 2022).

119. See GOV'T OF IR., DEP'T OF JUST. AND EQUAL., CMTY. SPONSORSHIP IRELAND: A GUIDE FOR PROSPECTIVE SPONSORS 2, <https://perma.cc/M6FX-WSPT> (last visited Oct. 30, 2022).

120. See *id.* at 9.

121. 2,000 Euros can be provided by way of in-kind contributions. *Id.* at 3.

122. New Zealand's government extended CORS admissions for three years from July 1, 2021. *Community Refugee Sponsorship: Background*, N.Z. IMMIGR., <https://perma.cc/CVA4-BD5S> (last visited Nov. 28, 2022). This decision enabled the resettlement of up to 50 sponsored refugees in each of the three years. *Id.*

CORS beneficiaries must be recognized as refugees by UNHCR, and they must live in a country that is a UNHCR priority area and one of the international regions Immigration New Zealand's Refugee Quota Program resettles from. Refugees from outside the countries designated by Immigration New Zealand cannot be sponsored under CORS.<sup>123</sup> In effect, this restricts the additional nature of CORS, and the possibility of sponsors to name beneficiaries.

Like Australia under the CSP, New Zealand focuses on work-readiness. CORS beneficiaries must be between 18 and 45 years old, have a basic understanding of English, and a minimum of three years of work experience or a qualification requiring at least two years of tertiary study.<sup>124</sup>

Only approved organizations can undertake sponsorships under the CORS.<sup>125</sup> Their responsibilities comprise settlement, accommodation, and network access. They are expected to provide community orientation upon arrival, and to assist the beneficiaries for up to two years.<sup>126</sup> Unlike most other governments, New Zealand's government fully funds all international travel for CORS beneficiaries.<sup>127</sup>

In addition, New Zealand has a special Ukrainian policy. New Zealand citizens and residents in New Zealand who were born in Ukraine or who are Ukrainian citizens can sponsor certain family members, including parents, grandparents, adult siblings, and adult children. Sponsors must cover the travel, accommodation, and living costs. The beneficiaries receive a two-year visa<sup>128</sup> enabling them to work or attend school in New Zealand.<sup>129</sup>

## 6. *United Kingdom*

The United Kingdom operates privately sponsored resettlements under its Community Sponsorship Scheme (CSS). Initially, CSS admissions remained within the United Kingdom's resettlement quota, but in 2020, the CSS became additional. CSS does not allow naming by sponsors, and beneficiaries are selected based on UNHCR referrals. CSS beneficiaries receive permanent

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123. These regions include Africa, the Americas, Asia and the Pacific, Middle East and North Africa. *Community Refugee Sponsorship: Sponsored Refugee Criteria*, N.Z. IMMIGR., <https://perma.cc/C4YH-EYPK> (last visited Dec. 6, 2022). Refugees currently residing in Turkey are not eligible for resettlement under CORS.

124. *Id.*

125. *See id.*

126. Approved community organizations need to cover the initial accommodation costs, but they are not required to pay rent for the duration of the sponsorship time. Sponsors are responsible for core furniture and other household goods on the sponsored refugee's arrival. *Community Refugee Sponsorship: Sponsorship Obligations*, N.Z. IMMIGR., <https://perma.cc/9QFA-LN58> (last visited Oct. 30, 2022).

127. *See Information for Sponsors: Frequently Asked Questions*, HOST INT'L 4, <https://perma.cc/VQ2M-JP9S> (last updated Oct. 6, 2022).

128. Applications for the 2022 Special Ukraine Visa are open until March 15, 2024. There are no application fees. *See New Temporary Visa for Family of Ukrainians in New Zealand*, N.Z. IMMIGR., <https://perma.cc/C2SG-WL2X> (last visited Apr. 17, 2024).

129. *See Important Information for Ukrainian Nationals*, N.Z. IMMIGR. (Mar. 2, 2022), <https://perma.cc/7K23-NBSB>. *See also* Caitlin Katsiaticas, *Non-EU Pathways to Protection for Ukrainians: Complementary Pathways Gain Significant Momentum*, MIGRATION POL'Y CTR. BLOG (May 5, 2022), <https://perma.cc/4S2P-JJK5>.

residency immediately upon arrival.<sup>130</sup> The program requires twelve months of general sponsor support, and an additional year of housing support. Sponsor groups must satisfy a set of criteria, including a resettlement plan, funds of at least GBP 9,000, and accommodation approved by local authorities.<sup>131</sup>

Alongside the CSS, the United Kingdom operates the Homes for Ukraine scheme, an emergency private sponsorship scheme for forcibly displaced persons from Ukraine. Homes for Ukraine differs from CSS. The Homes for Ukraine scheme envisages a sponsorship time of at least six months.<sup>132</sup> As opposed to the CSS, there is no group requirement for individuals to apply for sponsorship under Homes for Ukraine. They receive a monthly allowance of GBP 350 for up to twelve months, provided that they offer beneficiaries accommodation of suitable standard. The scheme is open to Ukrainian nationals who were residents in Ukraine before January 1, 2022, and to their immediate family members. Applicants can apply from Ukraine or from any other third country, but the U.K. government does not pay for their travel. The maximum visa time for beneficiaries is three years. Most beneficiaries and sponsors have found each other through online platforms.<sup>133</sup> Alternatively, community organizations assist in connecting them.

The Homes for Ukraine scheme's implementation showed significant shortfalls. This includes serious processing delays with wait periods beyond seven weeks. Furthermore, safety concerns arose due to *ad hoc* matching through unofficial websites and social media platforms like Facebook.<sup>134</sup> In addition, local government councils, who are, amongst other things, responsible to examine the appropriateness of the accommodation provided by sponsors, were struggling to keep up with checks and complained about a lack of resources.<sup>135</sup> Lastly, it appeared that sponsored Ukrainians were at risk of homelessness after the six months of sponsorship due to a lack of available affordable housing possibilities.<sup>136</sup>

There is no U.K. scheme comparable to Homes for Ukraine for other groups of forced migrants. For Afghans, the U.K. Home Office set up the

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130. See KUMIN, *supra* note 29, at 13.

131. See *Community Sponsorship: Guidance for Prospective Sponsors*, GOV.UK, <https://perma.cc/TBL6-5Z2K> (last updated Sept. 26, 2022).

132. See *Guidance: Apply for a Visa Under the Ukraine Sponsorship Scheme (Homes for Ukraine)*, GOV.UK, <https://perma.cc/FWT4-GGTJ> (last updated Jan. 31, 2023).

133. See Anna Russel, *The Ukrainians Living in British Spare Rooms*, NEW YORKER (July 2, 2022), <https://perma.cc/DCD6-WCQ6>.

134. "The ad hoc matching—including through unofficial websites and Facebook groups—makes the system vulnerable to exploitation." Megan Specia, *Want to Host a Ukrainian Refugee? The U.K. Isn't Making It Easy*, N.Y. TIMES (May 24, 2022), <https://perma.cc/GSG6-FHCY>.

135. See *id.*

136. For example, the Council of Wiltshire took an innovative approach. BBC reported that the Council's leader was "planning to use the council-owned housing company, Stone Circle, to purchase up to 100 homes which it can then lease back to Ukrainians for at least three years." Dan O'Brien, *Wiltshire Council's New Homes Plan to Help Ukraine Refugees*, BBC (Nov. 6, 2022), <https://perma.cc/EL3C-L8KB>.

Afghan Citizens Resettlement Scheme (ACRS).<sup>137</sup> Instead of a separate emergency private sponsorship pathway, the CSS allows sponsorships for ACRS beneficiaries. This has significant implications for the legal status of sponsorship beneficiaries: While Homes for Ukraine beneficiaries only receive a short-term visa, ACRS beneficiaries coming through the CSS receive permanent residence and direct access to citizenship within five years.<sup>138</sup>

#### D. *Comparative Analysis*

The comparative analysis of this Section refers to the above-presented community and private refugee sponsorship programs. It focuses on six major program features: 1. additionality; 2. eligible sponsors; 3. scope of beneficiaries, their selection and possible naming by sponsors; 4. travel costs and financial requirements; 5. time of sponsorship and sponsor responsibilities; and 6. legal status of the beneficiaries. This list of program features constitutes a unique summary of the most pressing policy questions around community-based sponsorship programs. The U.S. government should consider these essential aspects for the design of a future U.S. program. Thus, the list also informs the recommendations provided in Section V below.

##### 1. *Additionality*

Additionality is the most common feature across all community-based sponsorship programs. Beyond Canada, other countries have committed to additionality. Germany, New Zealand, and Argentina implemented their community-based refugee sponsorship programs after Canada, and followed Canada's approach to run these programs in addition to their normal resettlement flow. The United Kingdom shifted to additionality in 2020. Ireland declared its intention to shift to additionality as well, but unlike the United Kingdom, Ireland still operates CSI within the quota of the IRPP.<sup>139</sup> Australia has not followed the principle of additionality yet. As outlined above, also the Australian government indicated changes towards additionality. It appears that all of the analyzed countries operate or plan to operate their community-based sponsorship programs in addition to government-assisted resettlements.

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137. See *Guidance: Afghan Citizens Resettlement Scheme*, GOV.UK, <https://perma.cc/YP8C-RXYT> (last updated Aug. 16, 2022).

138. See *Afghanistan Resettlement and Immigration Policy Statement*, GOV.UK ¶ 38, <https://perma.cc/RZ7S-EM2R> (last updated Mar. 2, 2023).

139. The former Syrian Humanitarian Admissions Programme (SHAP) was additional to the Irish resettlement quota. See KUMIN, *supra* note 29, at 5. For further information on the IRPP see also Samantha Arnold & Emma Quinn, *Resettlement of Refugees and Private Sponsorship in Ireland*, EUR. MIGRATION NETWORK, at 23 (on the IRPP in general), 31 (specifically on IRPP quotas) (Dec. 2016), <https://perma.cc/MCH5-SD7D>.



## 2. *Eligible Sponsors*

It is rare that single individuals (or groups consisting of less than three people) are eligible to become refugee sponsors. Among the analyzed programs, the Australian CSP and U.K.'s Homes for Ukraine scheme are the only programs that generally allow single individuals to engage as sponsors without group requirement. In Canada, individuals who are not able to form a group of five may participate indirectly as co-sponsors. Argentina waived the group requirement in case of family ties between sponsors and beneficiaries.

The most common minimum number of group members is five. Groups of five are required under the programs in Canada, Ireland, and Australia (under the CRISP). The U.K. Home Office does not impose a specific number of members for CSS sponsor groups, but it recommends a group size of at least five.<sup>140</sup> Germany eased the group requirements from five to four members when NesT became permanent. Argentina set the minimum number of group members to three (if no family ties exist). Only New Zealand limits sponsorships to approved organizations.

## 3. *Scope of Beneficiaries, Selection, and Naming through Sponsors*

Sponsorship pathways for forced migrants who do not meet the strict requirements of the refugee definition in the Refugee Convention's Protocol of 1967 exist, but remain limited. Not all forcibly displaced individuals in need for resettlement are outside their home country with a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion.

The comparison of the described programs exemplifies that resettlement countries scarcely consider internally displaced persons for resettlement from within their home country. As a case in point, Canada abolished its previous Source Country Class, i.e., the category that would have allowed private sponsorships for such individuals.<sup>141</sup>

Four of the outlined programs base resettlements of privately sponsored refugees on UNHCR referrals: Germany under the NesT program, the United Kingdom under the CSS, Ireland under the CSI, and Australia under the CRISP. In doing so, they target vulnerable individuals, because UNHCR's pre-selection comprises vulnerability assessments.<sup>142</sup> While New Zealand

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140. See *Application Guidance: Application for Approval as a Community Sponsor*, GOV.UK § 2.14 (July 2022), <https://perma.cc/4KF4-FLF4>.

141. Until 2011, the Source Country Class accounted for people who resided in a home country that had been designated as a source country. At that time, five countries were listed as source countries, namely the Democratic Republic of the Congo, Sudan, El Salvador, Guatemala, Colombia, and Sierra Leone. IMMIGR., REFUGEES, AND CITIZENSHIP CAN., GOV'T OF CAN., REPEAL OF THE SOURCE COUNTRY CLASS OF HUMANITARIAN-PROTECTED PERSONS ABROAD, OPERATIONAL BULL. 347 (Oct. 7, 2011), <https://perma.cc/L4U8-2MLT>. See also Shauna Labman, *Private Sponsorship: Complementary or Conflicting Interests?*, 32 REFUGEE 67, 69 (2016), <https://perma.cc/4AQ8-YBBD>.

142. Vulnerability is given in case of a match with one of seven submission categories: Legal and/or physical protection needs, survivors of violence and/or torture, medical needs, women and girls at risk, family reunification, children and adolescents at risk, lack of foreseeable alternative durable solutions.

allows sponsors to nominate beneficiaries, it also relies on UNHCR referrals, and only admits individuals recognized as refugees by UNHCR.<sup>143</sup> Also Argentina's Syria Program allows naming by sponsors or sponsor institutions. If there is no prior relationship between prospective sponsors and beneficiaries, UNHCR refers refugees for sponsorship in Argentina.<sup>144</sup> In sum, four of the six analyzed countries – Australia, Germany, Ireland, and the United Kingdom – do not follow the Canadian model of naming by sponsors in some of their community-based sponsorship programs.

It appears that private sponsorships used as emergency response to specific mass displacements limit access to forced migrants with a certain nationality or from a certain region. Examples include Argentina's Syria Program and U.K.'s Homes for Ukraine. While immediate responses to unforeseen mass displacements are welcome, they have triggered unequal treatments between and among groups of forced migrants. When adopting such policies, states must act within their obligations under international anti-discrimination law. Such concerns are not limited to emergency schemes. As mentioned, in Australia, approved organizations were reportedly given an unofficial list of priority countries for the CSP, which caused considerable controversy.

#### 4. *Travel Costs and Financial Requirements*

The presented programs vary in terms of who bears costs for visa travel. The Australian government requires CSP sponsors to pay for both. Among the analyzed programs, the CSP is the only one where money for visa fees and travel is directly paid to the government.<sup>145</sup> On the flip side, New Zealand's government fully covers the travel costs.<sup>146</sup> Canada pursues a transportation loan system.<sup>147</sup> Sponsors in Canada may help repay the loan, but they are not obligated to do so.<sup>148</sup> For beneficiaries of U.K.'s Homes for Ukraine scheme, the government does not pay for the travel. The same holds true for New Zealand's 2022 Special Ukraine Policy. Further, not all the presented programs determine a specific financial requirement for sponsors. While proof of financial capacity is common, only the United Kingdom (under the CSS program) and Ireland require a specific pre-determined amount.

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*See generally* UNHCR, RESETTLEMENT HANDBOOK 243–99 (rev. ed. July 2011), <https://perma.cc/M43Y-QNYU>.

143. *See Community Refugee Sponsorship: Sponsored Refugee Criteria*, N.Z. IMMIGR., <https://perma.cc/RUH4-U48N> (last visited Dec. 6, 2022).

144. *See* PATROCINIO COMUNITARIO, *supra* note 106.

145. In 2019, visa fees in Australia included an AUD 2,740 non-refundable application fee and a second instalment fee of AUD 16,444 for the main applicant plus AUD 2,680 for each secondary applicant (family member). Hirsch, Hoang & Vogl, *supra* note 97, at 116.

146. *See* Host Aotearoa New Zealand, *supra* note 127, at 7.

147. Sponsored refugees are expected to begin repaying the loan one year and one month after loan issuance. *See* Refugee Sponsorship Training Program, *Transportation Loans Fact Sheet*, RSTP 2, <https://perma.cc/PX53-LMX9> (last visited Oct. 30, 2022).

148. *Id.* at 3.

### 5. *Length of Sponsorship and Responsibilities*

The minimum timeframe that private sponsors or sponsor organizations are responsible for (certain aspects of) refugee care varies. It appears that a minimum of twelve months constitutes a common denominator among the outlined programs. Canada's JAS program provides support for beneficiaries with special needs for longer periods. In New Zealand, approved organizations assist refugees for up to two years. Three of the analyzed programs extended housing support to two years, namely the United Kingdom's CSS, Ireland's CSI, and Germany's NesT program (until the policy changed in 2022).

The shortest period is a minimum of six months under the United Kingdom's Homes for Ukraine scheme. This scheme is also unique for granting a monthly allowance to sponsors. An early empirical study<sup>149</sup> captured that 23% of the study participants intended to provide accommodation for over twelve months – notwithstanding the (minimum) sponsorship time of six months<sup>150</sup> – and the majority (65%) said they were providing longer-term accommodation until the beneficiaries found an alternative. The study also revealed that continued monthly allowances (beyond twelve months) would encourage sponsors to host beneficiaries for a longer period.

### 6. *Legal Status*

Most of the outlined community-based sponsorship programs grant permanent residence or refugee status upon arrival. This applies to Canada's private sponsorship program,<sup>151</sup> Australia's CSP,<sup>152</sup> New Zealand's CORS,<sup>153</sup> Ireland's CSI,<sup>154</sup> and the United Kingdom's CSS.<sup>155</sup> Emergency schemes offer temporary status and require subsequent status modification. Homes for Ukraine only offers Ukrainians a visa for three years,<sup>156</sup> and the New Zealand 2022 Special Ukraine Policy allows family sponsorships with a two-year-visa.<sup>157</sup> As opposed to New Zealand, Canada permits family sponsorships, including permanent status upon arrival for Ukrainians in the context of its

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149. Ed Pyle & Jane Evans, *Experiences of Homes for Ukraine Scheme Sponsors, UK: 7 to 14 July 2022*, GOV.UK 2 (Aug. 10, 2022), <https://perma.cc/HW2U-25BL>.

150. *Id.* (noting that 19% who wanted to provide accommodation for 6 months only).

