Community Sponsorship of Refugees
and Local Governance

Towards Protection Principles

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1 Introduction

Following almost forty years of operating essentially in isolation in Canada, community sponsorship has gathered recent international momentum, with fourteen countries piloting or establishing community sponsorship schemes since 2015 alone. In the EU, the fallout of the 2015 migrant and refugee crisis has driven a search for innovative approaches to protection, including the development of community sponsorship schemes in Germany, Ireland, Italy and Spain, as well as the United Kingdom. In the recent New Pact on Migration and Asylum, the European Commission calls for the development of a 'European model' of community sponsorship, though the key features of such an approach remain unexplained.[1] Outside Europe, both Australia and New Zealand have piloted community-based models.[2] Most recently, the United States has launched a community sponsorship programme to support evacuated Afghans.[3] Beyond traditional resettlement states in the Global North, Argentina has implemented a community sponsorship model supporting the integration of Syrian refugees.

Community sponsorship has no settled definition, but inherent to the model is shared responsibility between civil society and the state for the admission and/or integration of refugees.[4] Community sponsorship has

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[1] Radjenovic, "Community Sponsorship Schemes under the New Pact on Migration and Asylum", p. 6.
[2] Hirsch, Hoang and Vogl, "Australia's Private Refugee Sponsorship Program".
[3] US Department of State, "Launch of the Sponsor Circle Program for Afghans".
[4] European Commission, "Study on the Feasibility and Added Value of Sponsorship Schemes", p. 37; European Resettlement Network, "Private Sponsorship Feasibility Study – Towards a Private Sponsorship Model in France", p. 6.

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been described by the UN High Commissioner for Refugees (UNHCR) as 'programmes where individuals or groups of individuals come together to provide financial, emotional and practical support toward reception and integration' of refugees.[5]

The rise of community sponsorship has tracked the development and implementation of the Global Compact on Refugees ('the Compact'), a non-binding international agreement for 'predictable and equitable responsibility-sharing' passed by the UN General Assembly in December 2018.[6] In particular, community sponsorship is closely linked to one of the four Compact objectives focused on the expansion of 'third country solutions' through resettlement and complementary pathways.[7] UNHCR defines complementary pathways as 'safe and regulated avenues for refugees that complement resettlement by providing lawful stay in a third country where their international protection needs are met'.[8] Complementary pathways identified in the Compact are family reunification, private refugee sponsorship, humanitarian visas and labour and educational opportunities for refugees.

The global push to expand community sponsorship may be traced to the 2016 New York Declaration, which calls for the expansion of resettlement and other alternative avenues to asylum for refugees. The Global Refugee Sponsorship Initiative was launched in the margins of the New York Declaration, with a mandate to 'encourage and support the adoption and expansion of refugee sponsorship programs around the world'.[9] More broadly, community sponsorship is aligned to the Compact as an example of a whole-of-society approach to refugee protection, which includes local authorities.[10] At the first Global Refugee Forum held in December 2019, Brazil, Belgium, Malta and Portugal pledged to explore pilot community

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[5] UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries", p. 8; Solano and Savazzi, "Private Sponsorship Programmes and Humanitarian Visas: A Viable Policy Framework for Integration?", p. 5.

[6] United Nations, Report of the United Nations High Commissioner of Refugees, Part II: Global Compact on Refugees, UN Doc. A/73/12 (Part II).

[7] Global Compact on Refugees, paras. 7 and 95.

[8] UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries", p. 5. Van Selm defines complementary pathways in the context of the EU as "programs for the selection and organized transfer of refugees from a country of first asylum to a European country"; Van Selm, "Complementary Pathways to Protection", p. 144. The term "complementary pathways" seems to have replaced "safe and legal routes to asylum" previously used by UNHCR. See Crisp, "Briefing: Are Labour Mobility Schemes for Skilled Refugees a Good Idea?"

[9] Global Refugee Sponsorship Initiative, "Co-Designing Sponsorship Programs", p. 1.

[10] UNHCR, "The Three-Year (2019–2021) Strategy on Resettlement and Complementary Pathways", p. 33.

sponsorship models, while Finland has recently completed a feasibility study for a pilot scheme.[11]

Against the backdrop of this rapid uptake of community sponsorship models, this chapter seeks to set out key protective principles drawn from international human rights and refugee law. At this early stage of the development of community sponsorship beyond Canada, the purpose of these principles is to guide the implementation of community sponsorship and inform policymakers and advocates seeking to implement new or adjust existing programmes. In keeping with this volume's focus on the 'local turn' in migration governance, the chapter further addresses the current and potential roles of local authorities in community sponsorship schemes.[12] The chapter concludes that while national governments remain the 'ultimate gatekeepers' in terms of the creation and scale of community sponsorship models, globally engaged local authorities have the potential to ensure a principled approach to community sponsorship as a means to increase protection space.

This contribution proceeds in five sections. First, the role of resettlement and complementary pathways in the Compact is discussed, as a counterpoint to the lack of access to asylum in destination states in the Global North. Second, the chapter frames community sponsorship as a flexible concept that may take the form of resettlement or standalone a complementary pathway to protection. Third, the chapter uses the recent proliferation of community sponsorship models to draw out both promising and problematic practices in terms of refugee protection. Fourth, the role of local authorities in the various community sponsorship models is explored. Finally, the chapter puts forward a number of protection principles to inform new and existing community sponsorship models, before providing some concluding reflections on the place of community sponsorship in the international refugee regime and the role of local authorities in developing this form of refugee protection.

