



# **Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement**

Final Report

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Directorate-General for Migration and Home Affairs  
Directorate Migration and Protection

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## **Abstract**

This study assessed the feasibility and added value of sponsorship schemes as a possible pathway to channels for admission of persons in need of protection in the EU. It finds that while the concept of private sponsorship is rather ill-defined, the number of different sponsorship schemes has proliferated across the EU and have a wide variety of characteristics in the eligibility criteria of the sponsor and beneficiary, responsibilities of the sponsor, and in the status granted and associated rights. The study assessed possible options for EU action in the area, by continuing with the status quo, providing for specific soft measures (training, toolkits, peer reviews), financing of sponsorship activities, and legislative action. The study finds that soft measures and financing are most feasible and have highest added value, whereas legislative action carries certain risks and is considered less feasible.



## **Résumé**

Cette étude a pour objet l'examen de la faisabilité et la valeur ajoutée des programmes de parrainage privé, en tant que possible voie d'entrée pour les personnes nécessitant une protection internationale au sein de l'UE. Elle relève que si la définition du concept de parrainage privé mériterait d'être précisé, le nombre de programmes de parrainage différents s'est accru de façon substantielle dans l'UE. Ces programmes présentent une grande variété de caractéristiques en ce qui concerne les critères d'éligibilité des parrains (ou sponsors) et des bénéficiaires, les responsabilités des parrains, le statut octroyé aux bénéficiaires et les droits associés. L'étude a évalué les options possibles d'action de l'UE dans ce domaine, telles que : préserver le *statu quo* actuel, prévoir des mesures non contraignantes spécifiques (formation, boîtes à outils, examens par les pairs), financer des activités de parrainage privé et adopter des mesures législatives. L'étude démontre que les mesures non contraignantes et le financement d'activités de parrainage privé sont les options les plus réalisables et apportant la plus grande valeur ajoutée. L'adoption de mesures législative comporte certains risques et est considérée la moins faisable.

## **Executive summary**

### **Objectives and scope of the study**

The Directorate General for Migration and Home Affairs (DG HOME) launched the study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission of persons in need of protection to the EU, including resettlement, in late 2017. The evaluation was carried out by ICF and MPI Europe over the period December 2017 to August 2018, with inputs from several external experts.

The main objective of the study was to assess the added value and feasibility of establishing, developing and promoting sponsorship schemes in the EU. To achieve this, the study:

- Mapped existing initiatives on private sponsorship schemes in the EU Member States and Dublin Associated States and defined key elements of sponsorship schemes;
- Assessed legal and operational feasibility and the added value of private sponsorship schemes as well as a set of defined options for EU action;
- Drew evidence-based conclusions on a number of options at the disposal of the European Commission.

The results of the study can be used to inform possible future EU-level initiatives on sponsorship schemes as possible ways to scale up legal and safe pathways to the EU for persons in need of international or humanitarian protection. The study is intended to be of practical use to policymakers at EU and Member State level as well as for practitioners, civil society, and potential sponsors.

The geographical scope of the study included all EU Member States and Dublin Associated States, as well as Canada and Australia. The study focused particularly on 12 Member States,<sup>1</sup> a Dublin Associated State<sup>2</sup> and two third countries.<sup>3</sup> These states were selected because they represent a range of experiences with sponsorship and have considered, are currently operating, have never considered or have decided to halt sponsorship schemes.

### **Methodological approach**

The study team reviewed existing relevant documentation, data and literature. Primary data were collected through:

- Telephone and face-to-face interviews carried out in 12 Member States,<sup>4</sup> Australia and Canada, with stakeholders involved or having knowledge about the implementation or planning of sponsorship schemes;<sup>5</sup>
- An online survey targeting a large spectrum of stakeholders: the total number of responses received amounted to 115;

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<sup>1</sup> Belgium, Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Poland, Portugal, Republic of Slovakia, Sweden, and the United Kingdom.

<sup>2</sup> Switzerland.

<sup>3</sup> Australia and Canada.

<sup>4</sup> Belgium, Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Poland, Portugal, Republic of Slovakia, Sweden, and the United Kingdom.

<sup>5</sup> National authorities in EU Member States and one Dublin Associated State; Local municipalities or governments; Civil society organisations (CSOs); Stakeholders in third countries; Representatives of international organisations and EU and international civil society; Relevant experts who are part of research organisations and academia.

- Nine case studies selected to represent a range of types of sponsorship models and experiences. They covered eight EU Member States<sup>6</sup> and one third country<sup>7</sup> that have concluded, are currently implementing or tentatively exploring the setting up of sponsorship schemes.

Furthermore, the study team examined legal frameworks and case-law at national<sup>8</sup> and EU level<sup>9</sup> related to the establishment and functioning of sponsorship schemes and highlighted any compatibility issues in setting up and implementing sponsorship schemes, taking into consideration potential obstacles and facilitators.

## **Key findings**

### **Policy context**

Since 2013 and the worsening of displacement in EU's neighbourhood, the attention of both policymakers and concerned civil society actors has turned to considering how resettlement and (other) legal pathways to protection in EU Member States can be expanded. Civil society and religious groups have advocated for expanding resettlement quotas as well as utilizing complementary forms of admission, such as scholarships and student visas for those who might not otherwise benefit from resettlement efforts. At the same time, resettlement and other legal pathways have become a major policy priority for EU institutions and Member State policymakers. The European Commission's 2015 Agenda on Migration<sup>10</sup> sought to expand the use of resettlement by EU Member States as a key priority and was followed immediately by the adoption by the Council in July 2015 of an agreement to resettle a total of 20,000 persons in need of protection from third countries. A new scheme proposed in 2017<sup>11</sup> targeted 50,000 vulnerable persons to be resettled in 2018 and 2019. In the meantime, the European Commission in 2016 tabled a proposal for a Union Resettlement Framework. Discussions at EU-level on other legal pathways, such as private sponsorship, family reunification, humanitarian admission, have gradually been incorporated alongside the discussion on resettlement, also on the basis of the Commission's Communication towards a reform of the Common European Asylum system and legal avenues to Europe encouraging Member States to make full use of other available legal avenues for persons in need of protection.<sup>12</sup>

### **Definition of private sponsorship**

The concept of private sponsorship is not clearly and easily defined. Opinions about what private sponsorship is have proliferated quickly. The study identified a wide range of definitions of refugee sponsorship and an equally varied array of practices that have developed under the umbrella of 'private sponsorship', leaving the concept largely undefined. Private sponsorship schemes share one common characteristic: they involve a transfer of responsibility from government agencies to private actors for some elements of the identification, pre-departure, reception, or integration process of beneficiaries. Government authorities do, however, retain ultimate responsibility for the success or failure of the sponsorship scheme. They remain responsible for

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<sup>6</sup> The Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Portugal and the United Kingdom.

<sup>7</sup> Canada.

<sup>8</sup> In particular in 10 EU Member States (Belgium, Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Poland, Portugal and the United Kingdom) and Switzerland.

<sup>9</sup> EU legislative and policy frameworks in relation to asylum and legal pathways to protection, legal migration and integration, and relevant CJEU case law.

<sup>10</sup> European Commission, *A European Agenda on Migration*, COM(2015)240 final, 13 May 2015.

<sup>11</sup> European Commission, Recommendation on enhancing legal pathways for persons in need of international protection, C(2017)6504, 27 September 2017.

<sup>12</sup> European Commission, *Communication Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe*, COM(2016)197, 6 April 2016.

reviewing the qualifications of sponsors and needs of beneficiaries, and they continue to be the service and support provider of last resort, caring for beneficiaries if the sponsorship relationship breaks down.

The use of private sponsorship is expanding within the territory of the European Union, and over the period 2013-2018 the number of persons admitted under private sponsorship in the EU exceeded 30,000, with over three quarters admitted by one single Member State: Germany. Other Member States, including the UK, Portugal, Italy, Ireland, France, Czech Republic, Slovak Republic, Poland, and Belgium, are responsible for the remainder.

Private sponsorship schemes implemented to date in Europe can be divided into four main categories:

- *Humanitarian corridors:* Belgium, Italy and France have adopted the model where civil society organisations (religious groups) contract with government authorities to sponsor persons in need of international protection to access the asylum system upon arrival;
- *Ad-hoc schemes for specific religious groups:* The Czech Republic, Slovak Republic and Poland had programmes based on a partnership between religious foundations and the government to sponsor small groups of Christians in need of international protection;
- *Family reunification:* Germany and Ireland have (former) schemes based on family ties to the destination country of persons in need of international protection;
- *Community-based sponsorship:* Schemes currently operating in the United Kingdom and Portugal match persons in need of international protection with local and community organisations to support their integration after arrival.

In terms of their objectives, sponsorship schemes are most commonly cited as:

- Expanding the number of admission places available to persons in need of protection;
- Facilitating legal admission for groups who might not otherwise have access to it;
- Enabling better integration prospects for beneficiaries;
- Improving public support for refugees/resettlement and address public anxieties;
- Undertaking resettlement in a way that is cost-effective;
- Providing admission to a particular group (such as extended family members of refugees already living in the resettlement country).

A central question in any effort to define private sponsorship is whether beneficiaries admitted through sponsorship schemes must be admitted in addition to those who enter through government-supported programmes or not – a concept known as “additionality”. While additionality is a key element for some civil society actors, others see it as a more long-term goal and willing to invest in building up sponsorship programmes within existing resettlement and humanitarian admission channels, anticipating that these programmes could become additional in the future. Other actors, including some Member State authorities, have developed a broader conception of the concept of additionality. They point to the additional resources and skill sets that community actors can bring to resettlement and legal pathways programmes—benefits that government authorities alone may not be able to provide—such as additional knowledge about local housing or job opportunities or social connections to other community members. The findings of the study thus suggest that

additionality, defined in terms of additional resettlement places, has become less central to the practice of sponsorship outside of Canada, and that the concept of additionality itself has taken on a broader meaning to include the additional provision of resources in support of resettlement efforts.

Closely related to the definition of sponsorship is the question of how sponsorship relates to existing (humanitarian) entry channels. Persons in need of international protection gain access to international protection once they are on the territory of the country of protection or through a managed humanitarian channel like resettlement and/or humanitarian admission. Resettlement is usually managed by the State and coordinated with the UN High Commissioner for Refugees (UNHCR), who refers beneficiaries for resettlement based on vulnerability. Humanitarian admission, by contrast, is often an ad hoc initiative operated in response to a particular humanitarian need or displacement situation and limited to a specific group of beneficiaries. Persons in need of protection can also enter the EU through family reunification with individuals who have already received protection status in a Member State.

Sponsorship schemes have taken a diversity of approaches to the admission process depending on the goals they aim to achieve and the origins of the sponsorship programme. Given the diverse range of admission schemes that have operated in Member States with a sponsorship component, sponsorship is best described as a way of admitting persons for humanitarian reasons, rather than as a separate channel itself.

### **Key features of sponsorship schemes**

Private sponsorship schemes can be divided among a number of key features, namely:

- *Eligibility criteria of the sponsor.* When establishing a sponsorship programme, Member States must determine who can become a sponsor, e.g. whether (a group of) individuals or civil society organisations, and what requirements they must meet to be eligible. All sponsorship schemes – barring the ones implemented in Czech Republic, Poland and Slovak Republic – set criteria for the selection of sponsors. The number and type of such criteria vary from one scheme to another. For humanitarian corridor-type of schemes (e.g. in Belgium, France and Italy), eligibility criteria for becoming a sponsor are not clearly set out, nor do they foresee a formal application process for sponsors. Community-based sponsorship schemes (e.g. in the UK and Portugal), on the contrary, include clearer criteria, alongside an application and selection process of future sponsors.

In all schemes the sponsor is either an organisation or an individual. The distinction can be sometimes blurred as, depending on the scheme, 'organisational sponsors' often operate together with individuals or 'subsidiary sponsors' (e.g. volunteers, citizens, family members) to provide support to beneficiaries. Whether the (initial) sponsor is an individual or an organisation may have an impact on the level of financial means that sponsors need to demonstrate in some schemes. Proof of financial means represents one way to ensure that sponsors can support beneficiaries throughout the duration of a scheme (Germany, Ireland and the UK). Furthermore, while accommodation must be guaranteed to sponsored beneficiaries in most sponsorship schemes, a few schemes also require prospective sponsors to provide proof of adequate housing for beneficiaries for the duration of the scheme (Ireland, Portugal, the UK). Legal residence of sponsors in the country of destination of sponsored beneficiaries is a common requirement in (facilitated) family reunification-type of sponsorship schemes (Germany, Ireland, Switzerland). Finally, a few sponsorship schemes include a (formal or informal) requirement for sponsors to prove some previous working experience with vulnerable groups (Italy, France, the UK);

- *Eligibility criteria of the beneficiary.* It concerns the criteria Member States have used to identify a candidate for sponsorship (e.g. need of international protection,

vulnerability criteria, nationality, pre-existing ties to the destination country), the referral (which authority (pre)selects the beneficiaries), and matching process. Most private sponsorship schemes included nationality from a certain third country as an eligibility criterion (Czech Republic, France, Italy, Germany, Slovak Republic, Switzerland). This criterion could raise protection concerns as it excludes from private sponsorship individuals who do not hold that nationality but are still affected by a conflict in their host country and cannot return to their country of origin.