151. *Understand permanent resident status*, GOV'T OF CAN., <https://perma.cc/WQU9-WGS7> (May 18, 2022) (detailing that “[r]efugees who are resettled from overseas become permanent residents through the Government-Assisted Refugee Program or the Private Sponsorship of Refugees Program”).

152. *Community Support Program Frequently Asked Questions (FAQs)*, AMES AUSTR., <https://perma.cc/5M22-GD76> (last visited Feb. 14, 2023) (noting that “[s]uccessful applicants under the CSP arrive as permanent residents”).

153. *See Sponsored refugee criteria*, N.Z. IMMGR., <https://perma.cc/4HU2-KRLS> (last visited Dec. 6, 2022).

154. *See* GOV'T OF IR., *supra* note 119, at 2.

155. *See* KUMIN, *supra* note 29, at 13.

156. *See* Russel, *supra* note 133.

157. *See* N. Z. IMMGR., *supra* note 128.

CUAET policy – with the aim that family members can start their new lives in Canada.<sup>158</sup>

Granting temporary residence (and limited rights) to specific groups of forced migrants implies unequal treatment. For example, Ukrainians admitted under Homes for Ukraine and Afghans sponsored under the CSS receive a different legal status in the United Kingdom. Such policies must be assessed in light of the respective country's obligations under international anti-discrimination law. National anti-discrimination laws may also apply and provide additional protections.

## II. ROOTS AND NATURE OF COMMUNITY SPONSORSHIPS IN THE UNITED STATES

This Section refers to historical roots of immigrant admissions through community sponsorships in the United States. The Public Sector Initiative under President Ronald Reagan constitutes a particularly notable example. Since then, community support in refugee reception in the United States occurred through the delegation of tasks originally assigned to approved Resettlement Agencies.

The United States has no legally anchored private refugee sponsorship program, but it has a long tradition of community involvement in, and sponsorships of, refugee admissions.<sup>159</sup> Congress first regulated immigrant resettlement in 1882.<sup>160</sup> This happened long before the adoption of the Refugee Convention (and Protocol), and thus before the term refugee was formalized in international law. Until 1945, immigrant admission was subject to the condition that immigrants had an individual sponsor who promised through an affidavit to care for them, should they need assistance. In other words, sponsors had to ensure that immigrants would not become a “public charge,” primarily dependent on the government for subsistence. In 1945, President Truman issued a directive that granted private “welfare organizations” the power to sponsor refugees,<sup>161</sup> provided that they would cover the costs of resettlement to the United States.<sup>162</sup>

President Truman signed the Displaced Persons Act in 1948<sup>163</sup> to resettle European refugees who had been displaced from their home countries due to World War II. Congress subsequently expanded this to admit more than 150,000 people between 1949 and 1952. These initial laws are important for their policy implications, but they primarily use the term “displaced persons” rather than “refugee.” Under these laws, displaced persons still had to demonstrate that they would not become a public charge. Most of them depended on

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158. See GOV'T OF CAN., *supra* note 61.

159. See DAVID BIER & MATTHEW LA CORTE, PRIVATE REFUGEE RESETTLEMENT IN US HISTORY, NISKANEN CTR. 2 (Apr. 26, 2016), <https://perma.cc/4M77-4WL9>.

160. Immigration Act of 1882, Pub. L. No. 47-376, 22 Stat. 214.

161. *Harry Truman Administration: Statement and Directive on Displaced Persons*, JEWISH VIRTUAL LIBR. (Dec. 22, 1945), <https://perma.cc/FX9G-GDCH>.

162. See Libal, Felten & Harding, *supra* note 19, at 74, 79.

163. Displaced Persons Act of 1948, Pub. L. No. 80-774, 62 Stat. 1009.

humanitarian organizations covering costs of their immigration, except their travel.<sup>164</sup>

The United States committed to the Refugee Convention's 1967 Protocol in 1968. The Refugee Act of 1980 implemented the refugee definition of this Protocol into U.S. law, setting the basis for today's U.S. refugee program.<sup>165</sup> For the fulfillment of reception and placement responsibilities towards refugees in line with international obligations, the current U.S. refugee program relies on public-private partnerships with nine contractually entrusted Resettlement Agencies.<sup>166</sup> These relationships root in resettlement contracts between the Department of State and voluntary agencies that granted them funding to resettle Indochinese refugees in 1976.<sup>167</sup>

The Reagan administration used community-based sponsorships to admit forcibly displaced individuals from Vietnam between 1984 and 1986. The administration's Public Sector Initiative (PSI) of 1986 formalized these sponsorships in the Presidential Decision Directive setting out the refugee admissions cap for fiscal year 1987. The PSI enabled resettlements of more than 16,000 refugees using private funds.<sup>168</sup> There was no limit on the number or type of organizations eligible to apply,<sup>169</sup> and PSI sponsorships remained additional to the normal flow.<sup>170</sup>

Under the PSI, organizations in the United States could sign Memorandums of Understanding (MoU) with the Department of State. Sponsor organizations entering in such MoUs faced two major constraints.<sup>171</sup> First, PSI beneficiaries

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164. See BIER & LA CORTE, *supra* note 159, at 4.

165. See, e.g., *An Overview of U.S. Refugee Law and Policy*, AM. IMMIGR. COUNCIL 4 (Nov. 2022), <https://perma.cc/WHH5-4SVC>; Kathryn M. Bockley, *A Historical Overview of Refugee Legislation: The Deception of Foreign Policy in the Land of Promise*, 21 N.C. J. INT'L. L. 253, 278–90 (1995).

166. These agencies are the Church World Service (CWS), Ethiopian Community Development Council (ECDC), Episcopal Migration Ministries (EMM), Hebrew Immigrant Aid Society (HIAS), International Rescue Committee (IRC), US Committee for Refugees and Immigrants (USCRI), Lutheran Immigration and Refugee Services (LIRS), United States Conference of Catholic Bishops (USCCB), and World Relief Corporation (WR).

167. See Anastasia Brown & Todd Scribner, *Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States*, 2 J. ON MIGRATION & HUM. SEC. 101, 105 (2014); see also BIER & LA CORTE, *supra* note 159, at 6.

168. Kathryn Libal, Scott Harding & Madri Hall-Faul, *Community and Private Sponsorship of Refugees in the USA: Rebirth of a Model*, 3 J. POL'Y PRACT. & RES. 259, 263 (Aug. 13, 2022).

169. The responsibilities under the MoUs signed by the Conference for Jewish Federations (CJF) and HIAS included "the cost of admission (processing, transportation, documentation, medical examination), Reception and Placement and resettlement . . . for 2 years after admission of those refugees to the United States, or until they attained permanent residency status . . . ." Madeleine Tress, *Resettling Unfunded, Unattached Soviet Refugees In Small U.S. Communities*, 68 J. JEW. COMMUNAL SERV. 168–82 (Dec. 1991). Between 1987 and 1993, at least five organizations signed similar MoUs. These included the Cuban American National Foundation (CANF), the Zoroastrian Association of North America and the Vietnamese Resettlement Association. See BIER & LA CORTE, *supra* note 159, at 11.

170. The Presidential Decision Directive created an unallocated reserve of slots for refugees from any region "contingent upon the availability of private sector funding sufficient to cover the essential and reasonable costs of such admissions." Ronald Reagan, *Memorandum on Determination of FY 1989 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101 (a)(42), Respectively, of the Immigration and Nationality Act*, AM. PRESIDENCY PROJECT (Oct. 5, 1988), <https://perma.cc/7R7X-ZNNT>.

171. See *Explainer: Private Sponsorship Programs for Refugees*, NAT'L IMMIGR. F. (Apr. 25, 2022), <https://perma.cc/9ZX5-QMMZ>.

were designated as “unfunded.” They did not qualify for publicly funded medical, food, or cash assistance for two years after their admission to the United States. The program required that if any PSI beneficiary took advantage of a federal benefit, the sponsor organization had to repay the monetary equivalent of that benefit to the federal government. This led to unexpectedly high costs for sponsor organizations.

Second, sponsor organizations had to provide support until the PSI beneficiaries became employed, even if they had not been offered or accepted a job. The sponsor organizations remained responsible for those who wanted to pursue further education or employment related to their qualifications. This feature of the PSI again resulted in ballooning costs for sponsor organizations and deterred their participation. Consequently, the willingness of sponsor organizations to keep their commitments decreased. In 1996, the Clinton administration cut the program, citing the burden of rapidly rising health care costs for sponsor organizations.<sup>172</sup>

The 1980 Refugee Act sets out the legal basis for public-private partnerships between the government and approved Resettlement Agencies. The Immigration and Nationality Act (INA) incorporates the 1980 Refugee Act.<sup>173</sup> It established the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services. The ORR has authority to work with stakeholders to develop policies on resettlement and offer grants and contracts to public or private non-profit agencies for refugee resettlement in the United States.<sup>174</sup> On that basis, the ORR partners with the nine contractually entrusted Resettlement Agencies. These Resettlement Agencies subcontract their responsibilities to local service providers across the United States. The local organizations welcome and integrate refugees under authority delegated by the ORR.<sup>175</sup> However, given the limited capacity of U.S. Resettlement Agencies, and the rising global resettlement needs, private sponsorships should be explored.

### III. LEARNING FROM CURRENT INITIATIVES IN THE UNITED STATES

The Biden administration launched a new private refugee sponsorship pilot program. Models of co-sponsorship, where Resettlement Agencies have cooperated with private sponsors to fulfill core tasks for the reception of refugees, already exist. The Community Sponsorship Hub and the Catalyst Fund have enabled and contributed to major efforts in the development of community sponsorships across the United States. Private refugee sponsorships have proven successful under the Sponsor Circles initiative. This is confirmed by

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172. Libal, Harding & Hall-Faul, *supra* note 168, at 263.

173. 8 U.S.C. §§ 1104-1401 (Suppl. II 1964). See Maddie Boyd, *Refuge from Violence: A Global Comparison of the Treatment of Domestic Violence Asylum Claims*, 29 BERKELY LA RAZA L. J. 1, 4 (2019).

174. 8 U.S.C. § 1522(a)(2)(A), (c) (2023).

175. See Bond & Kwadrans, *supra* note 113, at 94.

case studies of two sponsor groups in Seattle specifically carried out for the purposes of the Article.

A. *Reform Attempts under the Biden Administration Towards Private Sponsorships*

In a February 2021 Executive Order, President Biden described private refugee sponsorships as a means to “meet the challenges of restoring and expanding USRAP.”<sup>176</sup> The U.S. refugee program is slow to rebuild after a record low number of admissions under the Trump administration, along with overwhelmed Resettlement Agencies and huge processing backlogs.<sup>177</sup> Refugees experienced wait times of five years and more.<sup>178</sup>

The President’s report to Congress on refugee admissions for fiscal year 2022 introduced a Priority 4 (P-4) category for privately sponsored refugees, and announced the launch of a private sponsorship pilot program.<sup>179</sup> To develop and manage the operational infrastructure of the pilot, the State Department’s Bureau of Populations, Refugees and Migration (PRM) sought to partner with and fund non-governmental organizations.<sup>180</sup> It made a funding opportunity announcement in May 2022.<sup>181</sup> The President’s refugee report to Congress for fiscal year 2023<sup>182</sup> re-announced the pilot launch, albeit with a delayed start.

In mid-January 2023, the State Department officially launched the private refugee sponsorship pilot called Welcome Corps. For the first year of the program, the State Department aims to admit at least 5,000 refugees under the pilot.<sup>183</sup> These admissions are not additional, meaning that they count towards the admission target for fiscal year 2023.<sup>184</sup>

Through the Welcome Corps pilot, groups of at least five individuals and community organizations can sponsor refugees for a period of ninety days.

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176. Exec. Order No. 14,013, 86 Fed. Reg. 8839 (Feb. 4, 2021), <https://perma.cc/48SA-F8G9>.

177. See, e.g., Matthew la Corte, *The Biden Administration Should Not Delay in Creating a Private Sponsorship Program to Aid Afghan Refugees*, NISKANEN CTR. (Sept. 2, 2021), <https://perma.cc/U6VM-K2ZP>; Conor Finnegan, *US Launches New Program to Allow Private Americans to Sponsor, Resettle Afghan Refugees*, ABC NEWS (Oct. 25, 2021, 1:09 PM), <https://perma.cc/F3BT-MJQ8>; *Explainer: The Refugee Resettlement Backlog and How to Rebuild the Pipeline*, NAT’L IMMIGR. F. (Nov. 15, 2021), <https://perma.cc/CA2W-CMNP>.

178. See Zolan Kanno-Youngs & Miriam Jordan, *‘They Forgot About Us’: Inside the Wait for Refugee Status*, N.Y. TIMES (Oct. 19, 2022), <https://perma.cc/K3ZT-H8TF>.

179. *Report to the Congress on Proposed Refugee Admissions For Fiscal Year 2022*, U.S. DEP’T OF STATE 18 (Sept. 20, 2021), <https://perma.cc/2EMQ-PXFV>.

180. See *Advocacy Groups Celebrate State Department’s Steps to Launch Private Sponsorship of Refugees Later This Year*, IRAP (May 10, 2022), <https://perma.cc/2WVA-BABN>.

181. PRM, *FY 2023 Request for Concept Notes for Operational Partners on the Private Sponsorship of Refugees Pilot Program*, U.S. DEP’T OF STATE (May 4, 2022), <https://perma.cc/NY26-W7CX>.

182. *Report to Congress on Proposed Refugee Admissions for Fiscal Year 2023*, U.S. DEP’T OF STATE (Sept. 8, 2022), <https://perma.cc/SZ8B-BH8X>.

183. Office of the Spokesperson, *Fact Sheet – Launch of Welcome Corps- Private Sponsorship of Refugees*, U.S. DEP’T OF STATE (Jan. 19, 2023), <https://perma.cc/K737-N4AW>.

184. See Office of the Spokesperson, *Senior State Department Officials On the Launch of the Welcome Corps, a Private Sponsorship Program to Welcome Refugees to the United States*, U.S. DEP’T OF STATE (Jan. 19, 2023), <https://perma.cc/RJP8-KUY9>.

Sponsor groups must raise a minimum of \$2,375 in cash and in-kind contributions. The program also allows colleges and universities to engage as sponsors. According to the information on the Welcome Corps webpage, the refugee beneficiaries would arrive one to two months after the approval of their sponsor group's application.<sup>185</sup>

Welcome Corps includes two components of sponsorship beneficiaries. First, the matching component covers individuals who have already been referred by UNHCR or another referral entity as in need for resettlement, and who are currently being processed under the U.S. refugee program. Second, the identification component allows for the admission of individuals who are identified and nominated by sponsors. However, Welcome Corps has started with the matching component only, meaning that sponsors are initially not able to identify and nominate beneficiaries.<sup>186</sup> This is a limitation on the naming principle. Due to the backlog, the matching component appears to be a reasonable starting point. If sponsors make referrals and the beneficiaries arrive months or even years later, not only the sponsors' situations and capacities might change significantly, but sponsors will also likely get discouraged. However, the above-mentioned Canadian "matching-only" experience with the BVOR program shows that matching, and even fast-track processing, are no guarantee to prevent delays.<sup>187</sup>

The implementation through non-profit partners is essential for successful matches between beneficiaries and sponsor groups. The State Department is funding a consortium of non-profit organizations<sup>188</sup> led by the Community Sponsorship Hub (referred to in Subsection C below). Amongst other things, these organizations oversee the vetting and certification process of private sponsors, and they should ensure that refugees get the support they need.

## B. *Co-sponsorships*

Voluntarism<sup>189</sup> in the form of co-sponsorships currently plays a central role in the U.S. refugee program – especially for its implementation at the

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185. *Frequently Asked Questions*, WELCOME CORPS, <https://perma.cc/B859-NB4K> (last visited Jan. 19, 2023). See also Miriam Jordan, *Biden Administration Invites Ordinary Americans to Help Settle Refugees*, N.Y. TIMES (Jan. 19, 2023), <https://perma.cc/KMM2-RG7W>; Camilo Montoya-Galvez, *U.S. Launches Pilot Program to Allow Private Sponsorship of Refugees From Around the World*, CBS NEWS (Jan. 19, 2023), <https://perma.cc/VLG6-ALGM>; Suzanne Monyak, *'Welcome Corps' to Let Americans Privately Sponsor Refugees in US*, ROLL CALL (Jan. 19, 2023), <https://perma.cc/JA2Z-EM89>; Ted Hesson, *Americans Can Sponsor Refugees Directly Under New Program Launching This Week*, REUTERS (Jan. 18, 2023), <https://perma.cc/DML4-FA78>.

186. See *Frequently Asked Questions*, WELCOME CORPS, <https://perma.cc/LLJ2-N97Y> (last visited Jan. 19, 2023).

187. See Shauna Labman & Madison Pearlman, *Blending, Bargaining, and Burden-Sharing: Canada's Resettlement Programs*, 19 J. INT'L MIGRATION INTEGRATION 439, 445 (2018).

188. These include the Church World Service, IRIS—Integrated Refugee and Immigrant Services, the International Refugee Assistance Project, the International Rescue Committee, and Welcome.US. See Office of the Spokesperson, *Launch of Welcome Corps – Private Sponsorship of Refugees*, U.S. DEP'T OF STATE (Jan. 19, 2023), <https://perma.cc/D9R2-SVSL>.