2   Resettlement and Complementary Pathways in the Global Compact on Refugees

The adoption of the Compact as a global responsibility sharing instrument comes against a backdrop of the 'deterrence paradigm'[13] in traditional asylum countries, in which a broad array of 'non-entrée' measures

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[11] See UNHCR, "Pledges & Contributions Dashboard"; Turtiainen and Sapir, "Feasibility Study on the Potential of Community-Based Sponsorship in Finland".
[12] See Baumgärtel and Miellet, introduction to this volume.
[13] Gammeltoft-Hansen and Tan, "The End of the Deterrence Paradigm?".

prevent asylum seekers accessing the territory or asylum procedures of destination states.[14] As a result, lack of legal access to asylum for refugees has emerged as a key gap in the international refugee regime in the past thirty years, with some authors predicting the end of the right to seek asylum in the Global North.[15]

The Compact does not directly address challenges of access to asylum, instead placing the expansion of resettlement and complementary pathways as one of its four objectives.[16] Paragraphs 94–96 provide that such pathways should act as a 'complement to resettlement', and the Compact aims to significantly increase their availability and predictability. The Compact further provides that complementary pathways 'contain appropriate protection safeguards', though it does not elaborate on what standards these contain.[17] Following the adoption of the Compact, UNHCR set out highly ambitious targets for increased resettlement and complementary pathways in the decade ahead.[18]

Such controlled pathways are often the preferred modes of protection in destination countries, rather than spontaneous asylum.[19] Resettlement is not an international legal obligation but rather a discretionary policy choice.[20] As Hashimoto points out, 'no state has a legal obligation proactively to admit refugees via resettlement who are still outside their jurisdiction; nor can a refugee claim a "right" to be resettled'.[21]

Resettlement is palatable to destination states as it is a means of providing asylum that meets their control interests in a number of respects. First, resettlement involves the orderly movement of recognised refugees across international borders, in some contrast to the spontaneous arrival of asylum seekers.[22] Second, resettlement involves the predictable

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[14] Hathaway, "The Emerging Politics of Non-Entrée".

[15] Ghezelbash, *Refuge Lost*, 185-6.

[16] Global Compact on Refugees, para. 7.

[17] Ibid., para. 94.

[18] UNHCR has set a target of third-country solutions for three million refugees (one million via resettlement and two million via complementary pathways) in 2028. UNHCR, "The Three-Year (2019–2021) Strategy on Resettlement and Complementary Pathways", p. 11.

[19] Hashimoto, "Refugee Resettlement as an Alternative to Asylum".

[20] According to the UNHCR Resettlement Handbook, resettlement involves admission to "a third State which has agreed to admit them – as refugees – with *permanent* residence status"; UNHCR, *UNHCR Resettlement Handbook.*

[21] Hashimoto, "Refugee Resettlement as an Alternative to Asylum", p. 165. See also de Boer and Zieck, "The Legal Abyss of Discretion in the Resettlement of Refugees".

[22] As early as 2004, Van Selm noted: "The emerging thought in Europe is that if a country resettles refugees, as opposed to seeing them arrive spontaneously, the authorities know who they are, the people enter legally, and the process can be managed". Van Selm, "The Strategic Use of Resettlement", p. 43.

allocation of annual quotas, allowing the destination state to predetermine how many refugees receive protection in a given year. Furthermore, resettlement allows destination states to allow access to recognised refugees only, thereby avoiding the entry of migrants not requiring international protection. This is particularly pertinent in the EU, where implemented return rates hover around 40 per cent.[23] In a number of destination states, admission of refugees under an organised resettlement program tends to be more politically popular than the admission of asylum seekers.[24]

Resettlement and complementary pathways allow destination states to maintain a commitment to the international refugee regime, holding out a form of responsibility sharing to 'trade-off' deterrence efforts.[25] This tendency is evident in the linking of the two approaches. The EU–Turkey Statement, for example, includes a built-in resettlement element, with one Syrian refugee resettled for every one returned. Australia's deterrence efforts are often justified in terms of a relatively generous resettlement program.[26] This relationship between deterrence, on the one hand, and controlled pathways via third-country solutions, on the other, runs as a red thread through the implementation of the Compact.[27]

3   Conceptualising Community Sponsorship

Community sponsorship may be either a form of resettlement or a complementary pathway.[28] A 2018 study undertaken by the European Commission, as well as a number of individual country feasibility studies, demonstrate the wide range of approaches to community sponsorship, straddling more established forms of resettlement and standalone

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[23] European Commission, Council EU Action Plan on return COM(2015) 453 final, 9 September 2015, p. 2.

[24] Van Selm, "The strategic use of resettlement", p. 47; McKay, Thomas, and Kneebone, "It Would Be Okay if They Came Through the Proper Channels".

[25] Hashimoto offers four explanations for states' resettlement programs: egoistic self-interest; humanitarian altruism; reciprocity; and international reputation. Hashimoto, "Refugee Resettlement as an Alternative to Asylum", p. 166.

[26] As Garnier notes, "[i]n Australia … it is increasingly commonly accepted that expanding the humanitarian intake justifies enhanced deterrence towards 'boat people' claiming asylum"; Garnier, "Migration Management and Humanitarian Protection", p. 954.