Many Member States specified that potential beneficiaries must be 'vulnerable' to qualify for sponsorship, though how authorities defined vulnerability varied. Some Member States followed UNHCR's vulnerability criteria (Belgium and the UK), while others adopted a broader definition of vulnerability but without clear guidelines of how it would be applied (France, Ireland, Italy). Other Member States specified that potential beneficiaries must be in need of international protection. The process used to determine whether a potential beneficiary was in need of international protection varied. Some Member States relied on UNHCR (Portugal, the UK), while others carried out a preliminary assessment of the need for international protection at pre-departure stage, before the individual was transferred to the Member State (France, Italy).

A few Member States (Czech Republic, Poland, Slovak Republic) also used religious affiliation as an eligibility criterion, though this practice is controversial. Sponsorship schemes that targeted only members of a particular religious group did not consider in addition the need for international protection. The design of such schemes and, to a certain extent, the level of support they provided to beneficiaries led to beneficiaries either moving to another Member State or returning to their country of origin.

Finally, some programmes were intended to benefit family members of residents or citizens already living in the Member State. While most of these programmes targeted extended family, who would not normally qualify for family reunification as defined in the Family Reunification Directive, stakeholders flagged that there could be a risk that these programmes overlap with the right to family reunification, if they were used to reunify core family members;

- *Entry to the territory, legal status granted (international protection or national humanitarian protection) and sponsored beneficiaries' rights.* After identification and selection to participate in a private sponsorship scheme, the legal entry of beneficiaries of sponsorship schemes on the territory of the Member States was operationalised through visas on humanitarian grounds (Belgium, Czech Republic, France, Ireland, Italy, Poland, Slovak Republic, Switzerland, United Kingdom). Such visas were issued to persons with the intention to obtain an international protection status once they arrive on the territory of a Member State, a practice which now needs to take into account the clarifications brought by the CJEU in the *X and X* case of March 2017: the Visa Code Regulation harmonises the issuance of visas only for short-stay visits to Schengen States and to persons who intend to leave the territory of these Member States before the expiration of the visa.

The status and rights granted to beneficiaries is considered one of the most challenging aspects of private sponsorship schemes. Replicating a framework already applicable in Member States' resettlement programmes, most of the sponsorship schemes analysed require that the beneficiary apply for a protection status after arrival (Belgium, Czech Republic, France, Italy, Poland, Portugal, Slovak Republic). Conversely, sponsored beneficiaries are recognised refugees and are granted permanent residency in the Canadian model of private sponsorship.

Most Member States (Belgium, Czech Republic, France, Italy, Poland, Portugal, Slovak Republic, United Kingdom) granted international protection status to sponsored individuals. Thus, sponsored beneficiaries were entitled to the same

rights as any other beneficiary of international protection that entered through a different channel. Only three Member States (Germany, Ireland, and Slovak Republic) granted national humanitarian protection statuses. In these Member States, the status granted did not always ensure the same level of access to rights as what is recognised for resettled refugees or other beneficiaries of international protection. For example, in Germany, sponsored beneficiaries with a national humanitarian protection status have the same level of rights as asylum seekers. For this reason, granting sponsored beneficiaries a national humanitarian protection status may pose the risk of creating divergent standards between Member States. The opposite is also true whenever private sponsored individuals end up receiving better treatment than spontaneous arrivals and resettled refugees. Moreover, even within the very same sponsorship scheme, some differences in standards can be observed. However, in all Member States, privately sponsored individuals who received a national humanitarian protection status were able, as prescribed by EU law, to apply for and obtain international protection status, and eventually access the State's welfare system with the same rights granted to any other beneficiary of international protection;

- *Allocation of responsibilities between sponsors and national authorities.* The overall objective of the sponsors' responsibilities, in their varying degrees, is to help the beneficiary work towards integration and independence. Responsibilities are usually outlined in an agreement or a memorandum of understanding (with the exception of schemes implemented in Poland and Switzerland). The duration of the sponsor's responsibilities, where specified, generally varies from 90 days to a maximum of five years, with most schemes<sup>13</sup> requiring between one and two years. The one basic service that is consistently provided by sponsors is adequate accommodation, which was considered as one of the main benefits of implementing sponsorship schemes by national authorities and civil society organisations alike. Integration (e.g. language courses, support accessing social services, education and labour market) was identified as a type of support and sponsor's responsibilities that bring strong added value, in particular in terms of the quality of integration provided to sponsored beneficiaries. The government generally retains responsibilities in certain areas such as healthcare, education and employment. While access to such public services is often facilitated by the sponsors (e.g. via guidance in registering for and finding relevant services), stakeholder consultations showed that access to health care should always be borne by the State.

At times, the relationship between the sponsor and beneficiary may come to an early end; stakeholders in Canada, where this has occasionally occurred, indicated that sponsorship breakdown typically occurs because of secondary migration or the breakup of the beneficiary family (e.g. from divorce), though failures by the sponsor can also be a cause. When the relationship breaks down, the responsibility or the well-being of the beneficiary generally passes onto the State – both in Canada and in the EU programmes reviewed for the study – and governments thus retain the ultimate responsibility for the beneficiary.

EU asylum acquis lays down a set of rights and entitlements for beneficiaries of international protection (refugees or those granted subsidiary protection) that all EU Member States have to ensure. The study examined whether this legal framework remains enforced in countries where sponsorship schemes are run. At present, Member States have retained their responsibilities vis-à-vis the reception and integration of sponsored beneficiaries when, for example, the sponsorship agreement or relationship broke down. The only challenge to this arose in Germany, where cases brought before national courts raised the question whether, in the design of the Land-level sponsorship schemes, national authorities remain

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<sup>13</sup> Belgium, Czech Republic, France, Ireland, Italy, Portugal and the United Kingdom.

responsible for the sponsored beneficiaries' access to rights. Federal Administrative Court ruled that, while the State cannot refuse sponsorship beneficiaries access to public services, which they are entitled to according to the Qualification Directive, this does not prevent the State from seeking reimbursement for the costs incurred for providing services for which the sponsor was responsible, per declaration of commitment;<sup>14</sup>

- *Monitoring and evaluation* of sponsorship schemes. Monitoring is important to understand the effectiveness and success of the scheme and to ensure a constructive and ongoing relationship between the sponsor and the beneficiary. Research has found however that official and regular monitoring of sponsorship is a rare practice across sponsorship schemes researched. Indeed, monitoring of sponsorship relationships is often conducted rather informally, or not at all (in Canada until recently). Systematic monitoring is only organised in community-based schemes (Portugal and the UK) whereby public authorities conduct monitoring visits and checks upon the sponsors and beneficiaries. In the humanitarian corridor programmes (France and Italy) monitoring of sponsors and beneficiaries happens on a more ad-hoc and informal channels by the sponsoring organisations. In these schemes, a more formal coordination mechanism between civil society organisations (religious groups) and Ministries parties to the protocol is organised, and regular meetings are organised to discuss and facilitate issues encountered during the implementation of the scheme. To date, there are no formal evaluations of sponsorship schemes implemented in Europe.

### **Options for possible EU action and their appraisal**

The study has defined four options for a possible EU action:

- *Status quo*. Maintaining the status quo would mean that Member States retain the liberty to setup a sponsorship programme or not and, if they do so, the freedom to design, support, and operate their sponsorship programmes as they choose, e.g. as a separate admissions channel or as an element of the existing resettlement, humanitarian admission, or relocation system. This freedom would allow Member States to tailor programmes to their national contexts, considering their national legal and institutional frameworks, level of civil society engagement, and their policy goals. Member States would independently design their own private sponsorship programmes, including setting eligibility criteria for beneficiaries and for sponsors, determining the types and duration of sponsors' responsibilities, and establishing the status and benefits that beneficiaries may access, provided it does not breach or overlap with existing EU asylum and migration acquis. For the creation and operation of sponsorship schemes, they would rely primarily on funding at the national level or through partnership with CSOs or private charity.

The EU level would have limited options to steer the setup, design and implementation of these programmes beyond the possibilities that present measures offer (e.g. through funding under the existing Asylum Migration and Integration Fund (AMIF) for 2014-2020, providing practical guidance and information on sponsorship schemes via the EASO PSP Pilot Project Network and this study);

- *Soft measures*. A second option for the EU action would be to offer several soft measures to support sponsorship schemes, such as capacity building, training programmes, toolkits and operational guidance, and peer support activities. Soft support measures would target either Member State authorities responsible for designing and implementing sponsorship programmes (e.g. training, toolkits and peer learning activities) or sponsors and the civil society organisations who are

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<sup>14</sup> German Federal Administrative Court (BVerwG), 1 C 10.16, sections 33-34.



engaged in sponsorship activities (e.g. training, peer support network, central online database). These soft measures and peer support activities would be funded from the EU budget and coordinated by an EU body, such as EASO.

Under this option, Member States would still decide at a national level whether to establish private sponsorship programmes; they would also retain the flexibility to set their own standards for the design and operation of sponsorship programmes and choose whether they wish to participate in soft measure activities or use soft measure tools. The knowledge and support provided through soft measures would, however, allow some Member States with an interest in sponsorship, but without the independent knowledge or resources to start a programme, to launch new sponsorship initiatives. Soft measures would also be a way for the EU-level to encourage Member States to adopt certain practices or programme designs, while also allowing Member States the freedom to choose a different model, if better fitted for their contexts. However, stakeholders were clear that any new soft measures should avoid duplicating existing efforts or placing additional demands on stakeholders' time;

- *Funding of private sponsorship.* Support to sponsorship schemes would be provided using the future 2021-2017 Asylum and Migration Fund (AMF), according to the current wording of the proposal put forward by the European Commission on 12 June 2018.

Under the AMF (as well as under the current AMIF), the European Commission could target support and coordination (e.g. via projects on specific elements, networking and information exchange activities, studies, training) of private sponsorship schemes as a specific priority in its annual or multiannual programmes.

The EU legislator<sup>15</sup> could moreover decide to amend the current Proposal for a Regulation establishing the AMF to target support to private sponsorship specifically. In particular, the scope of support could be broadened in order to include the other channels of entry implemented by Member States, apart from those that would be classified under national resettlement or humanitarian admission schemes (though this definition comprises the majority of sponsorship programmes).

Under this option, Member States would still decide whether to establish private sponsorship programmes, while they set their own standards for the design and operation of sponsorship programmes.

Member States could allocate funding within their national programmes for the set-up of activities relating to private sponsorship schemes;

- *Legislative action.* As a maximalist option, the EU would take legislative action – possibly based on Article 78(2)(d) TFEU – with the aim of establishing a common or harmonised EU system of private sponsorship to support resettlement and other legal pathways to protection. An EU legislative action would depend on the outcome of the ongoing negotiations on the proposal for a Union Resettlement Framework Regulation and a possible EU legislation on private sponsorship schemes would complement it.

At the current state of play of negotiations of the proposal for a Union Resettlement Framework, most types of sponsorship schemes currently operating or being designed at Member State level would be feasible under this new

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<sup>15</sup> In this case, the European Parliament and the Council; the European Commission, due to its power of proposal can alter it any time during the procedure leading to the adoption of a Union act (Article 293(2) TFEU).

Regulation. However, the proposed Regulation does not comprise provisions specific to private sponsorship schemes, such as on the role of sponsors, guidance on the allocation of responsibilities between private actors and the government.

Subject to the principle of subsidiarity, such instrument would set out:

- The role of the sponsor in referrals;
- The nature of sponsor's obligations;
- The maximum duration of the sponsors' obligations (e.g. 5 years) in an agreement signed by sponsors with national authorities or in specified in national legislation;
- Monitoring and evaluation provisions of the schemes throughout their implementation by national authorities.

## **Conclusions**

The study finds there are several potential options at the EU-level to support the further development of sponsorship schemes within the EU. The findings clearly indicate there is value in Member States retaining a diversity of approaches to establishing sponsorship programmes that reflect their capacities and goals. In particular, the community-based and civil society-driven nature of most sponsorship schemes makes it critical that key civil society and community voices at the national level are deeply involved in planning sponsorship efforts in each individual Member State. This however makes it difficult to standardise the design of sponsorship programmes while maintaining their effectiveness.