189. See Libal, Felten & Harding, *supra* note 19 for an empirical study conducted in Connecticut, Kentucky and Utah. In Connecticut, the local agency IRIS has engaged in co-sponsorships. Kentucky



local level. The engagement of community groups with Resettlement Agencies and local organizations through co-sponsorships is embedded in PRM's cooperative agreement for the Reception and Placement (R&P) program.<sup>190</sup> In the Funding Opportunity Announcement of May 2022, PRM defined co-sponsor groups as "community groups which have accepted – in a (non-legally binding) written agreement with a resettlement agency – the responsibility to provide, or ensure the provision of, reception and placement services to certain refugees sponsored by the agency."<sup>191</sup>

Co-sponsor groups differ from other volunteers, so-called "support teams," in three ways. First, co-sponsor groups agree in writing to accept responsibility for performing certain services. Second, they provide at least fifteen percent of delegated core reception and placement services, such as airport pick-up, furniture for housing, utilities, transportation training, cultural orientation, English language training, benefits registration, medical care, employment services, and school enrollment. Third, co-sponsorships must be associated with in-kind and/or financial contributions.

Examples of co-sponsorships are discussed below. While the examples provided do not constitute a comprehensive survey of all active co-sponsorship initiatives in the United States, they reveal important lessons for future U.S. private refugee sponsorships.

### 1. *The Integrated Refugee and Immigrant Services in Connecticut*

In Connecticut, one of the smallest U.S. states geographically with comparatively high costs of living, co-sponsorships increased the number of resettlements, with a positive effect on self-reliance and integration of the sponsorship beneficiaries. Integrated Refugee and Immigrant Services (IRIS), a Connecticut-based local resettlement agency that resettles the largest number of refugees in that state, has heavily relied on volunteer support. The IRIS co-sponsorship model constitutes a showcase model that was studied to a greater degree than successor models implemented by other agencies, and it has proven particularly effective.<sup>192</sup>

In 2016, one-third of the 530 refugees referred to IRIS were settled by co-sponsor groups.<sup>193</sup> Within less than three years, IRIS supported 45 co-sponsor

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represents a "Wilson/Fish" state, meaning that state-wide support for refugee resettlement occurs via a nonprofit organization rather than the state government. Utah balances state coordination with robust private, nongovernment organizational involvement.

190. See Harvard Immigration and Refugee Clinical Program, *Fulfilling U.S. Commitment to Refugee Resettlement*, HARVARD IMMIGR. CLINIC 33–34 (May 2017), <https://perma.cc/H4BF-T6EX>.

191. PRM, *FY 2022 Notice of Funding Opportunity for Reception and Placement Program*, U.S. DEP'T OF STATE 11 (Apr. 19, 2021), <https://perma.cc/Y8MC-RH2H>.

192. The agency started co-sponsorships when civil society movements countered the hostile political environment in 2015–16, and then under the Trump administration. See Libal, Felten & Harding, *supra* note 19, at 85–86.

193. At that time, groups had to consist of at least ten members. See Jennifer Bond & Ania Kwadrans, *Community Sponsorship: A Revolutionary Operational Approach Built on Traditional Legal Infrastructure*, 35 REFUGEE 95 (2019).

groups to resettle nearly 300 refugees in over 30 communities. In 2016-17, IRIS more than doubled the number of refugees it resettled in Connecticut, with nearly 40 percent of this increase due to co-sponsorships.<sup>194</sup>

Since then, the number of receiving communities has grown. As of October 2022, according to the map provided on the IRIS website, about 40 communities around New Haven and Hartford received refugees through co-sponsorships.<sup>195</sup> From October 2021 to April 2022, IRIS resettled 475 Afghan parolees.<sup>196</sup>

IRIS delegates nearly all the tasks<sup>197</sup> of resettling a refugee family to co-sponsor groups for at least one year.<sup>198</sup> The volunteers become the key decision-makers and implementers of the settlement process.<sup>199</sup> IRIS trains and mentors new groups with diverse backgrounds, including local governments, the business, health, and education sectors, and local ethnic associations.<sup>200</sup> The agency has used private donations, collected through private fundraising or fees paid by sponsors, to employ full-time staff dedicated to community engagement and the coordination of volunteers.<sup>201</sup> IRIS established a reporting system where the Co-Sponsorship Program Manager dual reports to the Director of Case Management and the Director of Community Engagement. The Co-Sponsorship Project Manager meets the co-sponsorship groups regularly, after 10, 45, and 180 days (six-month meeting).<sup>202</sup>

Research conducted by Kathryn Libal and Scott Harding<sup>203</sup> confirmed that co-sponsor groups in Connecticut effectively supported refugees in the face of challenges related to housing, schooling, employment, and ongoing access to social benefits and health care. IRIS's co-sponsored refugees reported high levels of satisfaction, perceiving it as an advantage to be co-sponsored, and rough analysis from 2019<sup>204</sup> suggested that the co-sponsorship beneficiaries

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194. See Libal, Felten & Harding, *supra* note 19, at 86.

195. See *Why We Co-Sponsor*, INTEGRATED REFUGEE & IMMIGRANT SERVS., <https://perma.cc/AH4P-XQ2S> (last visited Oct. 30, 2022).

196. Sai Rayala, *Local Refugee Organizations Resettle a Historic Number of Afghan Refugees*, YALE NEWS (Apr. 29, 2022), <https://perma.cc/E6KB-8RXX>.

197. Delegated tasks include fundraising; providing furnished housing and basic necessities; welcoming on arrival; orientation and transportation assistance; connecting the refugee beneficiaries with health, education, language, and other services and benefits; securing employment. See the Sample Resettlement Team Structure, which reflects the tasks of IRIS co-sponsor groups. *Sample Resettlement Team Structure*, IRIS, <https://perma.cc/DYA6-599X> (last visited Apr. 4, 2023). See also *IRIS Community Co-Sponsorship Overview*, IRIS 4, 6, 25 (Oct. 2019), <https://perma.cc/7MA7-NYWM>.

198. See Libal, Felten & Harding, *supra* note 19, at 85-86.

199. See Bond & Kwadrans, *supra* note 113, at 95.

200. Libal, Felten & Harding, *supra* note 19, at 86.

201. See SUSAN FRATZKE & EMMA DORST, MIGRATION POL'Y INST., VOLUNTEERS AND SPONSORS: A CATALYST FOR REFUGEE INTEGRATION 12-13 (2019), <https://perma.cc/YM5R-AQ3W>.

202. See *IRIS Community Co-Sponsorship Overview*, IRIS, 15, 17, 25-26 (Oct. 2019), <https://perma.cc/JED4-5AUY>.

203. See Kathryn R. Libal & Scott Harding, "Doing something to fight injustice": *Voluntarism and Refugee Resettlement as Political Engagement in the United States*, in STRANGERS TO NEIGHBOURS: REFUGEE SPONSORSHIP IN CONTEXT 247, 254 (Shauna Labman & Geoffrey Cameron eds., 2020). See also Libal, Felten & Harding, *supra* note 19, at 85-87.

204. See Libal, Felten & Harding, *supra* note 19, at 87.

were finding job slightly more quickly. Furthermore, co-sponsorships enabled volunteers to address stereotypes and potential hostility.<sup>205</sup>

National Resettlement Agencies have also increasingly engaged in co-sponsorship initiatives, including the International Rescue Committee (IRC),<sup>206</sup> the Ethiopian Community Development Council (ECDC),<sup>207</sup> and HIAS.<sup>208</sup> Their co-sponsorship programs are at an early stage, and the Agencies are testing various approaches regarding training, financial requirements, and sponsorship time.<sup>209</sup>

## 2. *The International Rescue Committee*

The IRC operates 25 local resettlement offices. As of February 2023, eighteen of these offices implemented co-sponsorships.<sup>210</sup> Compared to other Resettlement Agencies, the number of IRC offices engaging in co-sponsorships is particularly high.

The financial requirements vary among IRC offices between \$3,000 and \$5,000 per sponsored family, depending on the conditions in their local area. The minimum time commitment is six months. The idea is that co-sponsor groups would be busy during the first ninety days to provide core services, and the remaining time would allow them to build relationships with the newcomers and focus on personal and emotional support.<sup>211</sup>

IRC demands that co-sponsor groups consist of at least six members. It is the only Resettlement Agency that also introduced a maximum number of ten group members. IRC conducts one centralized training session of five hours for the volunteers, dealing with basic questions about resettlement and core services. The training also addresses more complex topics such as cultural orientation, cultural shock, and identity.<sup>212</sup>

## 3. *Ethiopian Community Development Council*

The co-sponsorship engagements of ECDC offices are relatively new compared to other Agencies. Two ECDC branch offices (the Denver and D.C.

205. See Libal & Harding, *supra* note 203, at 254.

206. See *Co-Sponsorship Is a New Opportunity to Welcome Refugees*, INT'L RESCUE COMM. (Apr. 27, 2022), <https://perma.cc/X24D-L3U2>.

207. See *Co-Sponsorship*, ECDC, <https://perma.cc/KXN4-N6MN> (last visited Oct. 30, 2022).

208. See, e.g., *Refugee Co-Sponsorship*, HIAS IMMIGR. & CITIZENSHIP, JCFS CHI., <https://perma.cc/5KVQ-Z8ZN> (last visited Oct. 30, 2022).

209. The Section below draws on information from the webinar *Exploring Co-Sponsorship at the National Level*, REFUGEE WELCOME COLLECTIVE (Mar. 21, 2022), <https://perma.cc/57NX-XC7Z>.

210. *How Can My Community Group Sponsor a Refugee in the U.S.?*, INT'L RESCUE COMM., <https://perma.cc/U5RM-GKGF> (last visited Feb. 15, 2023) (Phoenix, AZ; Tucson, AZ; Oakland, CA; San Diego, CA; San Jose, CA; Turlock, CA; Denver, CO; Tallahassee, FL; Atlanta, GA; Des Moines, IA; Wichita, KS; Missoula, MT; Elizabeth, NJ; Abilene, TX; Salt Lake City, UT; Richmond, VA; Charlottesville, VA; Spokane, WA). See, e.g., *Volunteer, Turlock: Co-Sponsorship*, INT'L RESCUE COMM., <https://perma.cc/69CE-LQQ2> (last visited Feb. 15, 2023).

211. Webinar *Exploring Co-Sponsorship at the National Level*, REFUGEE WELCOME COLLECTIVE (Mar. 21, 2022), <https://perma.cc/KM9F-YWEP>.

212. See *Co-sponsorship: Form a Team and Commit to Accompanying a Refugee Family on Their Resettlement Journey*, ECDC, <https://perma.cc/UH77-PMPS> (last visited Feb. 15, 2023).

metro offices) started piloting co-sponsorship programs in 2021. Subsequently, ECDC set up two new offices for co-sponsorships in smaller communities (the Wasau and Brattleboro offices). In March 2022, eleven ECDC offices implemented co-sponsorships. At that time, ECDC worked with 105 active co-sponsor groups, and 45 groups were in the process of undertaking co-sponsorships.<sup>213</sup>

Overall, ECDC uses a harmonized approach. The minimum financial requirement for ECDC co-sponsor groups is \$3,000. Additionally, co-sponsors must provide in-kind contributions such as furniture and household items. ECDC requires a minimum of seven group members. ECDC established requirements for the structure of co-sponsor groups. Accordingly, within a co-sponsor group, the volunteers should build thematic committees focusing, for example, on health, education, jobs, and finance. There must be a lead person for each committee and one person in the group must act as the overall coordinator. ECDC demands nine months of co-sponsorship support, which is longer than the IRC. ECDC provides a training session of six hours for all volunteers engaging in co-sponsorships.<sup>214</sup>

ECDC identified several challenges when implementing co-sponsorships. First, it faced difficulties in choosing the cases that should be matched with co-sponsor groups. Second, ECDC struggled with unequal treatment among beneficiaries due to the varying financial resources of co-sponsor groups. Third, challenges arose due to post-arrival changes, like arrival delays, changes in the number of arriving family members, unexpected pregnancies, or health issues. Fourth, ECDC had to enable clear communication and define the roles between co-sponsor groups and case managers. Eventually, ECDC identified the need for case managers to become specialized in training and working with co-sponsor groups. Lastly, ECDC's harmonization approach had to be balanced with the specific circumstances in each location and demand flexibility.<sup>215</sup>

#### 4. *HIAS*

Besides its active engagement in the Sponsor Circles Program,<sup>216</sup> HIAS operates co-sponsorships in some of its sites. The approaches of the respective locations differ. HIAS runs four official pilots in Pittsburgh, Ann Arbor, San Diego, and Columbus; the Agency received a grant for these locations through the Catalyst Fund handled by the Community Sponsorship Hub.<sup>217</sup>

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213. *See id.*

214. *See id.*

215. Webinar *Exploring Co-Sponsorship at the National Level*, REFUGEE WELCOME COLLECTIVE (Mar. 21, 2022), <https://perma.cc/KM9F-YWEP>.

216. *See infra* Subsection D.

217. *See infra* Subsection C.

Additionally, other local partners have engaged in co-sponsorships and/or worked with Support Teams.<sup>218</sup>

Pittsburgh introduced a two-track approach where the volunteers could choose between a detail-forward and a detail-later approach. The volunteers' preferences varied among the groups. Moreover, enabling co-sponsor groups to help other co-sponsor groups proved successful.<sup>219</sup>

HIAS shared that the "optimal" time for co-sponsorships varied largely, depending on multiple factors. It emphasized best practices, such as keeping complex administrative tasks, like applying for social benefits, as in-Agency core services, as opposed to outsourcing these tasks to co-sponsor groups.<sup>220</sup> An additional challenge for co-sponsor groups working with HIAS was organizing in-person interpretation to overcome language barriers. Furthermore, like ECDC, HIAS identified equity issues among sponsorship beneficiaries. In this regard, HIAS declared a commitment to financial assistance that promotes self-sufficiency.<sup>221</sup>

HIAS attempts to improve training of case managers on how to support co-sponsor groups, and provide ongoing training for co-sponsor groups throughout the co-sponsorship process. Lastly, HIAS emphasized its focus on program evaluation, including pre- and post-assessments, and a survey for co-sponsor groups.<sup>222</sup>

### 5. *Lessons to be Learned*

Local offices of Resettlement Agencies across the United States have adopted several co-sponsorship models. The upcoming U.S. private sponsorship pilot could benefit from testing and mutual learning of the Resettlement Agencies. Agencies and other local partners funded by PRM will shape the pilot's design. Experiences with co-sponsorships inform the following lessons for a sustainable future U.S. private sponsorship program:

First, the IRIS model confirms that co-sponsor groups can lead the implementation of the resettlement process and achieve successful outcomes. The capacity for resettlements to Connecticut increased, and the integration-outcomes of co-sponsorships were particularly positive for the beneficiaries and the community.

Second, the minimum timeframe for co-sponsorships varies, but it is never less than ninety days, i.e., the time that Resettlement Agencies must offer core services to government-sponsored refugees. Rather, the Agencies extended this timeframe for co-sponsorships. The delegation of tasks to co-sponsor groups unburdens the Agencies facing the challenge of scarce staff

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218. Webinar *Exploring Co-Sponsorship at the National Level*, REFUGEE WELCOME COLLECTIVE (Mar. 21, 2022), <https://perma.cc/KM9F-YWEP>.

219. *Id.*

220. *See id.*

221. *See id.*

222. *See id.*

and financial resources. This opens up resources for extended support for a longer period.

Third, the presented co-sponsorships required groups of six or more volunteers. The IRC stands out because they set a maximum number. It can indeed be easier for larger groups to accomplish core tasks without overburdening individual members. Here, the HIAS approach of keeping complex administrative tasks within the Agency is remarkable. Provided that the Resettlement Agency has experience and capacity to continue to perform these tasks in a timely manner, this could be a successful model. Finally, multiple group members bring different backgrounds and expertise. Diversity within the group can benefit the distribution of tasks and the sponsorship process overall.

Fourth, while it is common that Resettlement Agencies set minimum financial requirements for co-sponsorships, the specific amounts vary, even among local offices of IRC and HIAS. It appears that local offices are best situated to determine financial requirements that reflect the situations in the respective local areas.

Overall, Resettlement Agencies confirmed positive impacts of co-sponsorships. They reported “that the personal connections sponsors have with refugees are critical in reducing isolation and connecting them with the community, and that there is a clear difference in the experiences of sponsored vs. non-sponsored refugees.”<sup>223</sup>

The key question concerns how to use volunteers most effectively. Future U.S. private sponsorships should evaluate the following policy design questions:

- Should sponsor groups be required to follow a specific group structure or should they remain free in organizing their group and distributing tasks (and time commitments) among members?
- How should cases be chosen for matching with sponsors? What are the criteria?
- How can equality among beneficiaries be best established and maintained when financial resources and time commitments of sponsors vary?
- Which tasks are particularly well suited for private sponsors?
- How should sponsors be supported?
- What should training programs look like (this concerns, among other factors, the length, frequency, and content of training sessions)? Should sponsors receive training on an ongoing basis? Who should be required to attend training sessions (case managers and other agency staff, the whole sponsor group or selected group members only, or other actors involved)?

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223. FRATZKE & DORST, *supra* note 201, at 6.

- When and how should information be provided to sponsors, and how detailed should the information be?
- What funds and other resources are needed for comprehensive support of sponsors?

### C. *The Community Sponsorship Hub*

The Community Sponsorship Hub (CSH) has driven U.S. co-sponsorship initiatives, and it will play a key role in funding future programs, including the Welcome Corps pilot. Besides financial support, CSH functions as a resource platform and connects resettlement stakeholders.<sup>224</sup>

CSH is a collaborative initiative of experts who have been active in different roles in U.S. refugee resettlement.<sup>225</sup> Sarah Krause and Danielle Grigsby co-founded the CSH in September 2021. As such, CSH pursues the goal to “grow the role of communities in the protection, welcome and integration of refugees and other forcibly displaced people.”<sup>226</sup>

The CSH works with multiple external partners that support the CSH and/or benefit from support by the CSH. A major project of CSH is the Catalyst Fund, a joint effort of the Open Society Foundations, the Shapiro Foundation, and philanthropists G. Barrie Landry and Laurie T. Franz. The Catalyst Fund was launched in 2019 to “help organizations across the United States [to] develop, implement, and enhance community sponsorship programs.”<sup>227</sup>

The Catalyst Fund’s impact has been significant. While in 2019, only about fifty community sponsorship programs existed, the number has grown to over 150. By the end of 2021, grantees included thirty-four local organizations.<sup>228</sup> Five of the nine national Resettlement Agencies received support through the Catalyst Fund. By October 2022, three rounds of funding took place with a total number of 40 Catalyst Fund-supported programs. Through these programs, the Catalyst Fund expanded community sponsorship opportunities to ninety communities across the United States.<sup>229</sup>

In the future, CSH will fundraise to sponsor a fourth round of the Catalyst Fund. Besides co-sponsorship programs, this round will include organizations serving as private sponsors under the Welcome Corps pilot.