[27] See Carrera and Cortinovis, "The EU's Role in Implementing the UN Global Compact on Refugee", Crisp, "After the Forum" as well as Tan and Vedsted-Hansen, "Inventory and Typology of EU Arrangements with Third Countries".

[28] This section draws on Tan, "Community Sponsorship in Europe".

complementary pathways.[29] The following explains how the concept is best understood as an 'umbrella' term encompassing several different modalities.[30]

Community sponsorship as a tool for resettlement focuses solely on *integration* support for resettled refugees matched with civil society sponsors. Rather than creating a pathway to admission, community sponsorship involves integration assistance for resettled refugees. This model of community sponsorship uses existing UNHCR and state resettlement channels (including selection, referral, health checks etc.) to admit refugees. Civil society involvement is generally limited to the provision of support *after* arrival and focused on the successful integration of refugees. Moreover, community sponsorship as resettlement usually benefits UNHCR-referred refugees, rather than 'named' individuals, although practice varies between jurisdictions.[31]

Existing community sponsorship schemes in Ireland and the United Kingdom are squarely focused on the support of resettled refugees, initiated within the state resettlement quota with the intention of becoming additional over time.[32] Similarly, the German Neustart im Team (NesT) programme is a clear example of community sponsorship as a resettlement tool.

Community sponsorship models that involve privately led *admission and integration* of asylum seekers and refugees create a standalone complementary pathway. Such programmes are firmly separated from state-run resettlement as an 'initiative by private associations with recognized expertise in the field to provide for an alternative, legal, and safe pathway'.[33] In its original form in Canada, community sponsorship involved the 'naming' of individual refugees by sponsors and the creation of a pathway independent of other channels to admission.[34] More recently,

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[29] European Commission, "Study on the Feasibility and Added Value of Sponsorship Schemes", p. 42; Tan, "The Feasibility of Community-Based Sponsorship of Refugees in Denmark"; European Resettlement Network, "Private Sponsorship Feasibility Study – Towards a Private Sponsorship Model in France".

[30] Hueck, "Community Based Sponsorship Programmes in Europe: What Next?".

[31] New Zealand's community sponsorship pilot, for example, accepted both civil society nominations and UNHCR referrals, though all sponsored refugees had to be recognised by UNHCR.

[32] Phillimore and Reyes, "Community Sponsorship in the UK"; UK Home Office, "New Global Resettlement Scheme for the Most Vulnerable Refugees Announced".

[33] Ricci, "The Necessity for Alternative Legal Pathways".

[34] UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries", p. 8.

the Humanitarian Corridors model pioneered in Italy is a good example of community sponsorship as a complementary pathway.[35] Community sponsorship may also form a complementary pathway for the purpose of family reunification, such as the German Federal *Länder* Sponsorship Scheme, in place between 2013 and 2018.[36]

Community sponsorship as a complementary pathway raises questions of the extent to which the model provides protection to refugees, rather than other migrants. Hashimoto has recently critiqued the role of complementary pathways as risking the transformation of the institution of asylum into 'a neoliberal, privatised immigration enterprise reserved only for highly skilled and educated migrants or for certain ethnic or religious groups'.[37] By contrast, Van Selm highlights their potential as 'ways out of the asylum and refugee policy debate and deterrence in Europe'.[38]

Finally, the long-standing question of additionality is a constant tension between an approach that is complementary to existing resettlement, thus expanding protection, and a model that replaces state resettlement, leading to concerns of outsourcing or privatisation of refugee protection.[39] In essence, additionality in community sponsorship expands refugee protection, while community sponsorship that replaces resettlement allows the state to outsource its responsibility.[40] To meet the principles outlined in this contribution, community sponsorship models should expand refugee protection, not merely shift responsibility from government to civil society or private actors.

Nevertheless, additionality is not a straightforward concept, and pragmatic considerations may require that initial community sponsorship models take place within existing resettlement quotas.[41] In such cases, a shift to additionality in the short to medium-term should remain a focus, with the realistic understanding that some national governments may seek to dilute or reverse-engineer additionality.[42] As discussed later, local authorities have a key role to play in holding national governments to

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[35] See Humanitarian Corridors, "The Humanitarian Corridors".
[36] Hueck, "Community Based Sponsorship Programmes in Europe: What Next?".
[37] Hashimoto, "Are New Pathways of Admitting Refugees Truly 'Humanitarian' and 'Complementary'?", p. 16.
[38] Van Selm, "Complementary Pathways to Protection", p. 150.
[39] Ritchie, "Civil Society, the State, and Private Sponsorship"; Hirsch, Hoang and Vogl, "Australia's Private Refugee Sponsorship Program".
[40] Ritchie, "Civil Society, the State, and Private Sponsorship".
[41] Tan, "Community Sponsorship in Europe", p. 9.
[42] Ibid.

account in this respect, to ensure that community sponsorship models expand rather than outsource refugee protection.

Relatedly, the establishment of community sponsorship schemes in states with no existing resettlement programme raises complex questions of pragmatic or realistic approaches. On the one hand, community sponsorship has the potential to kick start resettlement by mobilising local authorities, civil society and private funding where national governments have historically proven unwilling. Some authors have recently pointed out that the introduction of complementary pathways, including community sponsorship, may lead to the 'development of fully-fledged and regular resettlement programmes'.[43] On the other hand, the establishment of privately led resettlement may disincentivise governments from assuming their traditional responsibilities for such programmes whatsoever.