The study does, however, suggest several areas where there are potential needs for more support, and where EU-level action could add value, including in the areas of soft measures and funding. There is a clear need for more information among policy-makers on how to design and implement sponsorship programmes, as well as better information on sponsorship, and in particular, training and support networks for sponsors. There is also added value in coordinating the proliferating peer-support initiatives in the area of sponsorship, to avoid duplication and mitigate the demands on stakeholders' time.

In the area of funding, financial support for designing, implementing and/or monitoring and evaluating a sponsorship programme stands to benefit sponsors and Member States. While it may be possible to finance sponsorship activities under the present AMIF (and future AMF) budget lines, without a specific call or dedicated funding, Member States may not be aware of the possibility to use EU funds to support their programmes. Under the AMF, the European Commission could target support of private sponsorship schemes as a specific priority in its annual or multiannual programmes or the current AMF Proposal could be amended to target support to private sponsorship specifically.

Finally, the study finds that most stakeholders consulted, both civil society and national authorities' alike, did not perceive favourably an EU legislative action in the area of sponsorship. Analysis shows that sponsorship is possible under the current EU migration and asylum legal frameworks and the diversity of approaches to sponsorship across Member States appears to be strength rather than a weakness: any new EU legislation should not reduce the ability of Member States to deploy sponsorship programmes that are sufficiently tailored to their capacities, needs and interests. However, while the need, added value and proportionality of an EU legislative action is not obvious, new legislation would address specifically those aspects that are characteristics of private sponsorship programmes, namely the role of the sponsor and the relationship between the sponsor and the State.

The outcomes of this study's feasibility assessment suggest that sponsorship could contribute to meeting the goal of promoting safe and legal channels of admission. Any action at the EU-level to encourage or support (a greater uptake of) sponsorship,

however, will need to be taken with an eye to preserving the flexibility of sponsorship as a tool and the ability of Member States to design such programmes in a way that fits their capabilities and needs.

## **Sommaire exécutif**

### **Objectifs et champ d'application de l'étude**

La direction générale de la migration et des affaires intérieures de la Commission européenne (DG HOME) a lancé l'étude sur la faisabilité et la valeur ajoutée de programmes de parrainage privé en tant que possible voie d'accès sûre à l'Union européenne (UE) pour les personnes nécessitant une protection internationale. L'étude a été réalisée par ICF et MPI Europe entre décembre 2017 et août 2018, avec la contribution de plusieurs experts externes.

L'objectif principal de l'étude consistait à évaluer la valeur ajoutée et la faisabilité de la mise en place, du développement et de la promotion de programmes de parrainage privé dans l'UE. Pour y parvenir, l'étude a :

- Cartographié les initiatives existantes en termes de programmes de parrainage privé dans les États membres de l'UE et les États associés au système de Dublin, et a défini les éléments clés de ces programmes ;
- Évalué la faisabilité juridique et opérationnelle, la valeur ajoutée des programmes de parrainage privé, ainsi qu'un ensemble d'options définies pour l'action de l'UE ;
- Tiré des conclusions basées sur des données factuelles sur un certain nombre d'options à la disposition de la Commission européenne.

Les résultats de l'étude peuvent être utilisés pour éclairer des initiatives futures au niveau de l'UE concernant des programmes de parrainage privé en tant que possible voie d'accès légale et sûre à l'UE pour les personnes ayant besoin d'une protection internationale ou humanitaire. L'étude a pour objet de servir d'outil pratique aux responsables politiques au niveau de l'UE et des États membres, ainsi qu'aux praticiens, à la société civile et aux potentiels parrains.

Le champ d'application géographique de l'étude englobait tous les États membres de l'UE et les États associés au système de Dublin, ainsi que le Canada et l'Australie. L'étude s'est particulièrement concentrée sur 12 États membres,<sup>16</sup> un État associé au système de Dublin<sup>17</sup> et deux pays tiers.<sup>18</sup> Ces États ont été retenus compte tenu de leurs expériences en matière de parrainage privé et qu'ils ont envisagé, ont actuellement mis en place, n'ont jamais envisagé ou ont décidé de mettre fin à des programmes de parrainage privés.

### **Approche méthodologique**

L'équipe en charge de l'étude a examiné la documentation, les données et la littérature pertinentes existantes. Les données principales ont été collectées comme suit :

- Des entretiens effectués dans 12 États membres,<sup>19</sup> en Australie et au Canada auprès de parties prenantes concernées ou possédant des connaissances sur la mise en œuvre ou la planification de programmes de parrainage privés ;<sup>20</sup>

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<sup>16</sup> Allemagne, Belgique, France, Irlande, Italie, les Pays-Bas, Pologne, Portugal, Suède, République tchèque, République slovaque et le Royaume-Uni

<sup>17</sup> Suisse

<sup>18</sup> Australie et Canada.

<sup>19</sup> Allemagne, Belgique, France, Irlande, Italie, les Pays-Bas, Pologne, Portugal, République slovaque, République tchèque, Suède, et le Royaume Uni.

<sup>20</sup> Les autorités nationales dans les États membres et dans un État associé à l'acquis Dublin ; autorités ou gouvernements locaux ; organisations de la société civile (OSC) ; parties prenantes dans les États tiers ; représentants d'organisations internationales et organisations de la société civile au niveau de l'UE ou au niveau international ; experts pertinents d'organisations de recherche et du monde académique.

- Une étude en ligne ciblant un large éventail de parties prenantes : un total de 115 réponses ont été reçues ;
- Neuf études de cas ont été sélectionnées en vue de représenter une gamme de types de modèles et d'expériences de parrainages privés. Ces études de cas concernaient huit États membres de l'UE<sup>21</sup> et un pays tiers<sup>22</sup>, qui ont mis en œuvre des programmes de parrainage, sont en train de les mettre en place ou qui explorent l'éventuelle possibilité de développer de tels programmes.

En outre, l'équipe en charge de l'étude a examiné les cadres juridiques et la jurisprudence aux niveaux national<sup>23</sup> et de l'UE<sup>24</sup> concernant l'établissement et le fonctionnement de programmes de parrainage privés. Elle a mis en évidence les problèmes de compatibilité qui se posent à l'élaboration et la mise en place de ces programmes, en tenant compte des obstacles et des facilitateurs potentiels.

## **Principales conclusions**

### **Contexte politique**

Depuis 2013 et l'aggravation des déplacements forcés et de migration dans le voisinage de l'UE, l'attention des responsables politiques et des acteurs de la société civile s'est portée sur la manière dont la réinstallation et (d'autres) voies légales pour assurer une protection internationale dans les États membres pourraient être étendues. La société civile et certains groupes religieux ont plaidé en faveur de la hausse des quotas de réinstallation ainsi que de l'utilisation de formes complémentaires d'admission, tels que les bourses d'études et les visas étudiants pour les personnes qui, autrement, ne pourraient pas bénéficier des efforts de réinstallation. Dans le même temps, la réinstallation et d'autres voies légales sont devenues une priorité politique pour les institutions de l'UE et les responsables politiques des États membres. L'agenda en matière de migration adopté en 2015 par Commission européenne<sup>25</sup> visait à étendre le recours à la réinstallation par les États membres. Elle a été immédiatement suivie par l'adoption par le Conseil, en juillet 2015, d'un accord visant à réinstaller un total de 20 000 personnes de pays tiers ayant besoin d'une protection internationale. Un nouveau programme proposé en 2017<sup>26</sup> visait à réinstaller 50 000 personnes vulnérables devant faire l'objet d'une réinstallation en 2018 et 2019. Entre-temps, la Commission européenne a présenté en 2016 une proposition concernant un cadre pour la réinstallation de l'Union européenne. Des discussions au niveau de l'UE sur d'autres voies, telles que le parrainage privé, le regroupement familial, l'admission humanitaire, ont été progressivement intégrées au débat sur la réinstallation, notamment sur la base de la communication de la Commission intitulée « Vers une réforme du régime d'asile européen commun et une amélioration des voies d'entrée légales en Europe », encourageant les États membres à utiliser pleinement les autres voies juridiques pour les personnes ayant besoin d'une protection internationale.<sup>27</sup>

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<sup>21</sup> Allemagne, France, Irlande, Italie, les Pays-Bas, Portugal République tchèque, et le Royaume-Uni.

<sup>22</sup> Canada.

<sup>23</sup> Tout particulièrement dans 10 États membres (Allemagne, Belgique, France, Irlande, les Pays-Bas, Pologne, Portugal République tchèque, et le Royaume-Uni) et en Suisse.

<sup>24</sup> C'est-à-dire le cadre législatif et politique de l'UE en matière d'asile et de voies légales de protection, de migration légale et d'intégration, et toute jurisprudence pertinente de la CJUE.

<sup>25</sup> European Commission, *A European Agenda on Migration*, COM(2015)240 final, 13 May 2015.

<sup>26</sup> European Commission, Recommendation on enhancing legal pathways for persons in need of international protection, C(2017)6504, 27 September 2017.

<sup>27</sup> Commission européenne, Communication « Vers une réforme du régime d'asile européen commun et une amélioration des voies d'entrée légales en Europe », COM(2016)197, 6 avril 2016.

## **Définition du parrainage privé**

Le concept de parrainage privé n'est pas clairement – ni aisément – défini. Les points de vue sur ce que constitue parrainage privé sont multiples. L'étude a permis d'identifier une grande diversité de définitions du parrainage privé de réfugiés et un éventail tout aussi varié de pratiques qui se sont développées sous l'égide du « parrainage privé », le concept restant amplement imprécis. Les programmes de parrainage privé partagent cependant une caractéristique commune : ils impliquent un transfert de responsabilité des institutions publiques vers les acteurs privés pour certains éléments du processus d'identification, de pré-départ, d'accueil ou d'intégration des bénéficiaires de ces programmes. Les autorités publiques conservent toutefois la responsabilité en dernier ressort du succès ou de l'échec du programme de parrainage privé. Elles ont la charge d'examiner les compétences des parrains (ou « sponsors ») et des besoins des bénéficiaires, et elles continuent de fournir les services et le soutien de dernier recours, prenant en charge les bénéficiaires en cas de rupture de la relation de parrainage.

L'utilisation du parrainage privé se développe sur le territoire de l'Union européenne. Au cours de la période 2013-2018, plus de 30 000 personnes ont été admises dans l'UE sous couvert d'un parrainage privé, dont plus des trois quarts par un seul État membre : l'Allemagne. D'autres États membres, dont le Royaume-Uni, le Portugal, l'Italie, l'Irlande, la France, la République tchèque, la Slovaquie, la Pologne et la Belgique ont admis le reste des personnes.

Les programmes de parrainage privé mis en place jusqu'à présent en Europe peuvent se répartir en quatre grandes catégories :

- *Les couloirs humanitaires* : La Belgique, l'Italie et la France ont adopté le modèle selon lequel les organisations de la société civile (groupes religieux) établissent des contrats avec les autorités gouvernementales en vue de parrainer des personnes nécessitant une protection internationale afin qu'elles aient accès au système d'asile dès leur arrivée.
- *Des programmes ad hoc pour des groupes religieux spécifiques* : La République tchèque, la République slovaque et la Pologne ont eu des programmes basés sur un partenariat entre des associations religieuses et le gouvernement aux fins de parrainer de petits groupes de Chrétiens nécessitant une protection internationale.
- *Regroupement familial* : L'Allemagne et l'Irlande possèdent des (anciens) programmes basés sur les liens familiaux avec le pays de destination des personnes nécessitant une protection internationale.
- *Parrainage communautaire* : Les programmes actuellement en vigueur au Royaume-Uni et au Portugal mettent en relation des personnes nécessitant une protection internationale avec des organisations locales et communautaires afin de faciliter leur intégration après leur arrivée.

Les objectifs des programmes de parrainage privé les plus communément cités sont les suivants :

- Augmenter le nombre de places d'admission disponibles pour les personnes nécessitant une protection internationale ;
- Faciliter l'admission légale de personnes qui, sans ces programmes, n'auraient pas accès au territoire de l'UE ;
- Permettre de meilleures perspectives d'intégration pour les bénéficiaires ;
- Accroître le soutien public aux réfugiés et à la réinstallation, et de répondre aux inquiétudes de la population ;
- Initier des programmes de réinstallation plus efficaces en termes de coûts ;

- Permettre l'admission d'un un groupe particulier de personnes nécessitant une protection (par exemple, les membres de la famille élargie des réfugiés qui vivent déjà dans le pays de réinstallation).