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224. See CMTY. SPONSORSHIP HUB, <https://perma.cc/24ZM-NJ4X> (last visited Feb. 20, 2023).

225. See *Meet Our Team*, CMTY. SPONSORSHIP HUB, <https://perma.cc/PVT5-L68Z> (last visited Feb. 15, 2023).

226. *Official Launch of the Community Sponsorship Hub*, CMTY. SPONSORSHIP HUB (Sept. 2021), <https://perma.cc/FN7X-4EWQ>.

227. The Fund was established as a project of the Refugee Council USA before being transferred to the CSH. See *Catalyst Fund*, CMTY. SPONSORSHIP HUB, <https://perma.cc/9FB6-CHUQ> (last visited Oct. 30, 2022).

228. See Kathryn R. Libal, Scott Harding & Madri Hall-Faul, *Community and Private Sponsorship of Refugees in the USA: Rebirth of a Model*, 3 J. POL’Y PRAC. RSCH. 259, 268–69 (2022) (notably includes examples such as the New Roots Fund in Seattle, Hello Neighbor in Pittsburgh, and Home for Refugees in Los Angeles).

229. *Catalyst Fund Impact*, CMTY. SPONSORSHIP HUB, <https://perma.cc/9FB6-CHUQ> (last visited Oct. 30, 2022).

#### D. *The Sponsor Circles Program*

Sponsor Circles is the first U.S. private sponsorship initiative since President Reagan was in office. In these sponsorships, the private sponsors do not act as delegates of Resettlement Agencies. Sponsor Circles supports volunteers who are willing to engage in private sponsorships by assisting them in the application process, supporting them in fundraising, offering temporary housing credits through Airbnb.org, ongoing expert guidance, and other sponsor resources. To that end, CSH cooperates with Welcome.US. Welcome.US focuses on mobilization and public awareness and works with Resettlement Agencies and other actors involved<sup>230</sup> in the resettlement process. CSH leads the Sponsor Circles coalition and coordinates partners, including umbrella organizations which directly support individual sponsor groups.

##### 1. *Sponsor Circles Program for Afghans*

The Sponsor Circle Program for Afghans (SCPA)<sup>231</sup> started in October 2021. It relates to the Welcome Fund, which was launched in September 2021, initially for Afghans, and subsequently expanded to Ukrainians and others seeking refuge in the United States.<sup>232</sup> According to Welcome.US, Americans had contributed 800 million airline miles, 20,000 Airbnb rentals, and \$17 million to the Welcome Fund by mid-August 2022.<sup>233</sup> At that time, CSH Executive Director Sarah Krause reported that SCPA sponsor groups had taken care of around 600 Afghans.<sup>234</sup>

In October 2022, the application portal for the SCPA closed because the U.S. government transitioned its operations for Afghans from humanitarian parole to standard resettlement processing through Resettlement Agencies.<sup>235</sup> As opposed to Canada's private sponsorship program, the SCPA only included displaced individuals from Afghanistan who were present in the United States. Most of them were temporarily housed at U.S. military bases. Sponsor groups supported them in their transition to live in the receiving communities outside the bases.

The SCPA required sponsor groups of five or more. Each group had to raise at least \$2,275 per sponsored individual. This is equivalent to what the U.S. government allocates to Resettlement Agencies to resettle one individual. The

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230. This includes the Cultural Orientation Resource Exchange (CORE). CULTURAL ORIENTATION RES. EXCH., <https://perma.cc/E4W3-S8HA> (last visited Oct. 30, 2022); *see also* REFUGEE WELCOME COLLECTIVE, <https://perma.cc/Q757-T8ZD> (last visited Oct. 30, 2022).

231. *See* SPONSOR CIRCLES, <https://perma.cc/Q63P-VFUJ> (last visited Oct. 30, 2022).

232. *Welcome Fund*, WELCOME U.S., <https://perma.cc/26UD-63XS> (last visited Oct. 30, 2022).

233. *See Our Mission Isn't Over*, WELCOME.US (Aug. 15, 2022), <https://perma.cc/NG6D-4P8V>.

234. *See* Sophia Ahmed, *A New Model to Help Refugees Built for Afghans, Adapts to Support Ukrainians*, REUTERS (Aug. 15, 2022), <https://perma.cc/VKP7-AUA3>.

235. *See, e.g.*, Camilo Montoya-Galvez, *U.S. to Discontinue Quick Humanitarian Entry for Afghans and Focus on Permanent Resettlement Programs*, CBS NEWS (Sept. 2, 2022), <https://perma.cc/5M6U-TYDV>.



minimum sponsorship time under the SCPA was ninety days. The sponsor groups had to undergo training and create a detailed support plan.

SCPA sponsor groups could nominate beneficiaries or be matched. Matches were made by organizations at the military bases, considering the family size that sponsor groups indicated they could support. All beneficiaries served through the SCPA had to opt in and accept that their initial resettlement services would not come via a traditional Resettlement Agency.

The SCPA had major limitations. It did not allow U.S.-based sponsors to support forced migrants from Afghanistan *outside* the United States or any other populations of forced migrants. The minimum support time of ninety days was short—much shorter compared to similar programs in other countries, and shorter than the times required by U.S. Resettlement Agencies for co-sponsorships. Most beneficiaries under the SCPA came to the United States on parole. This is a temporary status that usually implies significantly limited rights compared to refugees under the U.S. refugee program.

The use of parole power has been crucial for Afghans unable to leave their home country. Most Afghan parolees came to the United States directly from Afghanistan, rather than from a country of first refuge. Consequently, they would not have met the refugee definition of the Refugee Convention and its 1967 Protocol, because they were not outside their home country. Moreover, in Afghanistan, there is no access to the U.S. refugee program. The State Department has processed individuals for the U.S. refugee program only in countries of (first) refuge outside of Afghanistan.<sup>236</sup> Congress enacted legislation which permits parolees from Afghanistan to become eligible for federal benefits to the same extent as refugees.<sup>237</sup> Still, sponsored parolees from Afghanistan must adjust their status within two years or hope that the U.S. government will extend their parole status.<sup>238</sup>

## 2. *Uniting for Ukraine*

The Biden administration announced a Uniting for Ukraine (U4U) program in April 2022.<sup>239</sup> While the SCPA remained a complementary program,

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236. See Office of the Spokesperson, *Briefing with Senior State Department Officials On the U.S. Refugee Admissions Program Priority 2 (P-2) Designation for Afghan Nationals*, U.S. DEP'T OF STATE (Aug. 2, 2021), <https://perma.cc/4PZA-G9DZ>.

237. Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. No. 117-43 (2021).

238. The Afghan Adjustment Act, which was introduced by legislators from both parties in the U.S. House and Senate would provide a pathway to permanent residence and citizenship for over 70,000 Afghans paroled into the US. See Afghan Adjustment Act, S. 4787, 117th Cong. (2022). See *Bill Explainer: Afghan Adjustment Act – 2022*, LIRS (Aug. 2022), <https://perma.cc/CX8B-NT87>; Caroline Simon, *A Year After Fall of Kabul, Afghan Evacuees Face Uncertainty in U.S.*, ROLL CALL (Aug. 15, 2022), <https://perma.cc/RAR3-FDTU>; Luke Broadwater, *Bill to Grant Afghan Evacuees a Path to Residency Hits Snags*, N.Y. TIMES (Sept. 22, 2022), <https://perma.cc/TU43-VATM>; Penelope Dexejaeger, *Congress Needs to Do Right by Our Afghan Allies*, HILL (Nov. 11, 2022), <https://perma.cc/ML95-AEZ4>.

239. See *Uniting for Ukraine*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://perma.cc/G2FU-6N3U> (last visited Dec. 8, 2022).

U4U constitutes a government initiative that enables paroling U4U beneficiaries from third countries to the United States.

U4U has grown to be the largest formal private sponsorship initiative in U.S. history.<sup>240</sup> By the end of November 2022, about 121,000 Ukrainians received authorization to travel, and roughly 85,000 arrived since April 2022.<sup>241</sup> U4U experienced unprecedented community support, which is evident from the about 124,000 sponsorship applications in total from April to September 2022.<sup>242</sup>

Compared to the SCPA, the U4U program provides a pathway for Ukrainian citizens and their immediate family members *outside* the United States to apply for parole. U4U parole applicants do not have to pay the usual application fee. In contrast, parole applicants fleeing Afghanistan must pay a \$575 filing fee.<sup>243</sup> U4U applicants can apply for parole online. They do not have to appear for an in-person interview, and they are not directed to a specific embassy or consulate for processing.<sup>244</sup>

U4U allows individuals to apply as sponsors and does not require a group of five. Unlike SCPA sponsors, U4U sponsors do not have to prove a specific amount of available funds. However, U4U sponsors have to sign a declaration that, if needed, they will financially support the Ukrainians for the duration of their parole, i.e., two years.

Sponsors can nominate U4U beneficiaries if they already have established contacts, or they can be matched. Compared to the SCPA, the matching process needed adaptation. Afghans sponsored through the SCPA were already in the United States, but U4U applicants are dispersed, which impacts the identification of prospective beneficiaries. For this purpose, the Shapiro Foundation worked with a local partner and launched a pilot. The partner organization 1kproject<sup>245</sup> identifies vulnerable families, vets, and prioritizes them, and then makes direct \$1,000 cash transfers into their Ukrainian bank accounts.<sup>246</sup>

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240. See Camilo Montoya-Galvez, *5 States Account for Half of 123,962 Requests to Sponsor Ukrainian Refugees in U.S.*, CBS NEWS (Sept. 13, 2022), <https://perma.cc/2BKV-A28H>.

241. See Ben Cohen, *85,000 Ukrainians Fled to the U.S., and Twice as Many Americans Offered to Help*, WALL ST. J. (Nov. 24, 2022), <https://perma.cc/2UL2-2K54>; Matthew la Corte & Gil Guerra, *Uniting for Ukraine is Successful. Let's Expand it to Include Venezuelans*, NISKANEN CTR. (Aug. 29, 2022), <https://perma.cc/3V9Z-NXLK>; Camilo Montoya-Galvez, *U.S. Admits 100,000 Ukrainians in 5 Months, Fulfilling Biden Pledge*, CBS NEWS (July 29, 2022), <https://perma.cc/L56G-MBBU>.

242. Camilo Montoya-Galvez, *5 States Account for Half of 123,962 Requests to Sponsor Ukrainian Refugees in U.S.*, CBS NEWS (Sept. 13, 2022), <https://perma.cc/A5QQ-9HDH>; see also Matthew la Corte & Cecilia Esterline, *10 Takeaways From New Data on Who Signed Up to Sponsor Displaced Ukrainians*, NISKANEN CTR. (Oct. 6, 2022), <https://perma.cc/7WXH-HXWZ>.

243. This is “more than what the World Bank estimates an average Afghan earned annually before the U.S. withdrawal.” Ilya Somin, *A Double Standard Between Ukrainian and Afghan Refugees*, REASON (May 26, 2022), <https://perma.cc/XUA6-R43V>.

244. See Margaret D. Stock, *Time to Treat Afghan Allies With Same Respect As Those Fleeing Ukraine*, HILL (Aug. 15, 2022), <https://perma.cc/E47V-3FPB>.

245. See 1KPROJECT, <https://perma.cc/Y6F6-V4D4> (last visited Oct. 30, 2022).

246. See *Our Focus*, THE SHAPIRO FOUND., <https://perma.cc/R5YH-BNLB> (last visited Nov. 29, 2022).

HIAS, a Sponsor Circles umbrella organization, worked with database researchers to create an algorithm to match prospective beneficiaries with sponsors across the United States. Both beneficiaries and sponsors fill out forms asking for basic information and preferences such as about the location, the number of individuals in a sponsorship household, and specific health needs or other vulnerabilities of beneficiaries.<sup>247</sup> Beneficiaries then receive a list of different locations to rank. Next, the beneficiaries obtain a sponsor profile, which they may accept or decline. If they decline, they are offered a different sponsor, and receive information about potential wait times. This system empowers beneficiaries to reach informed, final decisions. Eventually, such a matching process could serve as role model for the upcoming U.S. private sponsorship program, and for other migration streams.<sup>248</sup>

Congress extended access to standard refugee benefits for U4U parolees in May 2022 (like it did for Afghans before).<sup>249</sup> However, like Afghan parolees, U4U beneficiaries would only receive a direct pathway to permanent residency and citizenship if Congress adopted additional special legislation stipulating such pathway for parolees from Ukraine.

Despite the beneficial developments under U4U, critiques pointed to the risks of double standard and discrimination.<sup>250</sup> For example, law professor Ilya Somin noted that the preferential treatment of Ukrainians in the United States might be less based on racial grounds than in European countries. Instead, the main factors underlying preferential treatment of Ukrainians by the United States could be that “1) Ukrainian refugees are far more visibly in the news right now, and 2) the US is supporting Ukraine in its struggle against Russian aggression, while the Biden Administration (like Trump’s before it) clearly wants to wash its hands of Afghanistan.”<sup>251</sup> Customary international law prohibits racial discrimination *per se*.<sup>252</sup> Furthermore, as a state party of the International Covenant on Civil and Political Rights

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247. See Brian Zumhagen, *How an Innovative Algorithm Helps Refugees Find New Homes*, HIAS.ORG (Dec. 15, 2022), <https://perma.cc/7VQQ-5BR4>.

248. E.g., matching skilled visa applicants with employers looking for talent. See Matthew la Corte & Gil Guerra, *Uniting for Ukraine is Successful. Let’s Expand it to Include Venezuelans*, NISKANEN CTR. (Aug. 29, 2022), <https://perma.cc/5GYE-7WX2>.

249. The Additional Ukraine Supplemental Appropriations Act, Pub. L. No. 117-12, 136 Stat. 1211 (2022) makes Ukrainians (or individuals who resided in Ukraine) who were paroled into the US between February 24, 2022, and September 30, 2023 eligible for refugee benefits. See Nayla Rush, *Uniting for Ukraine: A New ‘Privately’ Sponsored Pathway to the United States*, CTR. FOR IMMIGR. STUD. (June 15, 2022), <https://perma.cc/KEQ9-V3TA>.

250. These considerations refer to non-discrimination under international human rights law; an analysis of the U.S. Constitution and other U.S. laws is beyond the scope of this Article.

251. Ilya Somin argues that “the right way to address any double standards is not to bar more Ukrainians, but to open our doors to others fleeing comparable war and oppression.” Ilya Somin, *A Double Standard Between Ukrainian and Afghan Refugees*, REASON (May 26, 2022), <https://perma.cc/6LNF-TD73>.

252. See Janine Prantl & Ian Kysel, *Generous, But Equal Treatment? Anti-Discrimination Duties of States Hosting Refugees Fleeing Ukraine*, EJIL TALK! (May 2, 2022), <https://perma.cc/2ABS-7UZF>.

(ICCPR),<sup>253</sup> the United States must justify differential treatment on grounds of nationality with a legitimate interest and reasonable and objective criteria. Human rights bodies and courts set a high threshold for this justification. The reasons for distinctions based on nationality should be very weighty. Foreign policy interests are therefore likely not sufficient to justify these inequalities.<sup>254</sup>

Another pivotal question concerns the reasoning behind, and justification of the use of parole power, an exceptional emergency fast-track process. This question is not only of legal relevance because of potential discrimination among groups of forced migrants; it is also highly sensitive and political.

The need for emergency fast-track processing for Afghans was originally explained by the sudden mass evacuation that the United States undertook in summer 2021 when the Taliban took over the country. Despite evacuation efforts, thousands of individuals, including those with U.S. ties, were left behind in risky and vulnerable conditions, waiting for admission to the United States. These individuals could not apply for admission to the United States within the country, and they could hardly find secure conditions in overwhelmed neighboring countries with underdeveloped protection systems.<sup>255</sup>

For individuals fleeing Ukraine, the situation is different, at least in terms of access to and protection in the countries in the region. One reasonable explanation of why the U.S. government reverted to parole power could be foreign policy interests again, namely not to overstep European allies. If the United States had offered long-term residence upon arrival, it would have gone further than European partners largely offering only temporary protection based on the European Union's Temporary Protection Directive.<sup>256</sup>

As originally intended, the use of parole authority should remain exceptional, because it shifts away power from Congress to the executive branch.

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253. International Covenant on Civil and Political Rights (ICCPR), Dec. 16, 1966, 999 U.N.T.S. 171.

254. Human Rights Committee, *Gueye v. France*, Communication No. 196/1985, para. 9.4, U. MINN. HUM. RTS. LIBR. (1989), <https://perma.cc/DJ2C-HPLU>. According to the European Court of Human Rights (ECHR), very weighty reasons must be put forward regarding a difference in treatment based exclusively on the ground of nationality as compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). *Gaygusuz v. Austria*, App. No. 17371/90, para. 42 (Sept. 16, 1996), <https://perma.cc/Y7FE-NMW6>; *Koua Poirrez v. France*, App. No. 40892/98, para. 46 (Sept. 30, 2003), <https://perma.cc/N3QW-VH9F>; *Savickis and others v. Latvia*, App. No. 49270/11, para. 42 (June 9, 2022), <https://perma.cc/E6H4-685N>.