4   Promising and Problematic Practices

The primary objective of community sponsorship models should be the protection of refugees. The proliferation of new and varied community sponsorship models offers some recent but rich examples of practices to be emulated and avoided. The following makes some reflections on promising and problematic practices in the development of community sponsorship since 2015.

A number of community sponsorship models have successfully *expanded protection* for refugees, by remaining or emerging as additional to state resettlement. Canadian sponsors supported 62,000 Syrian refugees between 2015 and 2020 alone, over and above the Canadian government's resettlement scheme.[44] Humanitarian Corridors Italy has provided a safe and legal pathway to protection for 3,632 refugees since 2016, in addition to the country's annual resettlement programme of 1,000 places.[45] On a smaller scale, Germany's NeST model is additional to the national resettlement program, with 400 sponsored refugees admitted from Germany's

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[43] Hashimoto, "Are New Pathways of Admitting Refugees Truly 'Humanitarian' and 'Complementary'?", p. 26. Similarly, Van Selm concludes that such programmes "could provide a spring-board to the long term resettlement programs that some wish to see"; Van Selm, "Complementary pathways to protection", p. 150.

[44] Government of Canada, "By the Numbers – 40 Years of Canada's Private Sponsorship of Refugees Program".

[45] Ricci, "The Necessity for Alternative Legal Pathways", p. 268. Community of Sant'Egidio, "Humanitarian Corridors in Figures" (January 2022).

overall resettlement quota of 5,500.[46] The United Kingdom Community Sponsorship Scheme started out within the state's resettlement quota, with the government pledging additionality at the Global Refugee Forum.[47]

A further promising practice is the provision of *permanent protection* to refugees under a number of community sponsorship models. In this respect, the close links between community sponsorship and resettlement have proven useful. While complementary pathways generally provide refugees with 'lawful stay in a third country where their international protection needs are met',[48] most community sponsorship schemes currently provide permanent protection to refugees, or at least temporary visas with the expectation of subsequent permanent residence.[49] There are at least two possible reasons for this relatively generous level of protection. First, the use of resettlement channels for sponsored refugees introduces a presumption of permanent protection, as resettlement by definition involves the 'transfer of refugees from one State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status'.[50] Second, the integration-focused role of sponsors tends towards permanent rather than temporary protection. In Denmark, for example, the feasibility of community sponsorship is significantly hampered by a recent policy shift to temporary protection of refugees.[51]

Finally, some recent community sponsorship programs have placed significant focus on *practical safeguards* for sponsored refugees. In particular, the creation of civil society focal points with expertise in refugee support to screen, select and train sponsors is good practice to ensure refugees benefit from sponsors. Such a body is vital to act as liaison between sponsors and government, as well as to step in in the case of sponsorship breakdown.[52] Building on Canada's Sponsorship Agreement Holders model, Ireland, Germany and the United Kingdom have all established such civil

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[46] Resettlement.de, "Current Admissions".

[47] UNHCR, "Pledges & Contributions Dashboard".

[48] UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries", p. 4.

[49] Australia, Canada, Italy, New Zealand, Ireland and the United Kingdom provide permanent residence status immediately, while Germany's NeST programme provides a three-year protection visa; see Neustart im Team, "Neustart im Team (NeST)".

[50] UNHCR, *UNHCR Resettlement Handbook,* p. 3.

[51] Tan, "The Feasibility of Community-Based Sponsorship of Refugees in Denmark", p. 15. On recent temporary protection policy in Denmark, see Tan, "The End of Protection".

[52] European Commission, "Study on the Feasibility and Added Value of Sponsorship Schemes", p. 84.

society focal points. Relatedly, recent practice has prioritised monitoring and evaluation of community sponsorship schemes, in part to ensure refugees are adequately supported during sponsorship.[53] Systematic evaluations have been undertaken soon after implementation in, for example, the Basque region,[54] New Zealand[55] and the United Kingdom.[56]

A number of more problematic practices may also be observed. Some community sponsorship models have featured *discrimination* between refugees on the basis of religion. For example, *ad hoc* community sponsorship models in the Czech Republic, Poland and Slovakia provided admission only to Christians, with no consideration of international protection needs.[57] Refugees admitted under these schemes either moved on to another EU member state or returned to their country of origin.[58] By contrast, community sponsorship schemes in Germany (NesT), New Zealand and the United Kingdom draw beneficiaries from UNHCR's resettlement submission categories, which focus referrals on seven objective criteria in line with the humanitarian basis of resettlement.[59]

Still, other community sponsorship models have shifted the focus of community sponsorship *away from protection* to particular migration streams, such as labour migration or family reunion. Australia's Community Support Program, notably, provides for 1,000 sponsored refugees per year within Australia's resettlement scheme. However, the scheme only supports refugees who are 'job-ready' with 'functional English' and sponsors pay significant costs related to visas, administration and integration.[60] As a result, the Community Support Program has been criticised as 'an exercise in the privatization of resettlement responsibilities and costs'

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[53] On the importance of monitoring and evaluation, see Beirens and Ahad, "Measuring Up?".