Toute entreprise visant à définir le parrainage privé comporte une question centrale qui consiste à savoir si les bénéficiaires admis via des programmes de parrainage privé devraient être admis – ou non – en plus de ceux qui sont acceptés au moyen de programmes de réinstallation soutenus par le Gouvernement. Ce concept porte le nom d'« additionnalité ». Si du point de vue de certains acteurs de la société civile l'additionnalité est un élément clé de la définition du parrainage privé, d'autres y voient un objectif à plus long terme et souhaitent investir dans l'élaboration de programmes de parrainage privé dans le cadre des programmes de réinstallation et d'admission humanitaire existants, anticipant ainsi sur le fait que ces programmes pourraient devenir « additionnels » à l'avenir. D'autres acteurs, notamment les autorités de certains États membres, ont développé une conception plus large du concept d'additionnalité. À cet effet, ils ont précisé que les ressources et les compétences supplémentaires apportées par les acteurs communautaires à la mise en œuvre de programmes de réinstallation et d'autres voies d'entrée légale, tels que des informations concernant les possibilités de logement au niveau local, des offres d'emploi ou le renforcement de liens sociaux avec d'autres membres de la communauté sont autant d'avantages que les autorités publiques seules pourraient ne pas être en mesure de fournir. Les résultats de l'étude suggèrent par conséquent que l'additionnalité des programmes de parrainage privé, définie en termes de places de réinstallation supplémentaires, est devenue moins centrale dans la mise en œuvre de tels programmes de parrainage ailleurs qu'au Canada. Le concept d'additionnalité a épousé une signification plus large et y intégrer les ressources supplémentaires soutenant les efforts de réinstallation.

La question de la relation entre le parrainage privé et les autres voies d'entrée (pour motifs humanitaires) existantes est également étroitement liée à la définition du concept de parrainage privé. Les personnes nécessitant une protection internationale ont accès à la protection internationale une fois qu'elles se trouvent sur le territoire du pays de protection ou via une voie humanitaire gérée, telle que la réinstallation et/ou l'admission humanitaire. La réinstallation est généralement gérée par l'État en coordination avec le Haut Commissariat des Nations Unies pour les réfugiés (HCR), qui oriente les bénéficiaires vers une réinstallation en fonction de leur vulnérabilité. En revanche, l'admission humanitaire est souvent une initiative ad hoc intervenant en réponse à un besoin humanitaire particulier ou à une situation de déplacement, et circonscrite à un groupe spécifique de bénéficiaires. Les personnes nécessitant une protection peuvent également entrer dans l'UE dans le cadre d'un regroupement familial avec des personnes ayant déjà obtenu un statut de protection internationale dans un État membre.

Les programmes de parrainage privé ont adopté diverses approches du processus d'admission en fonction des objectifs qu'ils poursuivent et des origines du programme de parrainage privé. Au vu de la diversité des programmes d'admission qui ont été mis en œuvre dans les États membres comprenant des aspects d'un programme de parrainage privé, ces derniers pourraient être mieux définis comme un moyen d'admission de personnes pour des raisons humanitaires, plutôt qu'une voie d'admission sur le territoire de l'UE distincte en soi.

### **Principales caractéristiques des programmes de parrainage privé**

Les programmes de parrainage privés peuvent se répartir en fonction de diverses caractéristiques clés, notamment :

- *Critères d'éligibilité du parrain.* Lorsqu'ils établissent un programme de parrainage privé, les États membres doivent déterminer qui peut devenir parrain, par exemple des personnes privées (ou un groupe d'individus) ou des organisations issues de la

société civile, et les exigences auxquelles ils doivent satisfaire pour être éligibles. Tous les programmes de parrainage privé, à l'exception de ceux mis en œuvre en République tchèque, en Pologne et en République slovaque, fixent des critères de sélection des parrains. Le nombre et la nature de ces critères varient d'un programme à l'autre. Pour les programmes de type corridor humanitaire (par exemple en Belgique, en France et en Italie), les critères d'éligibilité ne sont pas clairement établis, pas plus qu'ils ne prévoient une procédure formelle de candidature pour les parrains. À l'inverse, les programmes de parrainage communautaires (par exemple au Royaume-Uni et au Portugal) incluent des critères plus clairs, ainsi qu'un processus de candidature et de sélection des futurs parrains.

Dans tous les programmes, le parrain est soit une organisation, soit un individu. La distinction est parfois floue car, selon le programme, les parrains « organisationnels » agissent souvent conjointement avec des individus ou des parrains « subsidiaires » (par exemple, des bénévoles, des citoyens, des membres de la famille) pour apporter un soutien aux bénéficiaires. Le fait que le parrain (initial) soit un individu ou une organisation peut avoir une incidence sur le niveau des moyens financiers dont les parrains doivent témoigner dans certains programmes. La preuve de moyens financiers représente un moyen de s'assurer que les parrains peuvent subvenir aux besoins des bénéficiaires pendant toute la durée du programme (Allemagne, Irlande et Royaume-Uni). En outre, si le logement doit être assuré aux bénéficiaires parrainés dans la plupart des programmes de parrainage, quelques programmes exigent également des parrains potentiels qu'ils fournissent une preuve de logement approprié pour les bénéficiaires pendant toute la durée du programme (Irlande, Portugal, Royaume-Uni). La résidence légale des parrains dans le pays de destination des bénéficiaires parrainés est une exigence commune dans les programmes de parrainage axés sur le regroupement familial (simplifié) (Allemagne, Irlande, Suisse). Enfin, quelques programmes de parrainage prévoient l'obligation (formelle ou informelle) pour les parrains d'apporter la preuve d'une certaine expérience professionnelle antérieure auprès de groupes vulnérables (Italie, France, Royaume-Uni).

- *Critères d'éligibilité du bénéficiaire.* Cela concerne les critères utilisés par les États membres pour identifier un candidat au parrainage privé (par exemple, la nécessité d'une protection internationale, des critères de vulnérabilité, la nationalité, les liens préexistants avec le pays de destination), la (pré)sélection par une autorité des bénéficiaires et le processus dit de jumelage (« matching process »). La plupart des programmes de parrainage privé incluaient la nationalité d'un certain pays tiers comme critère d'éligibilité (République tchèque, France, Italie, Allemagne, République slovaque, Suisse). Ce critère pourrait soulever des questions du point de vue de la protection internationale puisqu'il exclut du parrainage privé les personnes qui n'ont pas la nationalité voulue, mais qui sont toutefois affectées par un conflit dans leur pays d'accueil et ne peuvent retourner dans leur pays d'origine.

De nombreux États membres ont précisé que les bénéficiaires potentiels doivent être « vulnérables » pour pouvoir bénéficier d'un parrainage privé, même si la définition de la vulnérabilité varie selon les autorités. Certains États membres ont suivi les critères de vulnérabilité du HCR (Belgique et Royaume-Uni), tandis que d'autres ont adopté une définition plus large de la vulnérabilité, mais sans directives claires sur la manière dont ce concept devrait s'appliquer (France, Irlande, Italie). D'autres États membres ont précisé que les bénéficiaires potentiels doivent nécessiter une protection internationale. Le processus utilisé pour déterminer si un bénéficiaire potentiel nécessite une protection internationale variait. Certains États membres se sont appuyés sur le HCR (Portugal, Royaume-Uni), tandis que d'autres ont effectué une évaluation préliminaire de la nécessité



d'une protection internationale avant le départ, c'est-à-dire avant que la personne ne soit transférée dans l'État membre (France, Italie).

Quelques États membres (Pologne, République tchèque, République slovaque) ont également retenu l'appartenance religieuse comme critère d'éligibilité, bien que cette pratique soit controversée. Les programmes de parrainage privé qui ne ciblaient que les membres d'un groupe religieux en particulier ne tenaient pas compte, en outre, de la nécessité d'une protection internationale des bénéficiaires du programme. La conception de ces programmes et, dans une certaine mesure, le niveau de soutien qu'ils apportaient aux bénéficiaires ont conduit ces derniers à migrer vers un autre État membre ou à retourner dans leur pays d'origine.

Enfin, certains programmes étaient destinés aux membres de la famille de résidents ou de citoyens résidant déjà dans l'État membre considéré. Alors que la plupart de ces programmes visaient la famille élargie, qui ne pourrait normalement pas prétendre au regroupement familial au sens de la directive sur le regroupement familial, les parties prenantes ont fait remarquer que ces programmes risquaient de présenter double emploi avec le droit au regroupement familial s'ils étaient employés pour réunir les membres de la famille nucléaire.

- *Entrée sur le territoire, statut juridique accordé (protection internationale ou statut de protection humanitaire accordé au niveau national) et droits des bénéficiaires parrainés.* Après l'identification et la sélection pour participer à un programme de parrainage privé, l'entrée légale des bénéficiaires de programmes de parrainage sur le territoire des États membres a été rendue possible grâce à la délivrance de visas pour motifs humanitaires (Belgique, République tchèque, France, Irlande, Italie, Pologne, République slovaque, Suisse, Royaume-Uni). Ces visas ont été délivrés aux personnes aux fins qu'elles obtiennent un statut de protection internationale à leur arrivée sur le territoire d'un État membre, pratique qui doit désormais tenir compte du jugement rendu par la CJUE dans l'affaire *X et X* de mars 2017: le règlement relatif au code des visas harmonise, dans les États Schengen, la délivrance des visas uniquement pour les séjours de courte durée et pour les personnes qui ont l'intention de quitter le territoire de ces États membres avant l'expiration du visa.

Le statut et les droits accordés aux bénéficiaires sont considérés comme l'un des aspects les plus complexes des régimes de parrainage privé. Reproduisant un cadre déjà applicable dans les programmes de réinstallation des États membres, la majorité des programmes de parrainage privé analysés exigent que le bénéficiaire demande un statut de protection dès son arrivée (Belgique, République tchèque, France, Italie, Pologne, Portugal, République slovaque). Inversement, dans le modèle canadien de parrainage privé, les bénéficiaires parrainés obtiennent le statut de réfugié et obtiennent le droit à une résidence permanente.

La plupart des États membres (Belgique, République tchèque, France, Italie, Pologne, Portugal, République slovaque, Royaume-Uni) ont accordé le statut de protection internationale aux personnes parrainées. Ainsi, les bénéficiaires parrainés jouissaient des mêmes droits que tout autre bénéficiaire d'une protection internationale qui l'obtenaient par une autre voie. Seuls trois États membres (Allemagne, Irlande et République slovaque) ont accordé un statut national de protection humanitaire. Dans ces États membres, le statut accordé ne garantissait pas systématiquement le même niveau d'accès aux droits que celui reconnu aux réfugiés réinstallés ou à d'autres personnes ayant un statut de protection internationale. Par exemple, en Allemagne, les personnes ayant bénéficié d'un programme de parrainage privé – et qui obtiennent donc un statut national de protection humanitaire – disposent du même niveau de droits que les demandeurs d'asile. Pour cette raison, l'octroi d'un statut national de protection humanitaire aux bénéficiaires parrainés risque de créer des normes divergentes entre les États membres. La situation inverse peut également se produire lorsque des personnes

bénéficiant d'un parrainage privé finissent par recevoir un meilleur traitement que les réfugiés arrivant « spontanément » ou que les réfugiés réinstallés. En outre, même dans le cadre du même programme de parrainage privé, certaines différences de standards peuvent être observées. Cependant, dans tous les États membres, les personnes bénéficiant d'un parrainage privé et ayant reçu un statut national de protection humanitaire peuvent, comme le prévoit le droit de l'UE, demander et obtenir un statut de protection internationale, puis ultérieurement accéder au système de protection sociale de l'État avec les mêmes droits que ceux accordés à tout autre bénéficiaire de protection internationale.

- *Affectation des responsabilités entre les parrains et les autorités nationales.* Les responsabilités des parrains, à des degrés divers, consiste principalement à soutenir les bénéficiaires dans leur intégration et leur indépendance. Les responsabilités sont généralement identifiées dans un contrat ou un protocole d'accord (sauf dans le cas des programmes mis en œuvre en Pologne et en Suisse). La durée des responsabilités du parrain, lorsqu'elle est spécifiée, varie généralement de 90 jours à cinq ans au maximum, la plupart des régimes<sup>28</sup> prescrivant une durée entre un et deux ans. Une des seules prestations de base invariablement fournie par les parrains est un logement approprié. Ceci a été considéré comme l'un des principaux avantages de la mise en œuvre des programmes de parrainage privé par les autorités nationales et les organisations issues de la société civile. Le soutien à l'intégration (par exemple des cours de langue, un accompagnement pour l'accès aux services sociaux, à l'éducation et à l'emploi) a été identifié comme une forme de soutien et de responsabilités du parrain qui apportent une forte valeur ajoutée des programmes, en particulier en termes de qualité de l'intégration offerte aux bénéficiaires parrainés. Le gouvernement prend généralement en charge l'accès à certains services tels que la santé, l'éducation et l'emploi. Si l'accès à ces services publics est souvent facilité par les parrains (par exemple via des conseils en matière d'inscription et de recherche de services pertinents), la consultation menée auprès des parties prenantes pour cette étude a démontré que l'accès aux soins de santé devrait toujours être pris en charge par l'État.