255. See Janine Prantl, *Afghan Mass Displacement*, 1 AUSTRIAN L.J. 17, 43 (2022), <https://perma.cc/9ZQ9-BM2T>.

256. The Directive 2001/55 (EC) on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, 2001 O.J. (L 212) 12-23 was activated through Council Implementing Decision 2022/382 (EU) establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, 2022 O.J. (L 71) 1-6. For background information on the activation of the Temporary Protection Directive and an analysis of its implications, see Daniel Thym, *Temporary Protection for Ukrainians: the Unexpected Renaissance of 'Free Choice'*, EUMIGRATIONLAWBLOG.EU (Mar. 7, 2022), <https://perma.cc/7G93-QBY7>.

Congressional oversight is crucial to maintain the balance of powers in the U.S. democratic system. This, again, signifies the need to formalize private refugee sponsorship in the U.S. refugee program, where Congress has influence through consultation in the process of setting the annual admission ceiling.<sup>257</sup>

In the end, U4U remains an outstanding program, despite the use of parole. The admission of Ukrainians as refugees with direct access to permanent residency and citizenship is difficult for at least three reasons. First, the U.S. refugee process is nonfunctional due to the current processing backlog. Second, U4U is not limited to the most vulnerable refugees, and individuals do not have to demonstrate their vulnerability. Third, not all Ukrainians are refugees under U.S. and international law. The United States does not necessarily grant refugee status to people fleeing armed conflict.<sup>258</sup>

Scholars have called for the expansion of U4U, for example, to Afghans outside the United States, to Russians fleeing the Putin regime,<sup>259</sup> or to Venezuelans.<sup>260</sup> Indeed, the U.S. government introduced a parole process for privately sponsored Venezuelans modeled after U4U, and subsequently extended it to Cubans, Nicaraguans, and Haitians.<sup>261</sup> As opposed to U4U, the policy on Cubans, Nicaraguans, Haitians, and Venezuelans should mitigate irregular border crossings from Mexico.<sup>262</sup> It excludes individuals who have been ordered removed from the United States, and who have crossed irregularly into the United States, or unlawfully crossed the Mexican or Panamanian borders. This approach goes against U.S. obligations under international refugee and human rights law. It arguably contravenes Article 31 of the Refugee Convention as a punishment for irregular entry. In addition, it touches upon other human rights, such as the right to leave and the *non-refoulement* principle.<sup>263</sup>

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257. See Philip Linderman, *Stop the President's Abuse of 'Parole' Power*, AM. CONSERVATIVE (May 10, 2022), <https://perma.cc/87F9-SD8M>.

258. Interview of Professor Alan Hyde with Denise Bell, co-founder of Welcome.US (Feb. 15, 2023).

259. Ilya Somin & Sabile El-Chidiac, *Americans Should Be Able to Sponsor Refugees Who Can Stay Permanently*, WASH. POST (July 18, 2022), <https://perma.cc/9ZP6-QJWS>.

260. Matthew la Corte & Gil Guerra, *Uniting for Ukraine Is Successful. Let's Expand It to Include Venezuelans*, NISKANEN CTR. (Aug. 29, 2022), <https://perma.cc/Z7LK-F5BJ>.

261. See USCIS, *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, USCIS (last updated Jan. 6, 2023), <https://perma.cc/XW4X-ME3K>; *FACT SHEET: Biden-Harris Administration Announces New Border Enforcement Actions*, THE WHITE HOUSE (Jan. 5, 2023), <https://perma.cc/5729-JL8W>; see Myah Ward, *Biden Announces New Program to Curb Illegal Migration As He Prepares for Visit to Border*, POLITICO (Jan. 5, 2023), <https://perma.cc/TU76-S3VK>; Dianne Solis & Alfredo Corchado, *Biden Plan Would Create Legal Path for Some Migrants, Restrict Illegal Crossings*, DALL. MORNING NEWS (Jan. 5, 2023), <https://perma.cc/3AHD-QPWX>; Camilo Montoya-Galvez, *Biden Expands Title 42 Expulsions While Opening Legal Path for Some Migrants*, CBS NEWS (Jan. 5, 2023), <https://perma.cc/R4DU-4ADW>.

262. Unlike U4U, the program for Venezuelans was initially capped at 24,000. This number is very low in relation to the actual border crossings, which rose to only 33,000 in September 2022. Hamed Aleaziz, *U.S. to Allow Some Venezuelan Migrants to Enter. Others Will Be Sent to Mexico*, L.A. TIMES (Oct. 12, 2022), <https://perma.cc/CBY9-CXHV>. See Eileen Sullivan & Zolan Kanno-Youngs, *Biden Administration to Offer Thousands of Venezuelan Migrants Legal Path Into U.S.*, N.Y. TIMES (Oct. 12, 2022), <https://perma.cc/M9SS-FZUM>.

263. *Process for Venezuelans*, USCIS, <https://perma.cc/5AWM-EBPN> (last visited Nov. 29, 2022).

### E. *Case studies of Sponsor Groups in Seattle*

Two case studies were conducted with volunteers from Seattle to complement this Article with insights on how the Sponsor Circles initiative worked out in practice. They were based on qualitative interviews with open-ended questions. The interviews took place virtually between September and December 2022.<sup>264</sup> The two interview participants engaged in sponsor groups under the Sponsor Circle initiative. Both participants took the lead in forming their sponsor groups, but the background, structure, task and time distribution of the two groups differed.

#### 1. *The First Case Study*

The first interviewee grew up in a family who hosted foreign students studying at the local university. When the Taliban retook Afghanistan, she felt the need to “do something” but found that the Resettlement Agencies were too busy to accept new volunteers. When she learned about the SCPA, she remembered her family’s hosting experiences and asked her husband and then her friends if they were interested in forming a sponsor group. She drummed up eleven volunteers with different skills and professional backgrounds. For example, one group member was a librarian who had worked with Resettlement Agencies and programs and was a valuable resource of information for the group. Another was a doctor who became a trusted confidante of the Afghan family regarding their medical needs.

As a first challenge, the group divided up a comprehensive list of tasks and research topics for the sponsorship application. Furthermore, per the SCPA’s requirement, they had to raise a minimum amount of \$9,100 for sponsoring an Afghan family of four before making the application. According to the volunteer, raising money was easy (the group raised over \$35,000). Because the group was composed of private individuals who did not share a legal identity, they had to find a fiscal sponsor for various accounting tasks – this included receiving donations, writing checks, and offering tax deductible receipts. A local church was willing to provide this service without charge.

The group adopted an approach where the lead volunteer acted as a project manager, while tasks were assigned to group individuals or sometimes to a pair or trio, giving each member or “subcommittee” a fair amount of autonomy in making decisions within their assigned tasks. They met weekly via Zoom for status reports. They made up their own grant rules, including a threshold amount for bigger expenses where the whole group needed to be informed and make a joint decision.

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264. The information was gathered in a Zoom interview with Maggi Johnson, lead volunteer of the first sponsor group (Sept. 13, 2022); and Zoom interviews with Erica de Klerk, team lead of the second sponsor group (between Sept. 15, 2022, and Dec. 1, 2022). The information gathered in each of the virtual meetings was captured in detailed meeting notes (confidential). I shared the draft of this Section with both interviewees for review in advance to receive their consent for distribution and ensure the accuracy of the information.

The SCPA umbrella organization responsible for this group was located in Washington, D.C. This organization had itself started as a sponsor group and only had a few months of experience sponsoring a few dozen families. Still, the umbrella organization contact provided some valuable advice from their own experience, such as timelines for various goals related to settling the newcomer family. Beyond this and some preparation talks, the umbrella organization did not provide substantial assistance to the Seattle sponsor group, as they were too busy settling their own Afghan families, were not familiar with the resources and requirements in Washington State, and were not connected with other sponsor groups in the Seattle area.

The sponsor group felt confident in their own abilities to figure things out, but at the same time, they felt very much on their own. The interviewed volunteer described that the group's research into various topics (how to get benefits, legal aid, housing etc.) seemed like "reinventing the wheel" and that other groups probably were doing the same thing. She regretted that the SCPA had no system in place for connecting sponsor groups. Eventually, the sponsor group found several other sponsoring volunteers and started a Facebook group for asking questions and sharing resources. Before the Afghan family's arrival, the group received only limited information, including names and ages and an indication of their level of English – the latter was reportedly not accurate. The scarce information complicated the preparation phase.

While pursuing their support tasks, the sponsor group encountered that people were not aware of the group's role. This occurred, for example, when they sought to sign up for phone-in interpretation services. The sponsor group also experienced misunderstandings about their role when talking with the Afghan family's social worker, and with the school principal. The lead volunteer emphasized that the group had to work hard explaining that they were indeed legitimate sponsors of this family. The group got feedback from several sources saying, "we didn't know what to think of you at first, and were worried about you being untrained volunteers, but you are doing a great job and the family is lucky they got you."

## 2. *The Second Case Study*

The second sponsor group was established in the context of the St. James Cathedral Immigrant Assistance in Seattle.<sup>265</sup> This is a faith-based organization that renders tutoring, legal services, and engages in advocacy efforts for refugees and other migrants. For the second sponsor group, private sponsorship was part of deepening its existing program, namely to mobilize the community's members and secure a more direct relationship to a refugee family. The group sponsored two families from Afghanistan through the SCPA –

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265. See ST. JAMES IMMIGRANT ASSISTANCE, <https://perma.cc/7FTN-U4JR> (last visited Oct. 30, 2022).

both with three family members –, and a third family of six members from Ukraine under U4U.

Regarding the group's structure and organization, a group of volunteers made up a team that included a staff resource, who was interviewed. The group was much larger than the first interviewee's group, consisting of 25-30 members across the three sponsored families, with different time commitments and tasks. For the reception of the first Afghan family, the lead group of volunteers developed a detailed welcome plan. It took about a month from the submission of the application to the reception of the first family. The sponsor group was matched with the Afghan family and CSH coordinated the travel. Right when they welcomed the first family, they heard about the second one. Since a funding opportunity had just opened up at that time, the group decided to submit a second application.

Before the sponsorship, both families had spent about five to six months at a military base, from late August 2021 until mid-late January 2022. For housing during the first week outside the base, the sponsor group took advantage of a partnership that Sponsor Circles had established with Airbnb.org. Through a parish family they found another place for temporary housing while securing an apartment. Altogether, the first Afghan family spent six weeks in temporary housing. According to the team lead, the first three months were particularly intensive, not only because of housing, but also applying for social benefits, health care, and making initial appointments. The team lead reported that being new as sponsor was a challenge, and that the group members felt more informed to navigate the resettlement responsibilities after having received two families.<sup>266</sup>

The group handled specific challenges with both families. With the first family, the group faced significant language barriers. They had to work with live interpreters on the phone and text translation apps. The second family also did not have advanced English knowledge, but it was much easier for the sponsor group to communicate with them because this family had relatives in the United States who were able to assist with interpretation. The major challenge with the second family was navigating the health care system because the mother arrived in the last trimester of her pregnancy.

After six months, both families became increasingly independent, including by securing jobs<sup>267</sup> and housing. The group rendered support beyond the indicated sponsorship time (with a smaller part of the group members), but financially, the families became independent. At the time of writing, St. James Immigrant Assistance is assisting both families with their legal services to adjust their status.

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266. The team lead stated that after having sponsored two families, “[t]hey know so much more.”

267. Both family fathers found employment within two to three months. They received employment at a company hiring 60 Afghan evacuees; *see* BACK OF HOUSE CONCEPTS, <https://perma.cc/Z6AJ-DUNX> (last visited Dec. 21, 2022).



For the Ukrainian family, I-134 sponsorship processing went very quickly for five of the six family members. The five were already authorized for travel, while authorization for the remaining family member was still pending. The processing time was therefore delayed. CSH reached out to the local congressional office for support in resolving the case. The team lead heard of two other similar cases where a family had one member who was not authorized for travel at the same time as the other family members. In total, it took about five weeks from the submission of the application to the arrival of the family. During the wait time, the sponsor group arranged and setup housing in an apartment with a lease lasting for about ten months.

One major concern raised by the team lead was that the Afghan families arrived with work authorizations, and they received a Social Security Number (SSN) soon after arrival in Seattle. This was not the case for U4U parolees.

The sponsor group had to search for a local organization who could assist in the work authorization application process. This application could be submitted online to get faster approval. But at the time when the Ukrainian family arrived, fee waivers could only be requested through a mailed application with longer processing time.

The family filed the work authorization requests and the SSN requests together. The proof of this application was not sufficient for the Department of Health and Human Services when the family requested access to health and other benefits. Instead, they were instructed to apply for another non-working SSN. This was an additional step in the process.

In November 2022, USCIS announced policy changes that positively impacted the family. It allowed the parents to start to work before USCIS approval of their working authorizations, and introduced online filing for work authorization applications with fee waivers.<sup>268</sup>

The team lead highlighted how important it was for the family to get their SSNs. Without it, they could, for example, neither get a driving license nor a local photo identity card. Their foreign passports were not sufficient to meet ID requirements for several purposes.

The family's four children were all school age, and the sponsor group helped the family to enroll them the day after their arrival in the United States. It appeared that with a family having four school-aged children,

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268. *Certain Afghan and Ukrainian Parolees Are Employment Authorized Incident to Parole*, USCIS (Nov. 21, 2022), <https://perma.cc/WPN7-JZP4>. The new policy “allows Ukrainian and Afghan parolees to work for a distinct period—90 days after being hired—with just the form showing their immigration status. After that, they need to produce either an employment authorization document or an “unrestricted” Social Security card, given to people allowed to work, and a state driver’s license or ID.” The major issue remains that “[w]ork permits still take longer than 90 days to process. . . and the Social Security Administration does not typically give unrestricted cards to humanitarian parolees.” Nina Shapiro, *Ukrainians and Afghans in WA Get Permission to Work Immediately*, SEATTLE TIMES (Nov. 24, 2022), <https://perma.cc/XS2E-H2AY>.

helping the family to become independent in navigating through the public transportation system was particularly important in the first weeks.

The family barely knew English. According to the team lead, the sponsor group received some information about the English level of the family beforehand – “they had at least expectations.” For communication, the sponsor group mostly relied on translation apps and volunteer interpreters from the community. They provided connections for the parents to enroll in an English as a second language (ESL) tutoring program through their organization. The tutoring took place two times per week. At the time of writing, the parents intended to add to this by enrolling in a more intensive community college course that would take place four mornings per week.

The team lead reported that the language barrier impacted the parents in their job search. They started searching for opportunities with other Ukrainian or Russian speakers, and for employers who were open to work with employees who are beginning to learn English. The family’s connection to a Ukrainian church community was of great value for new friendships and could be helpful with the job search.

With the family from Ukraine, the sponsor group used cultural orientation materials from the Cultural Orientation Resource Exchange (CORE).<sup>269</sup> The team lead described this toolkit as excellent. A lot of materials of the toolkit are translated in Russian and Ukrainian, which she found to be particularly helpful. Yet, the interviewee reported that it was challenging to make time for conversations on cultural orientation while the sponsor group was busy with other tasks. Furthermore, the team lead wished the team had access to these materials with the Afghan families, which now are available in Pashto and Dari. Both families were provided with copies of Intercambio’s Immigrant Guide<sup>270</sup> in their first language.

### 3. *Lessons to be Learned*

The U.S. President’s refugee report to Congress for fiscal year 2023 proclaimed to “incorporate lessons learned from these initiatives [the SCPA and U4U] to grow opportunities for Americans to participate directly in welcoming refugees and facilitating their successful integration.”<sup>271</sup> Given this report’s recognition, the above case studies provide the following major lessons.

One major lesson is that sponsor groups can be effective even without training and support by an experienced Resettlement Agency. Still, there remains a need for exchange and well-informed guidance. Guidance may

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269. CULTURAL ORIENTATION RES. EXCH., <https://perma.cc/PA6L-YJSH> (last visited Oct. 30, 2022).

270. “This 45-page guidebook – available in several languages – provides practical, easy-to-read information about living and succeeding in the U.S.” *The Immigrant Guide (Print)*, INTERCAMBIO, <https://perma.cc/KQ6J-97PL> (last visited Nov. 15, 2022).

271. U.S. DEP’T STATE, REPORT TO CONGRESS ON PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2023, at 7 (2022), <https://perma.cc/J94S-5FFR>.

possibly come from outside of the Resettlement Agencies, including from local (non-profit) actors or volunteers, and/or contact with other sponsor groups. For this reason, exchange among sponsor groups, and between sponsor groups and Resettlement Agencies, as well as local actors, deserves more attention in future U.S. private sponsorships. Communication streams should also be available to other resettlement stakeholders such as the CSH.

The Seattle case studies reveal that the sponsor groups did not receive enough information about the sponsored families before their arrival, and the information they did receive was in some instances inaccurate. Prior information is essential to allow the groups to use the time before the beneficiaries arrive efficiently and prepare accordingly. In addition to housing, furniture, clothes and other daily necessities, special situations of a sponsored family may require particular preparation, such as illness, disability, or pregnancy. In addition, the accuracy of information should become a priority. For example, close cooperation and information exchange with partners on the ground in countries of (first) refuge could help to better collect information and improve information accuracy. It would be best to get first-hand information from organizations who are at place in countries of (first) refuge and can directly communicate with potential beneficiaries. Moreover, the experience of the second sponsor group demonstrates that a lack of information about poor English skills of the sponsored family implicates communication issues, and demands arrangements that could have been made before arrival of the family, such as looking for people in the community who could serve as interpreters, or organizing live interpretation by telephone.