[54] Instrategies, "Auzolana II Pilot Community Sponsorship Experience".

[55] New Zealand Government, "Community Organisation Refugee Sponsorship Category Pilot: Process Evaluation".

[56] Phillimore and Reyes, "Community Sponsorship in the UK".

[57] European Commission, "Study on the Feasibility and Added Value of Sponsorship Schemes", p. 61. On discrimination on the grounds of religion in resettlement policy, see Zagor, "Martyrdom, Antinomianism, and the Prioritising of Christians".

[58] European Commission, "Study on the Feasibility and Added Value of Sponsorship Schemes", p. 65.

[59] The categories are legal and/or physical protection needs, survivors of torture and/or violence, medical needs, women and girls at risk, family reunification, children and adolescents at risk, and lack of foreseeable alternative durable solutions. See further de Boer and Zieck, "The Legal Abyss of Discretion in the Resettlement of Refugees", and Hashimoto, "Are New Pathways of Admitting Refugees Truly 'Humanitarian' and 'Complementary'?", p. 19.

[60] Hoang, "Human rights: Private Sponsorship of Refugees and Humanitarian Entrants".

more akin to a labour migration or family reunification scheme than a humanitarian mechanism.[61] Similarly, New Zealand's pilot included job-focused eligibility criteria.[62] Previous practice has also placed onerous requirements on sponsors, causing stress for both sponsors and refugees. Germany's Federal *Länder* Sponsorship Scheme, a family reunification model in place between 2013 and 2018, was criticised for requiring individuals to commit to five years of sponsorship.[63]

Finally, *inadequate policy frameworks* have revealed corruption in community sponsorship in at least one case. In Belgium, a city counsellor has been arrested on suspicion of selling humanitarian visas to refugees for €20,000 under a humanitarian corridors pilot.[64] Notwithstanding its undoubted successes, the Humanitarian Corridors model places significant responsibility for selection of refugees on faith-based actors. A robust policy framework at both national and local levels is necessary to avoid such governance problems, especially where pilot programs are used to test the possibility of a permanent community sponsorship model.[65]

5   The Role of Local Authorities in Community Sponsorship

The role of local authorities in community sponsorship models requires further research. In Canada, the question is less relevant as the federal government is responsible for the country's community sponsorship streams, with the exception of the provincial government of Quebec. Hitherto, in those jurisdictions where community sponsorship is in a pilot or relatively recent phase, focus has tended to remain on the role of national authorities and civil society.[66] Nevertheless, the legal, policy and operational roles of local authorities are often essential to the inception and implementation of community sponsorship models.

The role of local authorities in refugee governance more broadly is addressed in the Compact as 'among the actors that experience the most

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[61] Hirsch, Hoang and Vogl, "Australia's Private Refugee Sponsorship Program", p. 110.
[62] New Zealand Immigration, "Community Organisation Refugee Sponsorship Category Introduced".
[63] European Commission, "Study on the Feasibility and Added Value of Sponsorship Schemes", p. 130.
[64] Kennedy, "Belgian Councillor Arrested on Suspicion of Selling Humanitarian Visas".
[65] See, for example, Department of Justice and Equality, "Community Sponsorship Ireland: Initial Policy Framework".
[66] See, for example, Tan, "Community Sponsorship in Europe" and Ricci, "The Necessity for Alternative Legal Pathways", p. 271.

significant impact over the medium term'.[67] However, while the Global Compact on Refugees goes on to call on cities and municipalities to share their good practices and innovative approaches in supporting refugees, it falls short of outlining the role of local governance actors in resettlement and complementary pathway arrangements, including community sponsorship. Sabchev and Baumgärtel have sought to bridge this gap, calling for the upscaling of 'locally organised, city-led routes' to protection for refugees in the EU, given the capacity of municipal and regional authorities to assess local capacity to host and integrate refugees, manage refugee reception and integration and a recent tendency of local governments to cooperate directly with key international organisations, notably UNHCR and International Organization for Migration.[68]

Three overlapping tendencies in the roles of local authorities are observed here, telegraphing the increasingly important role of local authorities in both the uptake and implementation of community sponsorship schemes. First, local authorities *champion* locally driven community sponsorship, often as a counterpoint to the restrictive policies of national governments. Since 2015, for example, Barcelona, Vienna and Hamburg have repeatedly expressed their willingness to host and support refugees, often in direct opposition to their national counterparts.[69] Similarly, Barcelona and Athens agreed in 2016 to cooperate on a pilot project to relocate 100 refugees living in camps in the Greek capital to Barcelona, which was ultimately rejected by the national Spanish government.[70] With respect to complementary pathways more broadly, German self-declared 'Safe Ports' municipalities have lobbied their states to develop humanitarian admission programmes. Most recently, a Thuringia state proposal for a humanitarian admission programme aimed at Afghans was blocked by the German federal interior ministry.[71]

Such city-led advocacy with respect to community sponsorship in some ways reflects the broader sanctuary cities movement from the United States dating back to the 1980s,[72] as well as the emergence of the Solidarity Cities project in Europe since 2016.[73] However, the advocacy of

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[67] Global Compact on Refugees, para. 37.
[68] Sabchev and Baumgärtel, "The Path of Least Resistance?", p. 38.
[69] Ibid.
[70] Radjenovic, "Community Sponsorship Schemes Under the New Pact on Migration and Asylum", p. 9.
[71] Flüchtlingsrat NRW, "Thüringer Landesaufnahmeprogramm für Afghanistan gescheitert".
[72] See Lasch and Morales in this volume.
[73] Solidarity Cities, "About".

local authorities with respect to community sponsorship is distinct from the sanctuary city concept in important respects. Perhaps most notably, cities calling for the introduction of community sponsorship are actively seeking to provide an *avenue to protection* for refugees, rather than supporting the enduring residence of those already present. Moreover, cities calling for community sponsorship models generally propose protection for a relatively small group of refugees, rather than large groups of existing migrant or refugee populations.