Parfois, la relation entre un parrain et un bénéficiaire peut prendre fin de manière anticipée. Dans les programmes de parrainage privé au Canada, où cela s'est parfois produit, les parties prenantes ont indiqué qu'une telle rupture survient habituellement en raison de la « migration secondaire » ou de l'éclatement de la famille du bénéficiaire (en cas de divorce, par exemple), sachant que des manquements de la part du parrain peut également être une cause de d'une telle rupture. Lorsque la relation de parrainage est rompue, la responsabilité ou le bien-être du bénéficiaire est généralement transféré à l'État (tant dans les programmes du Canada que des États membres de l'UE examinés dans le cadre de l'étude) et les gouvernements demeurent ainsi les responsables en dernier ressort du bénéficiaire.

L'acquis de l'UE en matière d'asile définit un ensemble de droits pour les bénéficiaires d'une protection internationale (réfugiés ou personnes bénéficiant d'une protection subsidiaire) que tous les États membres de l'UE sont tenus de garantir. L'étude a examiné si ce cadre juridique restait en vigueur dans les pays où des programmes de parrainage sont appliqués. À ce jour, les États membres ont conservé leurs responsabilités en matière d'accueil et d'intégration des bénéficiaires parrainés quand, par exemple, l'accord ou la relation de parrainage a été rompu(e). La seule difficulté en la matière s'est posée en Allemagne où des cas portés devant les tribunaux nationaux ont soulevé la question de savoir si, dans la conception des programmes de parrainage privés dans les États fédérés, les

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<sup>28</sup> Belgique, République tchèque, France, Irlande, Italie, Portugal, et le Royaume Uni.

autorités nationales demeurent responsables de l'accès des bénéficiaires parrainés aux droits. Le Tribunal administratif fédéral a établi que, si l'État (fédéré) ne peut pas refuser l'accès aux services publics au bénéficiaire parrainé – car il y a droit en vertu de la directive « qualification », cela n'empêche pas l'État (fédéré) de demander le remboursement des frais engagés au titre de prestation de services dont était responsable le parrain en vertu de la « déclaration d'engagement ».<sup>29</sup>

- *Suivi et évaluation* des programmes de parrainage privé. Le suivi est important pour comprendre l'efficacité et la réussite du programme de parrainage, ainsi que pour assurer une relation constructive et continue entre le parrain et le bénéficiaire. Les recherches menées dans le cadre de cette étude révèlent cependant qu'un suivi officiel et régulier du parrainage est une pratique rare dans tous les programmes de parrainage étudiés. En effet, le suivi des relations de parrainage est souvent mené de façon relativement informelle, ou n'existe tout simplement pas (ce qui était également le cas au Canada jusqu'à tout récemment). Un suivi systématique n'est organisé que dans le cadre de programmes de parrainage « communautaires » (au Portugal et au Royaume-Uni) où les autorités publiques procèdent à des visites de suivi et à des contrôles auprès des parrains et des bénéficiaires. Concernant les couloirs humanitaires (France et Italie), le suivi des parrains et des bénéficiaires s'effectue de manière plus ponctuelle et informelle, sous le contrôle des organisations en charge du parrainage. Dans le cadre de ces programmes, un mécanisme de coordination plus formel entre les organisations issues de la société civile (groupes religieux) et les ministères participant au protocole est organisé. Des réunions régulières sont organisées pour traiter et résoudre les problèmes rencontrés lors de la mise en œuvre du programme. Il n'existe actuellement pas d'évaluation formelle des programmes de parrainage privé mis en œuvre en Europe.

## **Les possibilités d'action de l'UE et leur appréciation**

L'étude a identifié quatre possibilités d'action :

- *Statu quo*. Maintenir le *statu quo* signifierait que les États membres conserveraient la liberté d'instaurer ou non un programme de parrainage et, dans l'affirmative, qu'ils conserveraient également la liberté de concevoir, de soutenir et de gérer leurs programmes de parrainage privé à leur gré, par exemple sous la forme d'une piste d'admission distincte ou d'un élément du système existant de réinstallation, d'admission humanitaire ou de relocalisation. Cette liberté permettrait aux États membres de personnaliser les programmes en fonction de leur contexte national, en tenant compte de leur cadre juridique et institutionnel national, du niveau d'engagement de la société civile et des objectifs politiques souhaités. Les États membres pourraient élaborer de manière indépendante leurs propres programmes de parrainage privé, en établissant notamment des critères d'éligibilité pour les bénéficiaires et les parrains, en déterminant la nature et la durée des responsabilités des parrains, ainsi qu'en définissant le statut et les avantages auxquels les bénéficiaires pourraient accéder, sous réserve que cela ne constitue pas une infraction ou un doublon avec l'acquis de l'UE déjà existant en matière d'asile et de migration. Concernant la création et le fonctionnement des programmes de parrainage privé, ils s'appuieraient principalement sur un financement au niveau national ou reposant sur de partenariats avec des organisations de la société civile ou des organisations caritatives privées.

Au niveau de l'UE, les options sont limitées pour orienter la conception, l'élaboration et la mise en œuvre de ces programmes au-delà des possibilités qu'offrent les mesures actuelles (par exemple, via un financement sous couvert du

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<sup>29</sup> Tribunal administrative fédéral allemand (BVerwG), 1 C 10.16, sections 33-34.

Fonds « Asile, migration et intégration » (FAMI) pour la période 2014-2020, en fournissant des orientations pratiques et des informations sur les programmes de parrainage privé via le réseau du projet pilote « PSP » du Bureau européen d'appui en matière d'asile (BEAA) et la présente étude).

- *Mesures non contraignantes.* Une deuxième action possible de l'UE consisterait à proposer diverses mesures non contraignantes pour soutenir les programmes de parrainage privé, telles que le renforcement des capacités, des programmes de formation, des « boîtes à outils » et les conseils opérationnels, ainsi que des activités de soutien par les pairs. Les mesures de soutien non contraignantes viseraient soit les autorités des États membres responsables de la conception et de la mise en œuvre des programmes de parrainage (par exemple, formation, boîtes à outils et activités d'apprentissage entre pairs), soit les parrains et les organisations issues de la société civile impliquées dans des activités de parrainage (par exemple, formation, réseau de soutien entre pairs, base de données centralisée en ligne). Ces mesures non contraignantes et ces activités de soutien par les pairs seraient financées par le budget de l'UE et coordonnées par un organisme européen, tel que le BEAA.

Dans le cadre de cette option, les États membres continueraient de décider au niveau national s'ils souhaitent ou non instaurer des programmes de parrainage privé. Ils garderaient également la possibilité de fixer leurs propres standards en matière de conception et de mise en œuvre des programmes de parrainage privé, ainsi que de choisir s'ils souhaitent participer à des activités de mesures non contraignantes ou d'utiliser des outils de mesure non contraignantes. Les connaissances et le soutien apportés au moyen de mesures non contraignantes permettraient néanmoins à certains États membres intéressés par le parrainage privé, mais ne disposant pas des connaissances ou des ressources indépendantes nécessaires pour lancer un tel programme, de démarrer de nouvelles initiatives de parrainage privé dans le Etat. Des mesures non contraignantes seraient également un moyen pour l'UE d'inciter les États membres à adopter certaines pratiques ou conceptions de programmes de parrainage privé, tout en donnant aux États membres la liberté de choisir un modèle différent, s'il est mieux adapté à leur contexte. Cependant, les parties prenantes ont clairement signalé que toute nouvelle mesure non contraignante devrait éviter toute redondance avec les efforts déjà existants ni exiger davantage de sollicitations auprès des (mêmes) parties prenantes.

- *Financement d'un parrainage privé.* La prise en charge des programmes de parrainage serait assurée par le futur Fonds Asile et Migration (AMF) 2021-2017, en vertu de la formulation actuelle de la proposition présentée par la Commission européenne en date du 12 juin 2018.

Dans le cadre de l'AMF (ainsi que de fonds AMIF actuel), la Commission européenne pourrait cibler la prise en charge et la coordination des programmes de parrainage privé (par exemple via des projets portant sur des éléments spécifiques, des activités de mise en réseau et d'échange d'informations, d'études, des formations) afin d'en faire une priorité spécifique dans ses programmes annuels ou pluriannuels.

Le législateur européen<sup>30</sup> pourrait en outre décider de modifier l'actuelle proposition de règlement instituant l'AMF afin de cibler spécifiquement le soutien aux programmes de parrainage privé. En particulier, le spectre de la prise en charge pourrait être élargi afin d'inclure les autres voies d'admission mises en

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<sup>30</sup> Dans ce cas, il s'agit du Parlement européen et du Conseil, mais aussi de la Commission européenne grâce à son pouvoir de proposition, et de la possibilité de la changer à tout moment durant la procédure d'adoption d'une législation de l'Union (Article 293(2) TFEU).

œuvre par les États membres, à l'exception de celles qui seraient classées parmi les programmes nationaux de réinstallation ou d'admission humanitaire (bien que cette définition englobe la majorité des programmes de parrainage privé étudiés).

Dans cette optique, les États membres continueraient de décider s'ils mettraient en œuvre ou non des programmes de parrainage privé, tout en fixant leurs propres standards concernant la conception et le fonctionnement desdits programmes.

Les États membres pourraient allouer des fonds dans le cadre de leurs programmes nationaux pour la mise en place d'activités associées aux programmes de parrainage privé.

- *Action législative.* Représentant une option maximaliste, l'UE prendrait des mesures législatives, possiblement sur la base de l'article 78(2)(d) TFUE, dans le but d'établir un système européen commun ou harmonisé de parrainage privé afin de soutenir la réinstallation et les autres voies légales permettant d'accéder à une protection internationale. Une action législative de l'UE dépendrait du résultat des négociations en cours sur la proposition de règlement instituant un cadre de l'Union pour la réinstallation et une éventuelle action législative européenne régissant les programmes de parrainage privé la compléterait.

En l'état actuel des négociations sur la proposition de règlement instituant un cadre de l'Union pour la réinstallation, la plupart des types de programmes de parrainage privé actuellement en vigueur – ou en cours d'élaboration au sein des États membres – seraient réalisables en vertu de ce nouveau règlement. Cependant, le règlement proposé ne contient pas de dispositions spécifiques aux régimes de parrainage privé, notamment quant au rôle des parrains, ni d'encadrement de la répartition des responsabilités entre les acteurs privés et le gouvernement.

En vertu du principe de subsidiarité, un tel instrument définirait :

- Le rôle du parrain en tant que référent ;
- La nature des obligations du parrain ;
- La durée maximale des obligations du parrain (cinq ans, par exemple) définie dans un accord signé entre les parrains et les autorités nationales ou précisées dans la législation nationale ;
- Les dispositions de suivi et d'évaluation des programmes tout au long de leur mise en œuvre par les autorités nationales.

## **Conclusions**

L'étude démontre qu'il existe un certain nombre de possibilités d'action de l'UE pour venir en soutien du développement des programmes de parrainage privé dans l'UE. Il ressort clairement les bénéfices d'une diversité d'approches des États membres dans la mise en œuvre de programmes de parrainage privé qui reflètent leurs capacités et leurs objectifs. En particulier, la nature communautaire et centrée sur la société civile – qui est une caractéristique de la plupart des programmes de parrainage privé – rendent indispensable de faire entendre la voix de la société civile et des communautés au niveau national dans la planification et des efforts de parrainage privé dans les États membres. Il est ainsi difficile d'élaborer une conception uniforme des programmes de parrainage privé tout en préservant leur efficacité.

L'étude suggère cependant plusieurs domaines qui bénéficieraient davantage de soutien et où une action au niveau de l'UE pourrait apporter une valeur ajoutée, en particulier en contribuant par des mesures non contraignantes et du financement. Les responsables politiques ont clairement besoin davantage d'éléments sur la manière de concevoir et de mettre en œuvre des programmes de parrainage privé, ainsi que d'informations plus ciblées sur ces programmes, et notamment de réseaux de formation et de soutien pour les parrains. La coordination de nombreuses initiatives de soutien par les pairs dans le domaine du parrainage privé apporte également une

plus-value en permettant d'éviter les doubles emplois et d'atténuer la fréquence des sollicitations auprès des (mêmes) parties prenantes.

En termes de financement, le soutien financier aux phases de conception, de mise en œuvre et/ou de suivi et d'évaluation d'un programme de parrainage privé tend à bénéficier aux parrains et aux États Membres. S'il est possible de financer des activités de parrainage au titre des lignes budgétaires actuelles de l'AMIF (et du futur AMF), sans appel spécifique ou sans financement dédié, les États membres pouvant ne pas avoir connaissance de la possibilité d'utiliser des fonds européens pour soutenir leurs programmes. Dans le cadre de l'AMF, la Commission européenne pourrait envisager le soutien du parrainage privé comme une priorité spécifique dans le cadre des programmes annuels ou pluriannuels, ou la proposition actuelle de l'AMF pourrait être modifiée en vue de cibler plus spécifiquement le soutien au parrainage privé.