The case studies show that meeting the financial minimum requirement under the SCPA was not a major obstacle. However, the first sponsor group had to rely on a local church to accept donations, as the individual volunteers did not share a legal identity. This was not only important to offer tax-deductible donations. It also relates to the broader question of how the group could prove to Sponsor Circles that the money received from donations was separate from their personal funds.

Navigating through the administrative system for social benefits, health care, and work authorizations for the sponsored families in Seattle challenged both sponsor groups. But both groups managed these tasks successfully, and without much guidance. As the lead volunteer of the first sponsor group emphasized, exchange with other sponsor groups would have been helpful. The lesson is to enable and improve communication among sponsor groups.

For sponsors of U4U beneficiaries, assistance in administrative tasks starts from the scratch. As demonstrated by the second sponsor group, the team had to seek support from a local agency to complete the applications for work authorizations. Moreover, their experience reveals complexities and barriers to fast approval, such as having to revert to a mailed application for fee waivers, or having to request an SSN two times. Indeed, USCIS took first steps to ease the process, for Afghan as well as Ukrainian parolees, so that they could

engage in work before approval of their work authorization applications. This step is significant, but long wait periods, especially for SSNs, remain. Without SSN, newcomers face barriers to become more independent. For example, they cannot get a driver's license.

The search for affordable long-term housing can become a stressful undertaking for the sponsor groups and families involved, especially in areas like Seattle with housing shortage and high rents. One idea to address this issue would be to offer private sponsors in such areas the possibility of securing housing first, and then being matched with a family accordingly.

In terms of U4U processing, the second sponsor group faced additional wait time due to one family member out of six not being cleared for travel. This exemplifies the demand for processing priorities and strategies, including processing the applications of family members together. This is a lesson not just for parole applications, but also in the wider context of the U.S. refugee program. Prioritized and efficient family processing should form part of major changes towards an overall more efficient U.S. refugee program.

The second case study confirms that culture orientation materials from CORE are helpful resources. The translation of these resources constitutes a key feature. Even though they are already available in multiple languages, including Ukrainian, Russian, Pashto and Dari, the program should continue to work on expanding language access. Furthermore, the materials should be promoted actively to raise awareness of sponsors.

There is a need to inform the public about the role of sponsor groups. This lesson derives from the first sponsor group. They faced the issue that several people usually working with Resettlement Agencies first did not believe that the group volunteers were legitimate sponsors.

Importantly, both interviewees highlighted the value of private sponsorships to build on the critical work of Resettlement Agencies and to mobilize community members who are eager to welcome and accompany newcomers. Both sponsor groups were highly successful in accomplishing their tasks, which in turn confirms the advantages of the Sponsor Circles initiative.

Track records indicate that sponsor groups are a promising resource to ensure immigrant families settle in a secure way.<sup>272</sup> These two case studies only show a limited fraction of the experiences and achievements of sponsor groups. Future research on the outcomes of SCPA and U4U sponsor groups is important. For example, this could comprise a study comparing how well immigrant families are faring six months, or twelve months, or two years after arrival, when they have been sponsored by a volunteer sponsor group versus by one of the Resettlement Agencies. It appears from an evaluation of the Syrian resettlement program in Canada that sponsored refugees received

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272. For example, the Viets for Afghans group in Seattle was subject to a study by student consultants in the master's program at the University of Washington Evans School of Public Policy during the first six months of 2022. The study confirmed positive outcomes from community engagement in the reception of refugees. See VIETS FOR AFGHANS, <https://perma.cc/TB8Z-VFVS> (last visited Jan. 21, 2023).

more support than those assisted by the government.<sup>273</sup> The question arises if similar findings can be made in the United States with SCPA and U4U.

#### IV. SPONSORSHIP THROUGH U.S. UNIVERSITIES AND OTHER HIGHER EDUCATION INSTITUTIONS

This Section argues that the resettlement model of university sponsorships for refugee students has unique benefits. A long-established role model in Canada, and more recent initiatives in other countries, and in the United States, evince that universities and other higher education institutions are particularly well positioned to sponsor refugees. They have cultural, linguistic, and professional resources to assist refugees in setting up their lives in the receiving country.<sup>274</sup> Hosting refugee students at higher education institutions can help to educate U.S. students and the broader community about refugees and other forcibly displaced persons.

##### A. *World University Services as Canadian Best Practice Example*

The World University Service Canada (WUSC) has operated a refugee student sponsorship model since 1978. In 2019, WUSC's model was still the only permanent program combining resettlement through private sponsorships with higher education, and has recently attracted increased global attention.<sup>275</sup>

As SAH, the WUSC holds a sponsorship agreement with Immigration, Refugees and Citizenship Canada, and supports more than ninety campus-based constituent groups. Its Student Refugee Program brings about 130 refugee students to study in Canada annually. As opposed to international students entering Canada with a student visa, refugee students participating in the WUSC's program are admitted as permanent residents. Universities across Canada finance refugee students' academic fees and initial resettlement expenses through a combination of tuition waivers, meal plans, and a small "opt-in" contribution fee paid by student organizations. Additionally, Canadian students levy their own tuition, develop tuition and accommodation waiver agreements with their institutions, and fundraise to help finance refugee sponsorships.<sup>276</sup>

A 2019 study confirmed the positive outcomes of WUSC's Student Refugee Program. It revealed positive impacts on employment opportunities and skills development of sponsored refugee students, as well as their sense

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273. Sponsored refugees were more likely than government-assisted refugees to report that they learned how to access community services and health care or enroll their children in school. EVALUATION DIV., GOV'T OF CANADA, RAPID IMPACT EVALUATION OF THE SYRIAN REFUGEE INITIATIVE 5 (2016), <https://perma.cc/B7SQ-93YU>; see FRATZKE & DORST, *supra* note 201, at 5.

274. See L.J. Wolfgang Keepley, *Learning Together: Creating a Refugee Sponsorship Program Through U.S. Universities*, NISKANEN CTR. (Nov. 18, 2020), <https://perma.cc/K2LK-JSKL>.

275. See Carolyn McKee, Lee-Anne Lavell, Michelle Manks & Ashley Korn, *Fostering Better Integration Through Youth-Led Refugee Sponsorship*, 35 REFUGEE 75, 77 (2019).

276. See *id.* at 76.

of belonging to Canada and adaptation to Canadian society. The study showed that the involvement of other (non-refugee) students in the program impacted their course choices, and even their future career paths. These students and alumni influenced the broader community, for example, in terms of voting in elections and general increased awareness about forced migration issues.<sup>277</sup>

## B. *Initiatives in Other Countries Beyond Canada*

WUSC's Student Refugee Program has attracted global attention. This Subsection presents three selected refugee student sponsorship initiatives of universities across Italy, in Lithuania, and the United Kingdom.

### 1. *The University Corridors for Refugee Students Project in Italy*

In 2019, the University of Bologna, UNHCR, the Ministry of Foreign Affairs, Caritas Italiana, and other partners established the University Corridors for Refugee Students project (UNICORE).<sup>278</sup> It started as a bottom-up project and was originally limited to a few refugees residing in Ethiopia. In 2022, UNICORE entered its fourth phase. In this phase four, thirty-two universities across Italy are offering sixty-nine scholarships to refugees from Malawi, Mozambique, South Africa, Zambia, and Zimbabwe.<sup>279</sup>

UNICORE exemplifies effective multi-stakeholder cooperation with the aim of promoting safe pathways to protection. The universities take up the primary responsibility for the refugee students' support and for financing the academic aspects. UNHCR functions as coordinator. Faith-based organizations help to implement the project. They administer legal, social, psychological, and other health assistance, and they financially support parts of the program. Caritas and Gandhi Charity have provided significant logistical and travel support to students in Ethiopia, and they have disseminated information to the refugee communities. State actors do not incur any financial responsibility. The role of the Italian Ministry of Foreign Affairs is largely limited to visa issuance.

UNICORE comes with the significant limitation that beneficiaries receive short term student visas that are subject to renewal.<sup>280</sup> If a refugee student fails to obtain a student visa renewal, the only options are either return to the home country or apply for international protection in Italy. "Since there is no

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277. See *id.* at 82.

278. See SIRKKU VARJONEN, AMANDA KINNUNEN, JUHO-MATTI PAAVOLA, FARID RAMADAN, MIKA RAUNIO, JOANNE VAN SELM & TUULI VILHUNEN, STUDENT, WORKER OR REFUGEE?, FINNISH GOV'T 58 (2021), <https://perma.cc/PD9Y-NDCM>.

279. UNIV. CORRIDORS FOR REFUGEES, <https://perma.cc/D2Z3-U74U> (last visited Nov. 30, 2022).

280. "The length of this permit is 12 months, and it can be renewed up to completion of the studies. The students need to pass approximately two exams per year in order to be able to renew the visa. Hence, the status of the beneficiaries in Italy is the same as the status of any other international student the residence permit includes the family and children of the student." VARJONEN, KINNUNEN, PAAVOLA, RAMADAN, RAUNIO, VAN SELM & VILHUNEN, *supra* note 278, at 60.

economic safety net for the beneficiary beyond the scholarship, this situation could be financially very difficult for the beneficiary.”<sup>281</sup>

## 2. *The Middle East Scholars Program in Lithuania*

The Lithuania Christian College (LCC) started the Middle East Scholars (MES) program in 2016. MES targets refugee students from the Middle East. Between 2016 and 2021, eighty-nine refugees and other forced migrants have attended the program.<sup>282</sup>

Lithuania grants MES beneficiaries student visas for four to five years. Besides the possibilities for MES beneficiaries to apply for another one-year visa after graduation and look for work, or to apply for refugee status in Lithuania, Lithuania grants them the right to apply for citizenship after five years of uninterrupted residence.<sup>283</sup> Thus, MES potentially offers refugee students a permanent solution.

LCC is remarkable due to its network of NGOs and churches closely connected to potential applicants in Lebanon, Iraq, Turkey, and Jordan. Lithuania’s Ministry of the Interior provides visas and additional funds. Other universities in Lithuania expressed interest to offer additional places.<sup>284</sup>

Interviews conducted in 2021 with MES representatives verified that the program had “a positive effect on local students’ attitudes towards refugees” and “promoted a more positive image of refugees among the general population.”<sup>285</sup>

## 3. *King’s College in the United Kingdom*

The King’s College London has arguably been the most active university within the United Kingdom in creating opportunities for refugee students. In 2015, it formed the Sanctuary Program. Among other projects, the King’s Refugee Community Sponsorship Scheme originated from this program. In 2021, King’s College became the first U.K. university resettling a Syrian refugee student with family under U.K.’s CSS. Following this experience, King’s College received funding to support other U.K. universities in sponsoring refugee students.<sup>286</sup>

Having jointly committed to host 1,000 displaced persons from Ukraine, King’s College has worked with partners from business, higher education, faith organizations, and schools. The coalition aims at delivering a model for how U.K. universities could best implement the Homes for Ukraine scheme.<sup>287</sup>

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281. *Id.* at 61.

282. *Id.* at 65.

283. *Id.* at 64.

284. *Id.* at 62.

285. *Id.* at 65.

286. See *King’s Leads Universities’ Response to Hosting Ukrainian Refugee Students and Academics*, KING’S COLL. LONDON (Mar. 24, 2022), <https://perma.cc/758W-B64A>.

287. See *id.*; see also Bronwyn Parry & Leonie Ansems de Vries, *Homes for Ukraine – Laying the Foundations for University Refugee Sponsorship*, WONKHE (Apr. 6, 2022), <https://perma.cc/DKQ4-T5JM>.

### C. *Initiatives in the United States*

Universities across the United States have increasingly sponsored refugee students. The Every Campus a Refuge (ECAR) program is the largest initiative in the United States where campus communities received refugees. Moreover, the Presidents' Alliance on Higher Education and Immigration and its partners have been advocating for refugee sponsorships through U.S. universities and other higher education institutions under the Initiative on Increasing U.S. Education Pathways for Refugee Students.

#### 1. *Every Campus a Refuge*

Unlike the models presented above, ECAR universities do not host students. ECAR follows a model where Resettlement Agencies assign refugee cases (singles, couples, or families) to universities and supervise their experiences. Refugees benefit from free temporary housing and utilities, and access to campus facilities and amenities. They spend eight months on average in on-campus housing. Once the refugees are financially ready, they typically move to off-campus housing of their choice, while continuing to receive ECAR support as needed.<sup>288</sup>

ECAR has expanded since it began at Guilford College in 2015. Ten campuses joined Guilford College and established their own ECAR Chapters.<sup>289</sup> As of June 2022, Guilford College hosted over 80 forced migrants in total. Other campuses include Wake Forest University, Lafayette College, Russell Sage College, Siena College, and Old Dominion University.<sup>290</sup> Along with other community organizations, ECAR has applied to participate in the Welcome Corps pilot.<sup>291</sup>

#### 2. *Initiative on Increasing U.S. Education Pathways for Refugee Students*

The Initiative on Increasing U.S. Education Pathways for Refugee Students (in the following referred to as Refugee Students Initiative)<sup>292</sup> arose under the lead of the Presidents' Alliance on Higher Education and Immigration. Partners include UNHCR, the Global Task Force on Third Country Education Pathways, and the University Alliance for Refugees and

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288. See Rasha Faek, *Every Campus A Refuge: When University Becomes a Home*, WORLD EDUC. NEWS & REVS. (Aug. 17, 2022), <https://perma.cc/F4JJ-KWEQ>.

289. *ECAR Chapters & Interested Campuses*, EVERY CAMPUS A REFUGE, ECAR, <https://perma.cc/NF2B-FEEA> (last visited Mar. 30, 2023).

290. EVERY CAMPUS A REFUGE, THE OFFICIAL GUIDE TO MAKING YOUR CAMPUS A REFUGE 5 (2022), <https://perma.cc/AM68-XVB8>.

291. See Office of the Spokesperson, *Launch of the Welcome Corps – Private Sponsorship of Refugees*, U.S. DEP'T OF STATE (Jan. 19, 2023), <https://perma.cc/SC22-6Q58>.

292. The RESPONSE campaign is the campaign that followed the Refugee Students Initiative to spread awareness about college and university sponsorships for refugee students. *The RESPONSE Campaign*, HIGHER ED IMMIGR. PORTAL, <https://perma.cc/9Z3C-49EM> (last visited Nov. 15, 2022).



at-Risk Migrants alongside its Student Voices for Refugees network with over sixty participating organizations.

The Refugee Students Initiative published a policy report<sup>293</sup> setting out a university sponsorship process incorporated in the U.S. refugee program. The process design relates to the Biden administration's launch of a private refugee sponsorship pilot, and the introduction of a P-4 category including refugee students sponsored by universities. This would allow the refugee students access to permanent legal status and citizenship.

Universities and other higher education institutions follow specific timelines and admission criteria. Therefore, an implementing organization would administer an initial application process in addition to the standard screening and vetting procedures. The implementing organization could handle the essential coordination between overseas partner organizations, the U.S. government, and higher education institutions. The length of the process from application to arrival on campus would be about 22 months.

#### D. *Lessons to be Learned*

The Canadian WUSC model, current initiatives in other countries, and initiatives in the United States collectively demonstrate that U.S. universities and other higher education institutions should be included as sponsors in a permanent future U.S. private refugee sponsorship program.

There are several advantages of higher education institutions sponsoring refugee students compared to other private refugee sponsorships. In most cases, higher education institutions can offer refugee students a place to live on campus for free. By contrast, the above-discussed case studies of sponsor groups in Seattle revealed how difficult it was to find affordable housing for Afghan and Ukrainian families in areas with housing shortage like Seattle. Also sponsors in Germany and the United Kingdom complained about costs and shortage of accommodation. A study of the U.K. Homes for Ukraine scheme outlined in greater detail above showed that this had implications on the sponsorship timeframe to which the sponsors were willing to commit.

Higher education institutions can take advantage of their various Departments and experts in different fields that are relevant when receiving refugee students, for example language, law, medicine, health, or psychology. On the other hand, the discussion of U.S. co-sponsorships, and the case studies in Seattle showed how volunteers were confronted with challenging language barriers. The same applies to legal counselling, psychological support, or medical treatment.

As opposed to other private sponsors, higher education institutions offer career services and have experienced staff for helping students to enter the labor market. They regularly cooperate with future employers. Similar

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293. UNIV. SPONSORSHIP OF REFUGEE STUDENTS, INITIATIVE ON INCREASING U.S. EDUCATION PATHWAYS FOR REFUGEE STUDENTS (2021), <https://perma.cc/6WAQ-R9EY>.

connections are not always available for refugee beneficiaries sponsored by groups of private citizens.

Furthermore, higher education institutions have special fundraising opportunities, including alumni donations, and donations from fellow students. The Canadian practice of students paying a small amount rolled into their student union fees constitutes a best practice to be followed.<sup>294</sup>

Eventually, the students themselves can become supporter, be it refugee students for refugee students sharing the same experiences, or domestic students for refugee students introducing the newcomers to the traditions and lifestyle of the resettlement country. Vice versa, domestic students can learn from refugee students about the challenges and reasons why they had to flee from their home countries. This fosters understanding of refugee issues on campus and beyond. Nowhere else can the direct exchange with refugees influence future professional and political choices of young adults like at university.