Second, and related, subnational authorities have played a *catalytic* role in certain settings. The Basque regional government in Spain led the country's community sponsorship pilot, advocating for the scheme through negotiations with national authorities in Madrid.[74] The pilot supporting five Syrian families took place within Spain's National Resettlement Program,[75] with a 2019 agreement between the Ministry of Labour, Migration and Social Security, the Basque regional government, UNHCR Spain, Caritas Euskadi and Ellacuría Foundation placing responsibility for the reception of sponsored refugees with the Basque regional government.[76] The Spanish pilot is further an example of cooperation between regional and municipal authorities, as the Basque regional government distributed beneficiaries among the three major Basque cities of Bilbao, Donostia and Vitoria.[77] Local authorities in other EU states have expressed interest in piloting local or regional models, with a number of Swedish municipalities currently considering a pilot.[78]

Finally, local authorities clearly often play an important *operational* role in implementing a community sponsorship scheme. In many European states, municipal authorities are responsible for delivering the entirety or majority of refugees' integration programmes, ranging from housing assistance, language classes, cultural orientation and employment support.[79] In the United Kingdom, for example, the cities of Bristol and Birmingham support local community sponsorship by raising awareness

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[74] Manzanedo, "Community-Based Refugee Sponsorship in Spain".

[75] Instrategies, "Auzolana II Pilot Community Sponsorship Experience", p. 45.

[76] Radjenovic, "Community Sponsorship Schemes Under the New Pact on Migration and Asylum", p. 9.

[77] Manzanedo, "Community-Based Refugee Sponsorship in Spain", p. 4.

[78] Tan, "A Study on the Potential for Introducing a Community Sponsorship Programme for Refugees in Sweden", p. 27.

[79] For a series of factsheets on European countries, see European Resettlement Network, "Integration Phase".

among volunteer organisations and training and coordinating and monitoring sponsorship groups.[80]

However, the inclusion of civil society in integration systems run by local authorities that community sponsorship entails gives rise to questions of complexity. In a recent UNHCR scoping report on the feasibility of community sponsorship in Sweden, existing coordination between multiple national agencies and municipalities was identified as a challenge to the devolution of certain responsibilities to a civil society actor.[81] In contrast, a recent Finnish study on the potential for introducing community sponsorship found extensive cooperation between municipalities and civil society, concluding that existing cooperation provides 'a functional foundation for a community sponsorship programme'.[82]

6   Towards Protection Principles

The proliferation of new community sponsorship models since 2015 bring both risks and opportunities for refugee protection. On the one hand, the rapid growth of community sponsorship means national and local policymakers may quickly be informed of the various models implemented in multiple jurisdictions. On the other hand, the inherent flexibility of the concept may leave it open to co-option where, for example, governments use community sponsorship to replace resettlement, or discriminate by protecting only particular groups. To mitigate these risks, the following section suggests six protective standards drawn from international human rights and refugee law and lessons from recent practice.[83]

6.1   Additionality

Additionality should remain at the forefront of discussions on community sponsorship, to avoid the effective outsourcing of government responsibilities. Community sponsorship should not replace resettlement.[84]

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[80] Radjenovic, "Community Sponsorship Schemes Under the New Pact on Migration and Asylum", p. 9.

[81] Tan, "A Study on the Potential for Introducing a Community Sponsorship Programme for Refugees in Sweden", p. 19.

[82] Turtiainen and Sapir, "Feasibility Study on the Potential of Community-Based Sponsorship in Finland", p. 39.

[83] On the role of local authorities vis-à-vis international human rights law more generally, see Oomen and Baumgärtel, "Frontier Cities".

[84] Hirsch, Hoang and Vogl, "Australia's Private Refugee Sponsorship Program", p. 119.

However, the question of additionality is becoming increasingly complex. It is notable, for example, that the EU Pact on Migration and Asylum does not stress additionality in proposing the development of an 'European model' of community sponsorship.[85] While ideally community sponsorship schemes should be additional to existing resettlement programmes *from the outset,* pragmatic considerations may require that community sponsorship models initially take place within existing resettlement quotas. This is because national governments are, in general, reluctant to increase annual resettlement quotas. In such cases, a shift to additionality in the short to medium-term must remain a priority – an approach that may be termed 'additionality in principle'. Moreover, some national governments may seek to 'reverse engineer' additionality when negotiating the state quota in relation to community sponsorship.

The result of increased involvement of local governments with respect to additionality may be somewhat mixed. On the one hand, local governments focused on integration outcomes may not support additional community sponsorship quotas, as their primary interest lies in improved integration of refugees under existing resettlement quotas. On the other hand, other local governments can play a crucial role in insisting upon additionality by joining forces with local and transnational sponsorship actors, especially given municipalities' key operational role in European countries. To uphold this principle, local authorities involved in community sponsorship programmes need an eye not only to integration outcomes but also the overall purpose of community sponsorship as a means to increase protection space.