Enfin, l'étude montre qu'une mesure législative encadrant le parrainage privé au niveau de l'UE n'a pas recueilli un avis favorable auprès de la majorité des parties prenantes consultées, ceci tant auprès de représentants de la société civile que des autorités publiques. L'analyse met en évidence que le parrainage privé est possible dans le cadre juridique existant de l'UE en matière de migration et d'asile. La diversité des approches des parrainage privé dans les États membres reflète davantage un dynamisme bienvenu qu'il ne serait pas souhaitable d'entraver plutôt qu'une passivité : toute nouvelle législation de l'UE ne devrait pas réduire l'aptitude des États membres à initier des programmes de parrainage privé qui soient suffisamment adaptés à leurs capacités, besoins et intérêts. Cependant, si la nécessité, la valeur ajoutée et la proportionnalité d'une action législative de l'UE ne sont pas évidentes, une nouvelle législation traiterait spécifiquement des aspects caractéristiques des programmes de parrainage privé, notamment le rôle du parrain et la relation entre le parrain et l'État.

Les résultats de l'évaluation de faisabilité de cette étude suggèrent que le parrainage privé peut contribuer à atteindre l'objectif de promotion des voies d'admission sûres et légales. Toute action au niveau de l'UE visant à promouvoir ou à soutenir le parrainage (ou à en étendre la portée) devra être menée dans l'optique de préserver la souplesse du parrainage privé en tant qu'instrument et l'aptitude des États membres à concevoir de tels programmes en fonction de leurs besoins et capacités.

## **1 Introduction**

This is the Final Report for the Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement. The study was launched by the Directorate-General for Migration and Home Affairs (DG HOME) in December 2017 and has been carried out by ICF (Silvia Brunello, Maurice van der Velden, Tatiana Kistruga, Thomas Taylor Di Pietro and Rocío Naranjo Sandalio), Migration Policy Institute (MPI) Europe (Hanne Beirens, Susan Fratzke and Lena Kainz) and three study experts (Philippe de Bruycker, Michael Molloy, Jennifer Hyndman).

This report is structured around the overview of sponsorship schemes across the EU and Dublin Associated States, a description of the options, the assessment of key elements of sponsorship schemes, and an overall conclusion.

- The remainder of **Section 1** details the objective and scope of the study, and the approach to the study;
- **Section 2** presents the methodological approach;
- **Section 3** explains the concept of private sponsorship and introduces the typical elements of such schemes;
- **Section 4** provides an overview of sponsorship schemes across the EU and Dublin States;
- **Section 5** presents the assessments of sponsorship schemes;
- **Section 6** contains the conclusions;
- **Annexes**.

### **1.1 Objectives and scope of the study**

The main objective of the study is to assess the added value and feasibility of establishing, developing and promoting sponsorship schemes in the EU. To achieve this, the study:

- Mapped existing initiatives on private sponsorship schemes in the EU Member States and Dublin Associated States and defined key elements of sponsorship schemes;
- Assessed legal and operational feasibility and the added value of private sponsorship schemes based on a set of defined options of EU action;
- Put forward specific-evidence based recommendations on key elements of private sponsorship schemes and types of sponsorship programmes which could be developed in the Member States.

## **2 Methodological approach to the study**

This section presents an overview of the methodological approach to this study, particularly desk research, interviews, online survey, case studies, legal research and the feasibility assessment. Lastly, section 2.6 highlights any caveats and limitations encountered during the study.

### **2.1 Desk research and literature review**

Extensive desk research and literature review of the relevance of the existing sponsorship schemes were conducted at several stages of the study. The study team conducted initial desk research to better prepare for stakeholder consultations (i.e. interviews and online survey) and to identify any potential research gaps. The team used existing studies in the field completed by the EU Resettlement Network, the European Migration Network, and evaluations from the Canadian private sponsorship programmes.

While collecting data, the study team also reviewed internal and unpublished information sources such as data gathered from previous interviews with sponsorship stakeholders conducted by MPI Europe and the proceedings of roundtables and working groups to discuss private sponsorship (e.g. within the frame of Annual Tripartite Consultations on Resettlement). Case studies and interviews with stakeholders also helped the team to identify other sources of information such as legislation, case law, protocols, memoranda of understanding and other data relevant to the analysis of the implementation of private sponsorship schemes in Member States.

A bibliography annexed to this report lists the sources and documentation analysed (Annex 6). It contains sources of information on recent and pilot programmes considered in some Member States and Dublin Associated States, as well as studies and academic articles.

### **2.2 Stakeholder consultations**

#### **2.2.1 The study team used an online survey and face-to-face and phone interviews to conduct stakeholder consultations between January and May 2018. Interviews**

The team conducted interviews to collect qualitative data and to fill gaps in desk research. The interviews helped map the typical features of private sponsorship schemes (see section 3.2), supplemented legal research, identified any legal obstacles and supported the feasibility assessment. Interviews were conducted in 12 Member States<sup>31</sup> and Australia.

Stakeholders were identified based on their involvement in the implementation or planning of sponsorship schemes at national or local level, civil society organisations involved in the operation of sponsorship schemes, and EU and international organisations and other research organisations with knowledge of private sponsorship. The team identified the following categories of stakeholders to be interviewed:

- **National authorities** in EU Member States and one Dublin Associated State that have or had experience in implementing sponsorship schemes or expressed an interest in establishing a sponsorship programme. Where relevant, and depending on the administrative distribution of competences, stakeholders from both the resettlement and/or asylum and integration departments were interviewed;

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<sup>31</sup> Belgium, Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Poland, Portugal, Republic of Slovakia, Sweden, and the United Kingdom.



- **Local municipalities or government** in selected EU Member States were also interviewed, particularly where local governments have participated or were affected by the implementation of private sponsorship schemes;
- **Civil society organisations** (CSOs) at national and local levels in Member States active on resettlement and protection issues at national levels. In countries that have operated a community-based sponsorship programme, the team selected organisations with direct experience as sponsors;
- Stakeholders in **third countries** experienced in sponsorship schemes such as **Canada** and **Australia**: **Canada** has long-standing experience implementing sponsorship schemes and **Australia** has opened the possibility for businesses to sponsor refugees;
- Representatives of **international organisations and civil society** with knowledge and experience of resettlement and/or sponsorship.
- Consultations with **Members of the European Parliament** based on the involvement of certain Members in EU legislative proposals related to asylum and resettlement policies;
- Relevant **experts connected to research organisations and academia**, for example, representatives of the Global Refugee Sponsorship Initiative.

At the end of the data collection phase, 42 stakeholder interviews were completed, some via consultations undertaken for the case studies. Section 2.3 provides details of the rationale behind the choice of certain countries for more in-depth analysis in the frame of case studies. The list of those consulted can be found in Annex 3.

### **2.2.2 Survey**

Information gathered from the online survey complements data collected via other consultation methods, particularly the interviews and desk research. 115 responses were received, 34 complete and 56 partial, 25 blanks (no answers provided).

At the inception and interim phases, the study team anticipated that most responses would come from one category, namely civil society organisations. At the close of the survey, what emerged from the analysis, however, is that national authorities provided most of the responses. The overall imbalance is lower than expected so does not influence the robustness of the findings.

The study team adopted a cautious, two-pronged approach when contacting stakeholders to ensure there was no duplication or unnecessary repetition of communication. While we contacted stakeholders through the 'campaign' option, generating a personalised and non-transferable link, we also provided a default link traceable to the individual user, which could be forwarded by the recipient to additional contacts, generating a so-called 'snowball effect'.

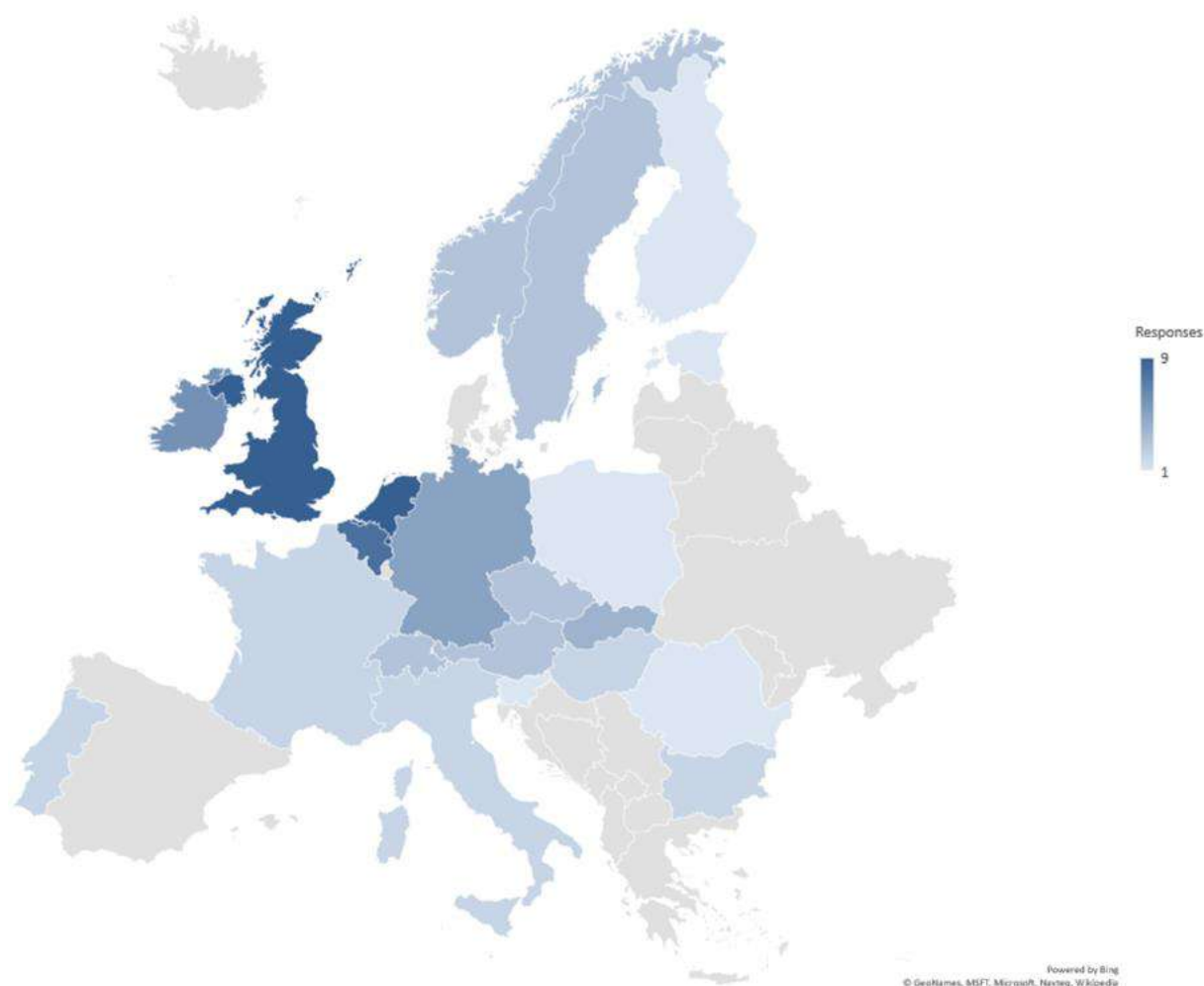
The aim of the two-pronged approach was to generate as many responses as possible. The default link allowed us to almost double our responses.

Three categories of respondent provided complete answers to the survey: international organisations (one complete and one partial), civil society organisations (13 complete and 13 partial) and national authorities (20 complete and 28 partial). Representatives of local authorities provided two partial responses while the remaining 37 did not specify a category.

Complete responses were submitted by stakeholders operating in **Austria, Belgium, Bulgaria, the Czech Republic, France, Germany, Hungary, Ireland, Italy, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Sweden, Switzerland** and the **United Kingdom**. Partial responses containing

answers to several questions were also provided by Member States including **Estonia, Finland** and **Slovenia**. See Figure 1 below for a map of overall responses, both complete and partial (i.e. workable).

Figure 1. Geographical distribution of responses



Source: Elaboration of the study team

## 2.3 Case studies

The aim of the nine case studies was to review the available evidence extracted from desk research and from interviews and survey responses and to analysis in-depth the implementation of existing and planned private sponsorship schemes. The analysis included the considerations of stakeholders in deciding to (or not to) establish sponsorship programmes.