To effectuate these unique advantages, the following lessons derive from the presented models of university sponsorships. First, long-term integration presupposes long-term residency, so that refugee students can make plans and choices about their future lives, including their career goals.<sup>295</sup> Of the university sponsorship programs discussed above, UNICORE offers the least long-term residence prospects for the refugee students.<sup>296</sup>

Second, all of the presented models rely on a lead institution and/or coordinating organization acting as connector between the participating higher education institutions, the government, and other stakeholders involved. The driving force of the lead institutions and the close cooperation between stakeholders enabled the development and expansion of the programs. WUSC connects and supports universities across Canada. At the same time, it holds a formal relationship with the Canadian government. In doing so, WUSC acts as intermediary between the government and the higher education institutions. In Italy, the University of Bologna initiated UNICORE. UNICORE grew to a network of multiple universities and other actors, with UNHCR as the main coordinator. The LCC International University runs MES and connected with partners on the ground who identified and supported prospective refugee students in the application process. In the United Kingdom, King's College took on a leadership role and mobilized other universities and partners. For ECAR, Guilford College has been the driving force of the initiative. The Initiative on Increasing U.S. Education Pathways for Refugee Students

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294. See McKee, Lavell, Manks & Korn, *supra* note 275, at 77.

295. Especially in the US, where the intent to return usually constitutes a decisive criterion for student visas (F1-visas), the pathway through the US refugee program would make permanent residency and access to citizenship available. This would help to ensure permanent legal status for refugee students who cannot return to their home countries after graduation.

296. See VARJONEN, KINNUNEN, PAAVOLA, RAMADAN, RAUNIO, VAN SELM & VILHUNEN, *supra* note 278, at 61.

proposes an implementing organization to mediate between higher education institutions and government authorities.

Third, the possibility of naming is crucial for higher education institutions. Otherwise, they cannot apply their admission criteria to sponsored refugee students. This implicates adaptations in the usual administrative process in coordination with participating universities (respecting their overall independence and autonomy, their academic calendars and deadlines, as well as program-specific admission requirements). The specific need of higher education institutions to name refugee student beneficiaries could be one in-road for the practice of naming to become more broadly accepted by government institutions, which may ultimately lead to more refugees being accepted for resettlement.

Fourth, the positive outcomes of refugee student sponsorships through higher education institutions depend on fellow students, and the larger campus community, including the effective use of campus infrastructure and resources.

Fifth, refugee students need support to overcome financial hurdles, such as travel loan repayments, or the costs for their health plans if they become ineligible for government support after the initial reception and placement period. Compared to other refugee populations, this consideration is particularly pertinent for refugee students since they are often not employed. UNICORE shows that refugee students with insecure status are fragile due to the lack of a financial safety net.

Finally, the MES program experienced issues of potential abuse based on secondary migration motives of sponsored refugee students. Genuine interest in the studies is an essential precondition for universities and other higher education institutions sponsoring refugee students. LLC University responded to early drop-outs due to secondary migration with a stop to pay travel expenses. The prevention of early dropouts and abuse could also be achieved by other, less intrusive means. For example, universities could determine potential students' genuine interest through the application process, namely through motivation letters, essays, the resume, and (virtual) interviews. If local partners on the ground support applicants in this process, the risk of fraud is likely reduced. On the other hand, adding a financial burden potentially excludes refugee applicants with less financial means who are indeed genuinely interested, talented, and experienced.

#### V. RECOMMENDATIONS FOR A PERMANENT FUTURE U.S. PRIVATE REFUGEE SPONSORSHIP PROGRAM

This Section provides recommendations for a permanent future U.S. private refugee sponsorship program. Such program should be additional to the annual resettlement quota. The U.S. government should reconsider the scope of eligible sponsors, and the types of refugee beneficiaries. The Article also recommends empowering sponsors to name beneficiaries. In certain

instances, the U.S. government should bear the travel costs for sponsorship beneficiaries, and the financial requirements for sponsors should not become excessive. The recommended minimum time of sponsorship should go beyond 90 days. Permanent legal status upon arrival is essential for the sponsorship beneficiaries. Further practical considerations concern, among other things, sufficient training and monitoring, and administrative hurdles.

### A. *Additionality*

There is growing consensus among countries with community-based sponsorship programs to follow the principle of additionality (i.e., to admit privately sponsored refugees in addition to existing government resettlement quotas). The Global Compact on Refugees reiterates this principle.<sup>297</sup> By establishing a private refugee sponsorship program based on additionality, the United States would follow recognized international practice.

This does not necessarily mean that the current Welcome Corps pilot must be additional to the annual refugee target already in its first phase. Many slots under the U.S. refugee quota remained unused in the last fiscal year, and private refugee sponsorships can contribute to fill open places in 2023. A senior official highlighted after the launch of Welcome Corps that “[t]his program . . . is one of the aspects of getting to the President’s target.”<sup>298</sup> Yet, both actual refugee admissions and admission ceilings have varied a lot over the years. For example, in fiscal year 2016, the United States resettled 84,994 refugees, which was just under the limit of the 85,000 cap.<sup>299</sup> To keep resettlement places for the most vulnerable, and stabilize, respectively increase U.S. resettlement capacity in the long run, a permanent future private refugee sponsorship program should eventually become additional to the government-run refugee system.

### B. *Eligible Sponsors*

Private refugee sponsorship programs in other countries and current U.S. practice reflect consensus that including both registered organizations and individuals as refugee sponsors is a workable model. For groups, a minimum number of five members worked in Canada, on other countries, and in the United States under the SCPA (and now under the Welcome Corps pilot).

More group members with different backgrounds can distribute tasks according to their strengths and (professional) qualifications, so that each member can contribute to the best of his or her abilities. The size of a sponsor

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297. U.N., Global Compact on Refugees, *supra* note 12, ¶ 95.

298. Office of the Spokesperson, *Senior State Dep’t Officials on the Launch of the Welcome Corps, a Private Sponsorship Program to Welcome Refugees to the United States*, DEP’T OF STATE (Jan. 19, 2023), <https://perma.cc/2AN6-KMY8>; *see also* Office of the Spokesperson, *Launch of the Welcome Corps – Private Sponsorship of Refugees*, DEP’T OF STATE (Jan. 19, 2023), <https://perma.cc/3352-U9KB>.

299. *See U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present*, MIGRATION POL’Y INST., <https://perma.cc/2T4B-7VNU> (last visited Jan. 23, 2023).

group depends on various factors, such as if the sponsorship concerns a refugee family with multiple members or a single individual. Requiring a higher minimum number of group members could, for example, depend on the context of sponsoring a family member. Specifically, this could include constellations where one family member who resides in the United States wants to sponsor his or her spouse and/or child. A compromise would be to differentiate between sponsorships that are based on family ties and those without, like under Argentina's program. In sum, the United States should adopt a model of sponsor groups with a minimum of five members. This has proven successful in Canada and other countries that followed the Canadian model, as well as in the United States. Additionally, this Article recommends flexibility by allowing deviations from the group requirement where sufficient ties between the sponsors and beneficiaries exist, such as family ties.

Another question concerns whether to set a maximum number of group members. In this regard, the case study of the second sponsor group in Seattle demonstrates how larger groups of more than twenty-five volunteers with a well-structured group organization work together efficiently and achieve their tasks in a highly successful manner. Overall, the SCPA and U4U are examples where a program without a maximum number of group members has worked.

The Seattle case studies also demonstrate that, despite difficulties in coordinating and gathering all the necessary information, both sponsor groups accomplished challenging tasks without major guidance. Both accomplished the tasks even though they adopted different approaches on how to organize themselves. It follows that sponsor groups should maintain freedom to organize themselves and use their specific skills and backgrounds effectively to accomplish their sponsorship tasks. The case studies show that both groups functioned very successfully because at least one volunteer took the lead. This could be recommended to other groups in the form of non-binding guidance. This Article proposes guidance through recommendations, rather than an obligatory predefined group structure.

Granting freedom to sponsor groups – be it in terms of the number of group members, the group structure, the distribution and execution of tasks, or the management of finances – comes with the need to hold groups accountable. Background checks, settlement plans, and record checks are a first step. Monitoring also serves to establish accountability. This is established practice in Canada with SAHs that oversee constituent groups. It follows that monitoring and evaluation should become an essential part of future U.S. sponsorships as well. Under the Welcome Corps pilot, this counts among the responsibilities of the non-profit consortium partners led by CSH. They should take their role seriously and learn from best practice in Canada and other countries.

### C. *Types of Refugee Beneficiaries*

With their community sponsorship programs, other countries and the United States implemented unequal treatment between formal refugees and other forcibly displaced persons – who have not received formal refugee status. Policies where states prioritize certain groups of refugees or forcibly displaced persons likewise reveal disparate treatment. The United States is bound to comply with the principle of equal treatment under customary international law.<sup>300</sup> As a contracting state, it must also adhere to various major universal human rights treaties. This obligation includes Article 2 paragraph 1 and Article 26 of the ICCPR. Among other rights, the latter provision guarantees to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. For any distinction based on the enumerated grounds, the United States must meet a high threshold of justification.<sup>301</sup> As a general rule, a permanent future U.S. private refugee sponsorship program must refrain from unequal treatment rooted in one of these grounds. Beyond international obligations, the differential treatment of formal refugees and other forcibly displaced persons also raises equal protection issues under U.S. constitutional law.<sup>302</sup> A thorough analysis of U.S. law is beyond the scope of this Article but constitutes an important topic for future research.

The United States should view with caution the Australian and New Zealand practice of requiring English skills and work-readiness as a criterium of eligibility for sponsorship. As stated, unjustified differentiation based on language can result in violations of international anti-discrimination law that is binding upon the United States. The focus on employability also implicates gender-related differential treatment. Susan Kneebone, Anthea Vogl, and Kate Ogg addressed this point within the context of the Australian CSP that work-readiness “entails that single or female-headed households . . . , or those with major care responsibilities are less likely to qualify as primary applicants.”<sup>303</sup>

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300. “In the 21st century, non-discrimination is a unanimous state-approved UN principle widely considered customary international law[.]” David Keane, *Discrimination*, OXFORD BIOGRAPHIES (May 12, 2017), <https://perma.cc/2T4B-7VNU>. “Non-discrimination, together with equality before the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.” Hum. Rts. Comm., *General Comment No. 18: Non-discrimination*, U.N. Doc. HRI/GEN/1/Rev.4, REFWORLD para. 1 (Nov. 10, 1989), <https://perma.cc/8NSE-AAZE>.

301. See Janine Prantl & Ian M. Kysel, *Generous, But Equal Treatment? Anti-Discrimination Duties of States Hosting Refugees Fleeing Ukraine*, EJIL: TALK! (May 2, 2022), <https://perma.cc/4MH8-6N2J>.

302. See, e.g., *Trump v. Hawaii*, 138 S. Ct. 2392, 2429–30 (2018) (Breyer, J. dissenting) explaining that President Trump’s “Muslim ban” would violate the First Amendment if “significantly affected by religious animus against Muslims[.]”

303. Susan Kneebone, Anthea Vogl & Kate Ogg, *The Evolution of Programs for Community Sponsorship of Refugees in Australia*, REFUGEE L. INITIATIVE (Nov. 1, 2022), <https://perma.cc/B6YH-VCKN>.

In general, the permanent future U.S. private refugee sponsorship program should not rely on the work-readiness and/or language skills of sponsorship beneficiaries. Exceptions may apply to refugee student beneficiaries if the specific study program that they pursue at their sponsor institution requires certain language skills. However, the criteria that the sponsoring higher education institutions apply to refugee students must not go beyond those for other international students applying for the same program. In essence, this Article recommends focusing on equal opportunities and access to the U.S. educational system and labor market. This presupposes, among other things, resources for refugee beneficiaries to train and apply for jobs that match their skills and qualifications, and to create and engage employer networks who connect with the sponsorship beneficiaries.

Forcibly displaced individuals fleeing from war and/or internally displaced persons who have not yet left their home countries may need resettlement – just like refugees who are by definition outside their home countries and fear persecution on one of the grounds enumerated under the 1951 Refugee Convention. The situations in Afghanistan and Ukraine exemplify that many of those who made it to the United States have family and friends who are left in precarious humanitarian situations but may not qualify for asylum. Canada,<sup>304</sup> Australia,<sup>305</sup> the EU,<sup>306</sup> and other countries, for example in Africa under the OAU Convention,<sup>307</sup> or Latin America under the Cartagena Declaration,<sup>308</sup> offer protection to vulnerable individuals who do not qualify as Convention refugees.

A commission of eminent academic and policy experts in the United States took an inspiring approach in the so-called Model International

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304. *See Country of Asylum Class – Conditions*, GOV'T OF CANADA (Feb. 24, 2014), <https://perma.cc/T8UF-73HR>.

305. Humanitarian entrants in Australia comprise refugees or persons outside of their home country who are subject to gross violations of their human rights. DEP'T OF HOME AFFAIRS, AUSTRALIAN GOV'T, AUSTRALIA'S OFFSHORE HUMANITARIAN PROGRAM: 2021–22, 1 (2022), <https://perma.cc/UY42-98HR>.

306. Directive 2011/95 of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 2011 O.J. (L 337) 9, 13 (defining a “person eligible for subsidiary protection” as “a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm. . . .”).

307. Org. of African Unity [OAU] Convention Governing the Specific Aspects of Refugee Problems in Africa Art. 1 ¶ 2 (stating, the term refugee “shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”).

308. Cartagena Declaration on Refugees Art. III ¶ 3 (1984) (reiterating that “the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”).

Mobility Convention.<sup>309</sup> These experts defined a broader group of “forced migrants,” “including any individual who, owing to the risk of serious harm, is compelled to leave or unable to return to her or his country of origin.”<sup>310</sup> “Harm” would include generalized armed conflict, mass violations of human rights, and threats resulting from environmental disasters, enduring food insecurity, acute climate change, or other events seriously disturbing public order. Based on these examples, the current Welcome Corps pilot should be expanded to include forcibly displaced individuals in the broader sense.

The use of parole in mass displacements, such as from Afghanistan, Ukraine, or from South and Central America has involved unequal treatment and a risk of abuse of executive discretion. Due to different parole programs, parolees receive a legal status that differs from refugees under the formal government-sponsored refugee program. There are also differences among these groups of parolees.<sup>311</sup> Even more, it follows that a permanent future private sponsorship program should be accessible for forcibly displaced people. This category of sponsorship beneficiaries should be based on clearly defined criteria considering objective humanitarian needs and harm and should establish a more equal status for forcibly displaced individuals.

#### D. *Selection of Sponsorship Beneficiaries and the Naming Principle*

Whether to allow private sponsors to name sponsorship beneficiaries is controversial. As mentioned, critics have claimed that naming through sponsors would potentially erode a state’s commitment to resettling the most vulnerable refugees. Still, the Canadian experience shows casts the crucial role of the naming principle for a sustainable private refugee sponsorship program.<sup>312</sup> Difficulties to mobilize sponsors without the incentive to name beneficiaries can be seen when looking at Canada’s BVOR program. Despite the program’s relative popularity when resettling individuals displaced in Syria in 2016, the Canadian government has increasingly struggled to find willing BVOR sponsors for UNHCR-referred refugees.

The elaborations on private sponsorships of refugee students through universities and other higher education institutions underscore the essential need that sponsoring institutions can nominate refugee students, given that students must fulfill the specific admission criteria of the programs they want to pursue at the sponsoring institutions. This comes with the need for timely

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309. *Model International Mobility Convention*, COLUMBIA UNIV. OF N.Y.C., <https://perma.cc/LP8T-5WXF>.

310. Kiran Banerjee, *Rethinking the Global Governance of International Protection*, 56 COLUM. J. TRANSNAT’L L. 313, 319 (2018).

311. For example, Congress enacted legislation for parolees from Afghanistan and Ukraine to grant them certain rights and benefits on equal footing with refugees. Other parolees who are not subject to this legislation have an inferior legal status. See discussion *supra* Section III.

312. See Sabine Lehr & Brian Dyck, “Naming” Refugees in the Canadian Private Sponsorship of Refugees Program: Diverse Intentions and Consequences, in STRANGERS TO NEIGHBOURS: REFUGEE SPONSORSHIP IN CONTEXT 42, 60 (Shauna Labman & Geoffrey Cameron eds., 2020).



processing and additional special processes that allow academic institutions to maintain autonomy and follow their normal admission procedures and academic calendars.

For both sponsorships through higher education institutions and other private refugee sponsorships, allowing sponsors to nominate beneficiaries presupposes that the United States overcomes its current refugee processing delays. If a sponsor makes a referral and the beneficiary arrives months or years later, the sponsor's situation and capacities might change significantly in the interim. The issue also becomes evident from ECDC's challenging experiences with post-arrival changes when working with co-sponsor groups.

The International Refugee Assistance Project (IRAP) suggested that improvement of processing would include expansion of the use of video technology for interviews, innovative staffing models, such as matching officers with applicant interviews based on experience and case complexity, and elimination of unnecessary or duplicative steps.<sup>313</sup> To that end, recent tests of 30-day streamlined visa processing for Afghans in Doha could be expanded and serve as a role model for both parolees and refugees.<sup>314</sup>

To reduce the backlog, matching prospective sponsors with refugees who are already in the U.S. refugee program pipeline will be the starting point.<sup>315</sup> The identification and referral of vulnerable families and individuals willing to participate in the program, and the creation of a matching algorithm to link refugees with suitable sponsors in the United States will play a crucial role. The work of the Shapiro Foundation with partners on the ground to identify prospective U4U beneficiaries, and the efforts of the foundation's U.S. partners, including HIAS, to create a matching algorithm, serve as a best practice. Their approach to matching promotes decisions based on informed consensus and empowers sponsorship beneficiaries in the process.

Matching can be a tool to mitigate limited availability of affordable housing. The first case study in Seattle exemplifies that it would be particularly helpful in areas with housing shortages to let sponsors secure a long-term housing option first, and then match them with beneficiaries who suit the housing option. In a similar vein, the German Federal Office applies matching criteria that consider the size of the sponsored families and the available accommodation provided by the sponsors.

This Article recommends a permanent future U.S. private refugee sponsorship program that allows sponsors to nominate beneficiaries. The Welcome

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313. INT'L REFUGEE ASSISTANCE PROJECT, REBUILDING THE US REFUGEE PROGRAM FOR THE FUTURE: 22 RECOMMENDATIONS FOR 2022, 13 (2022), <https://perma.cc/K5UH-PPLK>.