6.2 *Respecting the Right to Seek Asylum*

The introduction and expansion of community sponsorship models should not be used by national governments to justify restrictions on access to spontaneous asylum.[86] In other words, community sponsorship should not be instrumentalised to distract from deterrence policies. While state resettlement has long been used strategically in this way,[87] there is little evidence that the strategic use of resettlement has actually driven

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[85] Duken and Rasche, "Towards a European Model for Community Sponsorship", p. 3; Radjenovic, "Community Sponsorship Schemes Under the New Pact on Migration and Asylum", p. 7.

[86] In the Canadian context, see Labman, "Queue the Rhetoric", p. 62.

[87] Van Selm, "The Strategic Use of Resettlement", p. 43.

down spontaneous asylum.[88] Given its locally driven nature, community sponsorship should be at least somewhat insulated from national government interests in this regard.

Increased involvement of local authorities in community sponsorship schemes are likely to support this principle. Municipalities and regional governments playing a key role in driving community sponsorship models often serve as a counterweight to the restrictive agendas of national governments. While national governments retain sovereign power in terms of admission to the state and the creation of new community sponsorship models, the combined advocacy role of international actors 'from above', such as UNHCR and the Global Refugee Sponsorship Initiative, and subnational authorities 'from below', such as regional and municipal authorities, have the potential to shore up the right to seek asylum through pressure on national governments.[89]

6.3   Non-Discrimination and Equal Treatment

The principle of non-discrimination flowing from international human rights and refugee law must inform state practice on community sponsorship.[90] As UNHCR notes, community sponsorship should be 'non-discriminatory and not distinguish on the basis of nationality, race, gender, religious belief, class or political opinion'.[91] Learning from previous practice in Eastern Europe, future community sponsorship models should avoid discrimination in the selection of refugees for sponsorship. Moreover, principles of equal treatment require that sponsored refugees not be treated differently from government-resettled refugees during integration, and *vice versa.* In particular, in the case of relationship breakdown, the principle of non-discrimination requires that the government (be it municipal, regional or national, depending on modalities) step in to protect the rights of a sponsored refugee and ensure equal treatment between sponsored and traditionally resettled refugees.

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[88] See, for example, Schneider, *The Strategic Use of Resettlement: Lessons from the Syria Context.*

[89] On the role of city leaders transnationally, see Acuto, "City Leadership in Global Governance". For an account of this dynamic with respect to shelter for undocumented migrants, see Oomen and Baumgärtel, "Frontier Cities", pp. 617–9.

[90] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention) art. 3.

[91] UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries", p. 12.

While non-discrimination should be a key principle across local and national governments, the involvement of multiple subnational authorities in a community sponsorship scheme can provide flexibility in accommodating particular demographic preferences. Provided the principle of non-discrimination informs the *selection and admission* of sponsored refugees, it is appropriate for local authorities to be 'matched' with beneficiaries on the basis of relevant demographics or background.

6.4   Protection-Focused

Community sponsorship should remain firmly focused on refugee protection. At a minimum, beneficiaries must meet the definition of refugeehood set out in Article 1A(2) of the 1951 Refugee Convention, or a regional variation thereof, to be eligible for a community sponsorship scheme. This means, for example, learning the lessons from Australia's Community Support Program, which is as much centred around labour market integration as refugee protection. Equally, the use of community sponsorship to facilitate family reunification should neither replace the state's family reunification obligations[92] nor place unreasonable burdens on sponsors.[93]

The initiative of some local authorities in proposing, realising and operating community sponsorship schemes with the explicit aim of refugee protection suggests that increased involvement of local authorities support this principle. For example, the Basque pilot in Spain was undertaken in alignment with the regional government's 'commitment to solidarity, human rights and peace'.[94] Equally, the repeated calls from German Länder and municipalities to establish humanitarian admission programmes for Afghan refugees points to the more principled approach of some local authorities over national governments.

6.5   Clarity of Legal Status

Community sponsorship approaches should provide a clear legal status to sponsored refugees. In general, refugees admitted under a community sponsorship scheme should be entitled to the full set of rights

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[92] Nicholson, "The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied".

[93] For an overview of issues raised by the German Federal *Länder* Sponsorship Scheme, see Pauline Endres de Oliveira, "Humanitarian Admission to Germany–Access vs. Rights?".

[94] Instrategies, "Auzolana II Pilot Community Sponsorship Experience", p. 45.

afforded other refugees in the country, in line with the principle of non-discrimination and socio-economic rights set out in the 1951 Convention.[95] As a matter of international law, responsibility for the provision of these rights rests with the national government, though as a matter of practice – particularly in the EU – municipalities are responsible for securing the integrative rights of refugees through, for example, education and employment training.

Community sponsorship as resettlement carries the additional status of providing a durable solution, thus often amounting to permanent residence more rapidly than community sponsorship as complementary pathway. Once again, the EU Pact on Migration and Asylum does not address legal status in its initial proposal for a 'European model' of community sponsorship.[96]

6.6   *Robust Policy Framework*

Finally, community sponsorship approaches should be supported by a robust policy framework at both national and local levels. In particular, any model involving a 'naming' element should include safeguards to ensure the integrity of the selection process and, at a minimum, a requirement that the named individual meet the definition of refugee contained in Article 1A(2) of the 1951 Refugee Convention, or a regional variation thereof.[97] Ultimate responsibility for refugees must clearly remain with state authorities, not private actors.