The case studies covered **eight EU Member States** and **a third country** that have concluded or are currently implementing sponsorship schemes, namely the **Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Portugal, the United Kingdom** and **Canada**. The case studies were selected to represent a range of sponsorship models and experiences (both successful and unsuccessful) among EU Member States, as well as the example of **Canada**. **The Netherlands** was selected as a Member State that did not implement a sponsorship programme but is tentatively exploring what sponsorship could look like, were it to be implemented in the Netherlands. The main categories of sponsorship schemes and the Member States identified within each category for the case studies were the following:

- **Humanitarian corridors: Italy and France** were selected as examples of countries that have adopted the humanitarian corridors model, where religious groups contract with government authorities to sponsor persons in need of international protection to access the asylum system upon arrival. The Italian scheme was the first humanitarian corridor. It served as a model for the humanitarian corridors later established in **France** and **Belgium**.
- **Ad-hoc schemes for specific religious groups:** The **Czech Republic** was the chosen example of a programme based on a partnership between religious foundations and the government to sponsor small groups of Christian refugees.
- **Family reunification: Germany and Ireland** were identified as the main examples of programmes based on family ties to the destination country. To date, the German programme is the largest private sponsorship scheme operated in the EU. Both **Ireland** and **Germany** have already concluded the programme (except for few States in Germany) and are currently considering implementing a new sponsorship scheme.
- **Community-based sponsorship:** Schemes currently operating in the **United Kingdom** and **Portugal** match refugees with local and community organisations to support their integration after arrival. The United Kingdom scheme was modelled on the Canadian model –with beneficiaries admitted via the national resettlement programme – and offers an example of a programme where national authorities play a more active management role. In Portugal, the scheme was designed to capture community good-will to expand relocation capacity in Portugal.
- **No sponsorship programme: The Netherlands** was selected as an example of a Member State that has not yet adopted a sponsorship programme but is tentatively exploring what sponsorship could look like, were it to be implemented in the Netherlands.
- Finally, as the oldest and largest sponsorship programme operating globally, an in-depth analysis of the **Canadian 'model'** was also included in a case study, specifically focusing on its transferability to the European context.

All case studies were based on desk research and tailored interviews with representatives of national authorities involved in resettlement and/or asylum policies. The case studies also included interviews with authorities involved in integration policies where relevant, as well as national civil society organisations and, where necessary, local authorities. **The findings fed into the mapping and analysis conducted in sections 4 and 5 of this report.**

## **2.4 Legal research**

Legal research had two objectives: to review EU legislative and policy frameworks<sup>32</sup> in relation to asylum and legal pathways to protection, legal migration and integration, and relevant case law; and to review the legal framework and case law in 10 **Member States**<sup>33</sup> and **Switzerland**.

The study team reviewed legal frameworks at national and EU level related to the establishment and functioning of sponsorship schemes, highlighted any compatibility challenges, and considered any legal elements that may facilitate or hinder the establishment and functioning of sponsorship schemes. The team also examined the

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<sup>32</sup> For the purpose of this study, this included the EU asylum *acquis*, EU case law, ongoing negotiations on the reform of the Common European Asylum System (CEAS) – in particular the future Union Resettlement Framework Regulation, other relevant legislation (e.g. Family Reunification Directive).

<sup>33</sup> Namely in **Belgium, Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Poland, Portugal, and the United Kingdom**.

risks of granting lower protection status to beneficiaries admitted via sponsorship programmes compared to beneficiaries of international protection admitted via regular asylum procedure, and the compatibility of such practices with the standards set in the EU asylum acquis.

The countries chosen for the legal research were closely linked to those used in the case studies. To ensure a comprehensive overview of countries, this also included **Belgium** –which began a humanitarian corridor programme at the end of 2017, and **Poland**, where the operation of sponsorship schemes was limited. The choice of Member States was also based on current legal systems (e.g. continental and common law countries, federal countries) and the national policy related to asylum and international protection.

The study team relied on desk research and results of stakeholder consultations to capture other relevant legal consideration impacting the implementation of sponsorship schemes and their compatibility with EU or national legal frameworks.

## **2.5 Feasibility assessment**

This entailed the development, fine-tuning and assessment of a selected subset of options against different criteria. Five options were included in the survey questionnaires and stakeholder consultations, with only four selected for subsequent assessment (see section 5). These ranged from the status quo to minimalist intervention (soft measures), intermediate intervention (financing) and maximalist intervention (legislative action), thereby following a standard approach to the development of such options.

The feasibility assessment was conducted following three types of assessment: a legal feasibility assessment, an operational feasibility assessment and an assessment of the overall EU added value of each option.

### **2.5.1 Legal feasibility**

As with the legal research, the aim of the legal feasibility is twofold, namely to assess the compatibility of sponsorship schemes with the EU and national legal frameworks, as well as case law. Essentially, the aim was to establish whether private sponsorship schemes are feasible in the current national and EU legal framework. It also identified, the legal aspects that could potentially become facilitators, obstacles or challenges to setting up private sponsorship schemes. The results of the legal research, plus interviews and case studies, directly fed into the legal feasibility assessment.

The assessment of each option considered key questions posed in the Terms of Reference. It focused on the legal aspects where relevant and particularly, considered how EU and national legislations on asylum and migration relate to the implementation of private sponsorship schemes, and how far the proposed Union Resettlement Framework<sup>34</sup> could constitute a legal basis for the implementation of private sponsorship schemes in the EU.

### **2.5.2 Operational feasibility**

The assessment of operational feasibility specifically considered how far this option would respond to the objectives of sponsorship schemes, as well as considering the practical impact.

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<sup>34</sup> European Commission, Proposal for a Regulation establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council, Brussels, 13 July 2017, COM(2016)0468.

### **2.5.3 EU added value**

This assessment focused on establishing how far the four options (including status quo) are considered to add value to existing arrangements, balancing advantages and disadvantages. It considers the views of stakeholders plus an elaborated assessment of EU added value based on all the data collected during the study. The assessment of EU added value plus the other two assessments forms the backbone of the study conclusions in Section 6.

## **2.6 Caveats and limitations of the study**

The following limitations should be noted with respect to the data collection activities performed as part of this study:

- **Dissemination of the online survey and consultation 'fatigue'**: The study team's choice to disseminate the survey through both a default and a personalised link almost doubled the number of responses, but it also means that a precise response rate cannot be calculated. This is because it could not establish how many stakeholders were targeted so can only estimate the success of the survey in gathering responses. The final number of complete responses (34) may appear low in absolute terms, but it is roughly as expected. While stakeholders were contacted in all Member States, it was likely that only a few stakeholders would have sufficient knowledge to be able to provide a detailed and informed response to the questions. For example, local authorities' low response to the survey could be explained by the variable degree of awareness and/or level of involvement in the operation of sponsorship schemes in some Member States. Dissemination of the survey to all local authorities in Member States also proved more challenging compared to other types of stakeholders (e.g. civil society organisations established in a network). It was therefore decided to carry out interviews with local authorities in targeted Member States.

It is worth also bearing in mind here that 20% of the partial responses did contain useful data. Thus, overall, the online survey has served the purpose of complementing the consultation strategy with a wide breadth of geographical coverage

The choice of dissemination was also based on an attempt to reduce consultation fatigue among stakeholders, something that may also limit the present study. As mentioned above, the number of people with the knowledge to answer our questionnaires is limited and, considering that there are other current studies on similar topics, these stakeholders may have already been asked to answer questions from other studies.

- **Variation in the type and number of stakeholders consulted via interviews**: A limited number of stakeholders were consulted in the frame of interviews and legal research in a few countries (**Poland** and **Switzerland**). In such cases, information was supplemented by other desk research and online surveys. For case studies, the number of consultations conducted was in line with initial expectations. The exact stakeholders interviewed compared to those initially identified did vary, largely due to better indications of whom to consult received during the case study research.
- **Stakeholder views on the options while the stakeholder consultations were conducted**: Few interviewees had a fully formed opinion on the role of the EU in the development of sponsorship schemes. Accordingly, the number of options finally proposed are lower than those initially discussed with stakeholders.
- **Availability of data**: Data on certain elements relevant for the study were not widely available. This includes limited data on the number of people admitted via private sponsorship schemes for two schemes (**Germany** and **Switzerland**), and

data on the details of the those admitted (e.g. age, sex, nationality, education level).

- **Current state of play in the negotiations of the CEAS, particularly the proposal for a Union Resettlement Framework Regulation:** The study reflects the current state of play in the negotiations and that, at the time of writing, a provisional political compromise in *trilogues* was reached; however, it has not yet been endorsed by Member States' representatives in COREPER. Further changes are therefore possible until final adoption of the text. The analysis included in this study of the possible impact of the Union Resettlement Framework is therefore partial and provisional.

### **3 Setting the scene: explaining private sponsorship schemes**

This section begins by introducing the policy and legal context underpinning private sponsorship schemes in and outside the EU (section 3.1). It then introduces the concept of private sponsorship and first explains what it seeks to achieve (section 3.2), followed by an introduction of the typical elements of private sponsorship schemes (section 3.2.6). The latter will help the reader to understand the different components and typical features of such schemes.

#### **3.1 Policy and legal context**

##### **3.1.1 Within the EU**

Efforts to promote resettlement in Europe predate the refugee crisis.<sup>35</sup> Such efforts focused, for example, on promoting resettlement activities and programmes across EU Member States. This culminated in the adoption of the Joint EU Resettlement Programme in 2012 that consisted of financial incentives for Member States' resettlement activities under the European Refugee Fund.<sup>36</sup> The Asylum, Migration and Integration Fund, adopted in 2014, continued to provide incentives to resettlement programmes implemented by Member States.<sup>37</sup>

Since 2013 and the worsening situation across the EU and in the Middle East, policy responses at EU level increasingly focused on additional legal entry channels to the EU for people needing international protection,<sup>38</sup> as highlighted by the 'Task Force Mediterranean'.<sup>39</sup> Resettlement and (other) legal pathways have become a major policy priority as EU institutions and Member States seek ways to ensure that migration to their territories occurs in a 'safe and orderly' manner and thus disrupt migrant smuggling networks and routes to the EU.<sup>40</sup>

In this context, the European Commission's 2015 Agenda on Migration sought to expand the use of resettlement by EU Member States as a key priority.<sup>41</sup> This was followed immediately by the Council in July 2015 adopting an agreement to resettle 20,000 persons in need of protection from third countries.<sup>42</sup> As this scheme ended, a

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<sup>35</sup> See for an overview in ICMC, UNHCR and IOM report *Welcome to Europe – A comprehensive guide to resettlement*, 2013, pp. 100-120 (Chapter V), available at: <https://www.icmc.net/sites/default/files/documents/welcome-to-europe-2013.pdf>. Additional overview of recent efforts to expand resettlement via peer support activities can be found in MPI Europe, *Scaling up refugee resettlement in Europe*, April 2018, available at: <https://www.migrationpolicy.org/sites/default/files/publications/ResettlementPeerSupport-FinalWeb.pdf>.

<sup>36</sup> In September 2009, the European Commission came forward with a Communication on the Establishment of a Joint EU Resettlement Programme and a legislative proposal to amend the European Refugee Fund accordingly. The proposal was subsequently adopted in 2012 (Decision 281/2012 of the European Parliament and of the Council amending Decision 573/2007 establishing the European Refugee Fund for the period 2008 to 2013).

<sup>37</sup> Regulation 516/2014 establishing the AMIF Fund and Commission Implementing Regulation 801/2014 setting out the timetable and other implementing conditions related to the mechanism for the allocation of resources for the Union Resettlement Programme under the AMIF.

<sup>38</sup> Research on these topics predates the "refugee crisis", see for example the report *Exploring avenues for protected entry in Europe* (Facchi L., Cooperativa sociale Inlavoro ONLUS, 2012, 142p.) prepared in the frame of the Project "Exploring new forms of access to asylum procedures. ET Entering the Territory", available at: <https://www.fluechtlingshilfe.ch/assets/asyrecht/rechtsgrundlagen/exploring-avenues-for-protected-entry-in-europe.pdf>.

<sup>39</sup> European Commission, Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, COM(2013) 869 final, Brussels, 4 December 2013, and Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, Brussels, COM(2013) 869 final, 4 December 2014/12

<sup>40</sup> See discussion reported by the Fundamental Rights Agency (FRA), *Legal entry channels to the EU for persons in need of international protection – a toolbox*, op.cit.

<sup>41</sup> European Commission, *A European Agenda on Migration*, COM(2015)240 final, 13 May 2015.