314. See Karen DeYoung & Abigail Hauslohner, *U.S. to Accelerate Processing for Afghans Evacuated to Qatar, But Thousands More Remain in Limbo*, WASH. POST (Feb. 4, 2022), <https://perma.cc/SZUC-ABHL>.

315. See DEP'T OF STATE, REPORT TO CONGRESS ON PROPOSED REFUGEE ADMISSIONS FOR FISCAL YEAR 2023, 17–18 (2022), <https://perma.cc/E76A-9V88> (“The program will launch with the matching component, where private sponsors will be matched with refugees who already have access to the USRAP through another priority category and whose cases are already being processed.”).

Corps pilot's transition period with only a matching component is necessary to catch up with the current backlog. However, this should happen as quickly as possible because otherwise, sponsors will likely get discouraged. In terms of matching, the permanent future U.S. private refugee sponsorship program should engage stakeholders globally and across the United States, and consider available resources and housing options, as well as the preferences of beneficiaries in the final matching decision.

#### E. *Travel Costs and Financial Requirements*

Canada's transportation loan, which is similar to the U.S. travel loan program,<sup>316</sup> suggests that the United States should allow but not require private sponsors to pay back loans for their beneficiaries. This is especially important for individuals with specific needs (e.g., disabled persons or single mothers who might face difficulties to work immediately after arriving).

For refugee students without immediate income before finishing their studies, paying back their travel loan within 42 months upon arrival – as currently expected under the U.S. travel loan program – poses a financial obstacle. The Initiative on Increasing U.S. Education Pathways for Refugee Students has advocated for a mechanism that would enable sponsoring universities and higher education institutions to cover travel costs, and postponement of travel loan repayments. This Article supports the idea of a mechanism as proposed by the Initiative for Refugee Students.

New Zealand's practice of covering the full amount of travel costs gives rise to consider whether the U.S. government could adopt a similar approach. In 2017, a study by the U.S. Department of Health and Human Services substantiated that refugees brought more money back in the U.S. economy than they cost the government (from 2005 to 2014, the revenue amounted to \$63 billion).<sup>317</sup> According to one estimate, in 2019, the average travel loan per person was \$1,100.<sup>318</sup> In 2017, refugees made over \$66 million in loan repayments. Of that amount, a bit over \$14 million went to the Resettlement Agencies.<sup>319</sup> In fact, there seems to be a risk that the U.S. government would cut the money for Resettlement Agencies, who already face scarce financial resources. A compromise solution could be to determine certain groups with specific needs and/or refugee students who would become eligible for full travel cost coverage by the government.

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316. See Lucy Westcott, *A Brief History of Refugees Paying Back the U.S. Government for Their Travel*, NEWSWEEK (Dec. 12, 2015), <https://perma.cc/37GG-PBMJ> (explaining that the International Organization for Migration (IOM) covers the costs of U.S.-bound tickets with funding provided by PRM. Refugees must pay back the loan within 42 months); See also Fabrice Robinet, *Welcome, Refugees. Now Pay Back Your Travel Loans*, N.Y. TIMES (Mar. 15, 2019), <https://perma.cc/675C-UHG8>.

317. See Julie Hirschfeld Davis & Somini Sengupta, *Trump Administration Rejects Study Showing Positive Impact of Refugees*, N.Y. TIMES (Sept. 18, 2017), <https://perma.cc/Q2WM-9XJ8>.

318. Robinet, *supra* note 316.

319. See *id.*

In terms of general financial responsibilities of private sponsors, U.S. experience with the SCPA, reflected by the case studies of the sponsor groups in Seattle, showed that the sponsor groups could fulfill the requirement of a minimum amount of \$2,275 per sponsored individual. Moreover, U4U evinces that private sponsorships can function well even without a predetermined minimum financial requirement. Importantly, Resettlement Agencies implementing co-sponsorships through local offices emphasized the need for flexibility and adjustment to the specific local situations when determining financial responsibilities of co-sponsor groups, rather than imposing a specific amount at the central level.

Another lesson derives from Canada, where international critiques pointed to different levels of support for privately sponsored and government-assisted refugees. While private sponsors in Canada should provide support that is similar to the support for government-assisted refugees in the first year upon arrival, sponsors can give part of their assistance in-kind. Critics pointed out that this reduced the freedom of privately sponsored refugees to allocate their income.<sup>320</sup> Such considerations equally apply to the current financial requirement of the Welcome Corps pilot, which can likewise be achieved through cash or in-kind contributions.

Three main recommendations derive from the above: First, the U.S. government should consider full coverage of travel costs for groups of forced migrants with specific needs who cannot (immediately) enter the U.S. labor market. Moreover, higher education institutions should receive the possibility to pay back the travel loans for refugee students, or alternatively, the refugee students should be able to postpone the loan repayment.

Second, as opposed to the current Welcome Corps pilot (asking for \$2,275), a permanent future U.S. private refugee sponsorship program should not impose a specific financial minimum requirement, but rather leave flexibility to determine financial responsibilities based on the specific situation of the sponsors, such as the location.

Third, when defining the financial requirements, the permanent future U.S. private refugee sponsorship program should uphold equal levels of support among the sponsorship beneficiaries, and between sponsored refugees and government-assisted refugees. Eventually, as a safeguard in cases where sponsors provide insufficient support, the permanent future U.S. refugee sponsorship program could offer an opt-out possibility for beneficiaries, allowing them to switch to the regular reception and placement program, and receive core services through Resettlement Agencies.

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320. See *Canada's Private Sponsorship of Refugees: Potential Lessons for Australia*, REFUGEE COUNCIL OF AUSTL. (Jan. 26, 2019), <https://perma.cc/7G4W-R5V4>.

### F. *Length of Sponsorship*

Refugees vary in how long they need sponsorship support. The ninety days during which U.S. Resettlement Agencies are responsible for core reception and placement services are comparably short. U.S. Resettlement Agencies require a longer time under current co-sponsorship models. A review of other countries' private refugee sponsorship models suggests that it takes up to a year of sponsor support (and potentially longer for housing) until the beneficiaries become self-reliant and settled. Individuals with special needs may require an even longer time.

Some countries such as Germany have required a longer period of housing support only. However, in Germany, this became financially burdensome for the sponsors and the German government shortened the period.<sup>321</sup> Housing costs have risen in the United States, and an expanded period of housing support implicates the risk that sponsors refrain from refugee sponsorship because of the financial burden.

A lesson can be learned from U.K.'s Homes for Ukraine. Initial evaluations of this program demonstrate that if the U.K. government provided money to sponsors for an extended period of time, sponsors would offer housing support beyond the minimum period.<sup>322</sup> Such considerations are noteworthy for areas with housing shortages or where beneficiaries cannot work, or where they work but cannot afford the rent on their income. A noteworthy objection against this approach is the usage of U.S. tax money to fund refugees' housing.

However, multiple studies confirmed that in the long run, the costs of investing in refugee integration outweigh the benefits.<sup>323</sup> The studies showed that "in the second, third, fourth years – especially if the refugees access the labor market, especially if in the first year they have also been supported and assisted with some policies to find a job, to learn the language – they become productive assets. . . and the income they generate is much larger than the

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321. See SHARE NETWORK, MONITORING AND EVALUATION OF COMMUNITY SPONSORSHIP PROGRAMMES IN EUROPE: FIRST LESSONS LEARNED 13 (2022), <https://perma.cc/EE39-A8SQ>.

322. See Ed Pyle & Jane Evans, *Experiences of Homes for Ukraine Scheme Sponsors, UK: 7 to 14 July 2022*, OFF. FOR NAT'L STAT. (Aug. 10, 2022), <https://perma.cc/HHL3-5MW5>.

323. For example, Kancs and Lecca estimated that the annual long-term Gross Domestic Product effect of refugee flows ranged between 0.2 and 1.4 percent, depending on integration policies. They found that the benefits of refugee integration policies such as language and professional training outweighed the short-term costs of programs. D'Artis Kancs & Patrizio Lecca, *Long-Term Social, Economic and Fiscal Effects of Immigration Into the EU: The Role of Integration Policy*, 41 *WORLD ECON.* 2599, 2613, 2627 (2018). Furthermore, a study from the National Bureau of Economic Research found that refugees who entered the United States as adults from 2010 to 2014 paid, on average, \$21,000 more in taxes than they received in any kind of welfare payments. According to the 2017 study, the average costs to help settle a refugee, including both initial background checks as well as job and English training, amounted to about \$15,000. The government spent approximately \$92,000 in governmental assistance for the first 20 years each refugee spends in the United States. See William N. Evans & Daniel Fitzgerald, *The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS 7*, 30 (Nat'l Bureau of Econ. Rsch., Working Paper No. 23498), <https://perma.cc/BX6Y-3CJJ>.

cost.”<sup>324</sup> Investing in (longer) housing support for refugee beneficiaries would help to relieve financial pressure from beneficiaries and give them time to pursue language courses and vocational training, and to find employment that reflects their qualifications. In particular, it could empower women and give them the opportunity to prepare for entering the job market.

Taken together, this Article recommends extending the current ninety-day period of the Welcome Corps pilot to a one-year sponsorship period. In terms of housing support beyond one year, the U.S. government could set financial incentives for sponsors if they were willing to offer housing support for an extended period, provided that the beneficiaries need continued support.

### G. *Legal Status*

Permanent residence status upon arrival and access to citizenship for the beneficiaries are essential features of a private refugee sponsorship program to offer a durable solution for its program beneficiaries. Argentina’s Syria Program stands out. Of the different models presented above, only Argentina’s Syria Program requires subsequent status adjustment in the form of a petition for refugee status. By contrast, emergency schemes like U.K.’s Homes for Ukraine program or Canada’s CUAET offer limited short-term residence status upon arrival.

Among the emergency schemes, Canada’s CUAET stands out because the Canadian government linked it to a family sponsorship program that grants permanent residence to the sponsored Ukrainian family members of Canadian citizens and permanent residents.

The elaborations on private sponsorships for refugee students revealed that permanent residence, instead of student visa status, is essential to avoid having refugee students lose their legal status in the United States once they graduate. Refugee students should not have to prove an intent to return to the home country from which they are fleeing, as is currently required for student visas in the United States.

As a priority, this Article recommends an overhaul of the U.S. refugee system. Otherwise, the U.S. refugee program can hardly overcome the current processing backlog and lacking capacity to fulfill its admission target. In effect, admitting sponsorship beneficiaries as refugees with access to permanent residence and citizenship under the U.S. refugee program presupposes that this program is accessible and functioning.

The Article also recommends an overhaul of U.S. immigration law. It appears politically difficult but not impossible to pass legislation providing a path to residency for certain nationals. For example, if Congress is reticent to overhaul and expand the definition of refugee under the INA, it should at least consider passing specific laws allowing for individuals from Afghanistan and

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324. Bruce Edwards, *Refugees as Assets to Their New Countries*, INT’L MONETARY FUND (June 2022), <https://perma.cc/R6CQ-KTUW>.

Ukraine, who were paroled into the country during a certain time window, to adjust their status. The Biden administration's use of parole is not the first and largest one. For example, parole power allowed for the admission of Hungarians under President Eisenhower, for Cubans under President Ford, and for Vietnamese, Cambodian, and Laotian refugees under President Carter. "[I]n all these cases, it became clear – sometimes quickly and sometimes over the years – that the [parolees] could not return home. As a result, various administrations sponsored 'status normalization' legislation that set up a path for parolees to become permanent residents and, eventually, citizens."<sup>325</sup>

#### H. *Additional Lessons from U.S. Community Sponsorship Practice*

In addition to the above recommendations regarding core program design aspects, the following lessons should inform a permanent future U.S. private refugee sponsorship program:

The two sponsor groups in Seattle managed administrative tasks successfully without major guidance. Still, the sponsor groups identified challenges when assisting the beneficiaries in their applications for social benefits, health insurance, and work authorization. To that effect, when HIAS offices engaged with co-sponsor groups, they kept these tasks within HIAS. This practice could be applied to future U.S. private refugee sponsorships. To leave sponsors more capacity for other important tasks, using the experience of Resettlement Agencies and other local organizations could be an asset. This remains subject to the condition that the assisting Resettlement Agency or local organization itself has experienced staff resources and capacity for the administrative tasks.

Another problem with the applications for work authorizations and SSNs arose in the second case study with the sponsor group supporting the Ukrainian family. For work authorization applications, the family first could not benefit from faster online processing because USCIS opened that process for fee waivers only at a later stage. The family even had to apply for SSNs twice. Such processing duplications and impediments should be identified and eliminated for future U.S. private refugee sponsorships. A fast process to get SSNs is crucial for beneficiaries to become more independent. In addition, joint processing of family members should become a priority for future U.S. private refugee sponsorships. The team lead of the second Seattle sponsor group reported delays due to a pending travel authorization of one family member, and that other sponsors under U4U faced similar problems.

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325. See Carl J. Bon Tempo, *The Ukrainian Parole Policy in Historical Perspective*, NISKANEN CTR. (Sept. 22, 2022), <https://perma.cc/XP6S-82VJ>.

The USCIS processing delays affect various applications and petitions beyond refugee resettlements.<sup>326</sup> Practitioners and scholars commented on how the USCIS backlog could be remedied. The thorough elaboration on their recommendations goes beyond the scope of this Article's analysis.<sup>327</sup>

Co-sponsorship experiences and the Seattle case studies indicate that training requirements, oversight, and other sponsor obligations, such as regular reporting, should be balanced with sponsor group autonomy. On the one hand, guidance is essential, especially for complex administrative tasks. A lack of proper training and oversight could, for example, result in inaccurate information provided to the refugee beneficiaries. On the other hand, sponsor groups should not become overwhelmed and discouraged by extensive training sessions or reporting requirements. A major lesson from the Seattle case studies is that sponsor groups would appreciate facilitated contact and exchange throughout the sponsorship process, be it among sponsor groups, with Resettlement Agencies, local organizations, or with other actors involved.

Finally, dedicated funding constitutes a prerequisite to improve sponsor support capacities. For example, due to the lack of such funding through the federal government, IRIS in Connecticut had to revert to private donations, collected through private fund-raising or fees paid by sponsors.<sup>328</sup> The U.S. government should reconsider the allocation of federal funds, and open additional funding resources for comprehensive sponsor support. As already highlighted, there are significant economic benefits for the United States that come by ensuring that refugees integrate well and expeditiously enter into the workforce. In the long run, these benefits outweigh the costs.

## CONCLUSION

This Article recommends a permanent future U.S. private refugee sponsorship program that opens more resettlement capacity in addition to government resettlements, and contributes to improved reception and placement services for resettlement beneficiaries. The U.S. government should improve processing and reduce the current backlog. This is a precondition for private sponsors to be able to welcome beneficiaries without undue wait periods, and it will enable these individuals to nominate beneficiaries for sponsorships. Moreover, an innovative matching mechanism based on cooperation between

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326. For example, U and T visas, VAWA self-petitions, and family adjustments, and resulting work authorizations.

327. See, e.g., David J. Bier, *USCIS Adjudicators Have Grown Less Efficient For 82% of Forms*, CATO INST. (Jan. 4, 2023), <https://perma.cc/4577-4BCE> (arguing that the backlog is a result of longer review times by USCIS adjudicators); Daniel Di Moreno worked on a report that proposes a series of reforms that should be implemented by USCIS and other agencies, see DANIEL DI MARTINO, MANHATTAN INST., *REDUCING THE IMMIGRATION BACKLOG* (2022), <https://perma.cc/S3XP-SD9A>; USCIS established new internal cycle time goals in March 2022. For more information, see *Reducing Processing Backlogs*, USCIS, <https://perma.cc/XL8E-T5XS> (last visited Feb. 17, 2023).

328. FRATZKE & DORST, *supra* note 201, at 12–13.

stakeholders on the ground and across the United States should connect prospective beneficiaries around the globe with suitable sponsors in the United States. In this process, the U.S. government should consider the principle of equal treatment and other core principles established under international law.

The future U.S. program should prioritize durable solutions for refugee beneficiaries, including social and economic integration. This objective requires long-term residence status and access to citizenship. The sponsorship period should provide a sufficient window for the beneficiaries to establish themselves, achieve access to the job market in accordance with their qualifications, and permit the sponsors and beneficiaries to build relationships.

Other innovative approaches would enhance integration of privately sponsored and other refugees in the United States. For example, character-based refugee loans are best practice in Canada and the United Kingdom.<sup>329</sup> Windmill Microlending<sup>330</sup> in Canada and RefuAid<sup>331</sup> in the United Kingdom offer loans to cover accreditation costs, exam fees, course materials, and other expenses refugees may incur. Established private sector leaders have praised the private partnership model.

Sponsor groups across the United States have already been highly successful in providing core reception and placement tasks to refugees. Future U.S. private refugee sponsorships will benefit both beneficiaries and the receiving communities, and they will aid the economic and social inclusion of the beneficiaries. Private refugee sponsorships can keep the receiving communities more informed about refugee issues and change false narratives by allowing Americans to witness the mutual benefits of immigration. Indeed, a plethora of private sponsors in the United States have the resources and willingness to step up. In sum, the U.S. government should empower these private sponsors to welcome refugees and other forced migrants.

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329. See Helen Dempster & Euan Ritchie, *1.4 Million Refugees Need Resettlement: Can Innovative Finance Help?*, CTR. FOR GLOB. DEV. (Aug. 19, 2020), <https://perma.cc/TE5C-KQDQ>.

330. WINDMILL MICROLENDING, <https://perma.cc/FMG7-LP4B> (last visited Oct. 30, 2022).

331. REFUAID, <https://perma.cc/QGL5-BZTF> (last visited Oct. 28, 2022).