With respect to local governance, a clear, workable division of labour between national, regional and local authorities is crucial, particularly in countries where municipalities are central to the integration of refugees. In her work on resettlement, for example, Stürner has called for increased 'local ownership' and even the creation of a Municipal Resettlement Programme within the EU.[98] A recent evaluation of the Basque pilot, called noted that 'local administrations can enrich community sponsorship and should be involved from the outset'.[99]

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[95] Refugee Convention, Articles 2–34.
[96] Duken and Rasche, "Towards a European Model for Community Sponsorship", p. 3; Radjenovic, "Community Sponsorship Schemes Under the New Pact on Migration and Asylum", p. 7.
[97] UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries", p. 12.
[98] Stürner and Bendel, *Valuing Local Ownership*.
[99] Instrategies, "Auzolana II Pilot Community Sponsorship Experience", p. 46.

7   Conclusions: Community Sponsorship, Local Governance and the International Refugee Regime

The scale, additionality and protection-focus of community sponsorship will define its success in meaningfully contributing to the international protection of refugees. With low resettlement numbers since the COVID-19 pandemic and pressure on the Compact to deliver, the push to expand community sponsorship is already being felt.[100] In the coming years, we are likely to see the emergence of new community sponsorship models that challenge the protective core of the concept. Three critical reflections are provided here: the role of community sponsorship with respect to the Global Compact on Refugees; the relationship between local authorities and international actors in community sponsorship; and the current and potential future role of local authorities in this area.

First, community sponsorship is emerging as a key pillar of the Global Compact on Refugees, both as a tool for resettlement and a standalone complementary pathway.[101] Community sponsorship is part of a suite of 'controlled' avenues to protection with the potential to meet the Compact objective of expanding access to third-country solutions. However, against a backdrop of restrictions on territorial asylum exacerbated by the COVID-19 pandemic,[102] it remains highly unlikely that community sponsorship and other third-country solutions can be scaled up to fill the substantial protection gaps extant in the international refugee regime.

Moreover, there is a risk that community sponsorship may be employed as a 'fig leaf' to divert from restrictions on access to asylum. For example, the introduction of a small-scale community sponsorship pilot by a particular state cannot meaningfully contribute to solutions for refugees when the national government is simultaneously preventing access to territory and/or national asylum procedures for spontaneous arrivals.

Second, and related, locally led efforts towards community sponsorship under the auspices of instruments like the Compact can lead to

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[100] Only 22,700 refugees were resettled via UNHCR in 2020 and 39,266 people in 2021; UNHCR, "Resettlement Data". See further UNHCR, "Global Trends: Forced Displacement in 2019", pp. 51–52.

[101] For example, community-sponsored refugees are now included in UNHCR's global resettlement statistics. See UNHCR, "Global Trends: Forced Displacement in 2019", UNHCR, "The Three-Year (2019–2021) Strategy on Resettlement and Complementary Pathways", and UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries".

[102] Crawley, "The Politics of Refugee Protection in a Post-Covid-19 World"; Ghezelbash and Tan, "The End of the Right to Seek Asylum?".

the 'decoupling' of local policies from national approaches in the field of migration governance.[103] The engagement of cities, municipalities and regional governments with the Compact establishes transnational feedback loops between local authorities and UN processes and entities. Indeed, such transnational networks are already emerging, through UNHCR's granting of the regional Nansen award to the Humanitarian Corridors initiative and the use of the Compacts' 'good practices' portal by local authorities.[104] While I am not confident we will see what Sabchev and Baumgärtel label a 'paradigm shift in migration governance' through locally led community sponsorship,[105] the connecting of local governments with transnational and international actors, such as the Global Refugee Sponsorship Initiative and UNHCR, increases the prospects of the emergence of a principled approach to the community sponsorship of refugees.

Third, the role of local authorities in driving the principled development of community sponsorship is not straightforward. On the one hand, as a locally driven initiative community sponsorship is particularly well suited to leadership from subnational authorities. The track record of some local authorities in proposing, advocating for and implementing community sponsorship schemes indicates the enormous potential for local ownership of this new mode of welcoming refugees. On the other hand, as community sponsorship is inherently concerned with the admission of refugees (either through traditional resettlement pathways or as a standalone complementary pathway), local authorities equally face the reality that national authorities remain the ultimate 'gatekeeper' in terms of uptake, durability and scale of community sponsorship schemes.

There may be no elegant solution to this tension in the role of local governments in community sponsorship models. A key factor here is the need for local authorities to be globally engaged, with an eye not only to immediate local outcomes but also the sustainability of community sponsorship as a means to increase refugee protection locally, nationally and internationally.

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[103] See, notably, Scholten, "Between National Models and Multi-Level Decoupling" and Baumgärtel and Oomen, "Pulling Human Rights Back In?"

[104] See, for example, Fernández and Pías, "Community-Based Refugee Sponsorship in Spain-Basque Country".

[105] Sabchev and Baumgärtel, "The Path of Least Resistance?"