<sup>42</sup> Council of the EU, Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20,000 persons in clear need of international protection, 22 July 2015, available at: <http://data.consilium.europa.eu/doc/document/ST-11130-2015-INIT/en/pdf>

new resettlement scheme was adopted by the European Commission in September 2017, pledging to bring at least 50,000 of the most vulnerable persons needing international protection by 31 October 2019.<sup>43</sup>

These schemes run in parallel with the EU-Turkey Statement, whereby more than 14,700 persons were resettled into the EU (the '1:1 scheme') by July 2018, and the Recommendation for a voluntary humanitarian admission scheme (VHAS).<sup>44</sup>

According to the EU-Turkey Statement, this scheme will be activated once irregular crossings between Turkey and the EU end or at least are substantially and sustainably reduced. With the Standard Operating Procedures endorsed by Member States in December 2017, all conditions for triggering the VHAS have been fulfilled.<sup>45</sup>

Meanwhile, in its 2016 Communication towards a reform of the Common European Asylum system and legal avenues to Europe, the European Commission encouraged Member States 'to make full use of other available legal avenues for persons in need of protection, such as humanitarian permits and the Commission will assess ways to promote a coordinated European approach in this respect too'.<sup>46</sup> The proposal to establish a permanent Union Resettlement Framework<sup>47</sup> matches this reform. Indeed, in July 2016, the European Commission proposed 'institutionalising' the joint EU resettlement programme through a Regulation that would establish common resettlement priorities and streamline procedures across EU Member States.<sup>48</sup>

All these actions represent a shift towards a potentially more active role for the European Union in coordinating and facilitating resettlement actions by EU Member States.

Discussions at EU level on other legal pathways to the EU for persons in need of international protection, such as private sponsorship, family reunification, humanitarian admission, have also gradually been incorporated alongside conversations on resettlement. The European Agenda on Migration recommends that 'Member States should use to the full the other legal avenues available to persons in need of protection, including private/non-governmental sponsorships'.<sup>49</sup> More recently, in September 2017, the European Commission encouraged Member States to 'explore ways to establish private sponsorship schemes where the settlement and integration support for persons in need of protection, including its related costs, can be provided by private groups of civil society organisations'.<sup>50</sup> In this context, the European

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<sup>43</sup> European Commission, Recommendation on enhancing legal pathways for persons in need of international protection of 27 September 2017, C(2017)6504, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927\\_recommendation\\_on\\_enhancing\\_legal\\_pathways\\_for\\_persons\\_in\\_need\\_of\\_international\\_protection\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_recommendation_on_enhancing_legal_pathways_for_persons_in_need_of_international_protection_en.pdf).

<sup>44</sup> European Commission, Recommendation for a voluntary humanitarian admission scheme with Turkey, C(2015)9490, 15 December 2015, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/legal-documents/docs/commission\\_recommendation\\_for\\_a\\_voluntary\\_humanitarian\\_admission\\_scheme\\_with\\_turkey\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/legal-documents/docs/commission_recommendation_for_a_voluntary_humanitarian_admission_scheme_with_turkey_en.pdf).

<sup>45</sup> European Commission, Communication "Progress report on the implementation of the European Agenda on Migration", 14 March 2018, COM(2018)250.

<sup>46</sup> European Commission, Communication *Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe*, COM(2016)197, Brussels, April 2016.

<sup>47</sup> European Commission, Proposal for a Regulation establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council, Brussels, 13 July 2017, COM(2016)0468.

<sup>48</sup> European Commission, Proposal for a Regulation establishing a Union Resettlement Framework COM(2016)0468, *op. cit.*

<sup>49</sup> European Commission, *A European Agenda on Migration*, COM(2015)240 final, *op. cit.*

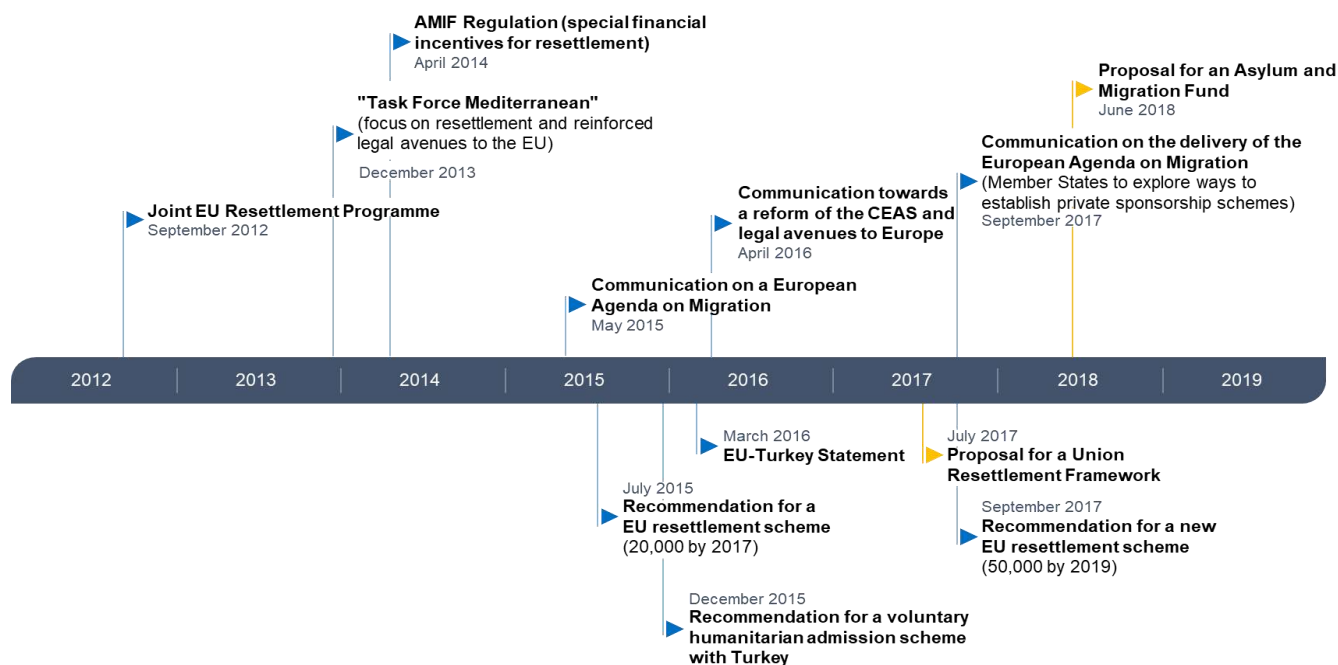
<sup>50</sup> European Commission, Communication on the Delivery of the European Agenda on Migration, COM(2017)558, 27 September 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927\\_communication\\_on\\_the\\_delivery\\_of\\_the\\_eam\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_communication_on_the_delivery_of_the_eam_en.pdf).



Commission invited EASO to coordinate a pilot project to 'facilitate these efforts and further explore the possibilities to develop these schemes in the EU'.<sup>51</sup>

Figure 2 below provides a timeline of relevant EU developments in this area.

Figure 2. Timeline of relevant EU legal and policy developments



Source: Elaboration of the study team

At national level, as the number of persons seeking protection in the EU increased, Member States were increasingly interested in the use of public-private partnerships to facilitate the admission and reception of applicants for international protection. In particular, private actors have increasingly engaged in private sponsorship programmes to respond to pressing needs in the area of international protection.

Sponsorship or sponsorship-like arrangements first emerged in Europe as a part of Humanitarian Admissions Programmes (HAPs) in response to the Syrian and Iraqi refugee crises. Generally, sponsorship was limited to family members of persons already residing legally in the EU country. **Germany, Ireland, and Switzerland** ran (facilitated) family reunification sponsorship schemes from 2013. In Germany, HAPs operated at regional rather than federal level and are still operating in six States. Other schemes implemented in 2015, particularly those in eastern European countries (**Czech Republic, Slovak Republic and Poland**), targeted Christian refugees for resettlement, and sponsorship was by affiliated religious or private groups.

More recently, modelled on the Canadian programme, the **United Kingdom's** Community Sponsorship Programme was launched in 2016 as a part of the UK Syrian Vulnerable Persons Relocation (VPR) Scheme. In countries such as **Portugal**, a private sponsorship scheme was established around the European Agenda on Migration and the need to respond to new demands at EU level within the EU relocation scheme.

**Italy, France and Belgium** also recently launched sponsorship schemes using slightly different models. In **Italy**, the programme was created around the initiative of faith-based organisations (the Community of Sant'Egidio, the Evangelical Churches Federation and the Waldensian Church) and operates based on multiple memorandums of understanding with the Ministries of the Interior and Foreign Affairs,

<sup>51</sup> *Ibid.*

signed in December 2015 (renewed in 2017) and in January 2017. **France** and **Belgium** launched a similar Humanitarian Corridors scheme in March and November 2017 respectively. Section 4 provides further analysis of the different phases and features of the private sponsorship programmes established across the EU and Switzerland.

### **3.1.2 Outside the EU**

Similar discussions on 'complementary legal pathways' generated interest at global level as part of a push by UNHCR and other UN actors to expand legal pathways to protect refugees, particularly in current drafts of the Global Compact on Refugees, and beyond traditional resettlement programmes.

UNHCR publicly addressed the issue of alternative legal pathways by convening a high-level meeting in March 2016 to discuss 'global responsibility sharing through pathways for admission of Syrian refugees'.<sup>52</sup> Private sponsorship also featured prominently in the September 2016 UN Declaration for Refugees and Migrants, which committed the signatories to 'consider making available or expanding, including by encouraging private sector engagement and action as a supplementary measure, resettlement opportunities and complementary pathways for admission of refugees'.<sup>53</sup> At operational level, UNHCR has provided support for the government of Canada's **Global Refugee Sponsorship Initiative** (GRSI), which aims to provide guidance, toolkits, and technical support to governments interested in setting up sponsorship programmes.<sup>54</sup>

The most prominent and extensive sponsorship initiative elaborated to date is **Canada's Private Sponsorship of Refugees** (PSR) Programme, initially made possible by the 1976 Canadian Immigration Act and then created in 1978 with the implementation of enabling regulations. It allows communities, organisations and smaller groups of Canadians to fund an individual or family of refugees for one year following their entry into the country. A group of five sponsors may name a refugee or family in their application for resettlement and, if successful, are responsible for providing financial, emotional, logistical and integrational support to those they sponsor for 12 months. In this way, the PSRP facilitates family reunification for other privately sponsored refugees (PSRs) and Blended Visa Office-referred refugees (BVORs), or those who come as government-assisted refugees (GARs).

**Australia** and **New Zealand**, both established resettlement countries, have also adopted sponsorship programmes based to some extent on the Canadian model. The Australian programme began as a pilot in 2012 and was relaunched as a permanent scheme in 2017. The scheme currently aims to admit 1,000 refugees via sponsorship in 2018 and is primarily targeted at admitting refugees who have a good chance of quickly integrating into the Australian labour market. Under the Australian scheme, businesses can serve as sponsors, with sponsoring organisations expected to have arranged jobs for refugees before they arrive in Australia. The New Zealand programme was launched as a pilot in 2017 and will admit 25 refugees under sponsorship arrangements by the end of 2018. Its operation will be similar to the Canadian model and will be in addition to the normal resettlement stream.

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<sup>52</sup> See the recommendations prepared ahead of this meeting by MPI, at the request of UNHCR. Collett E., Clewett P., and Fratzke S., *No Way Out? Making Additional Migration Channels Work for Refugees* (Brussels: Migration Policy Institute Europe, 2016), <http://www.migrationpolicy.org/research/no-way-out-making-additional-migration-channels-work-refugees>.

<sup>53</sup> United Nations, New York Declaration for Refugees and Migrants, paragraph 14(a), 2016, available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/1](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1).

<sup>54</sup> The Global Refugee Sponsorship Initiative (GRSI) is a joint initiative led by the Government of Canada, the United Nations High Commissioner for Refugees (UNHCR), the Open Society Foundations, the Radcliffe Foundation and the University of Ottawa. See website for more information on their activities at: <http://www.refugeesponsorship.org/>.

### **3.2 Private sponsorship: What is it and what does it seek to achieve?**

As interest in private sponsorship has grown in and across many EU Member States, opinion about what exactly private sponsorship *is* have proliferated at the same rate. Via consultations with experts, Member States and civil society stakeholders, the study identified a wide range of definitions of refugee sponsorship and an equally varied array of practices that have developed under the umbrella of 'private sponsorship. This diversity is mainly the result of a policy and operational context at national and EU levels that has left sponsorship largely undefined.

#### **Private Sponsorship of Refugees (PSR) Programme in Canada**

Canada's PSR Programme operates **three distinct models of sponsorship**. While many refugees arrive through **traditional sponsorship arrangements** (where sponsors apply and can nominate specific refugees for settlement and bear all settlement costs), others may be part of the **Blended Visa Office Referred** (BVOR) Program or the **Joint Assistance Sponsorship** (JAS) programmes.

- The *BVOR Program* allows sponsors to choose refugees from an Immigration, Refugees, and Citizenship Canada (IRCC) and UNHCR operated database. IRCC also provides up to six months of income support to those who arrive as BVOR refugees, in addition to the support provided by sponsors.
- *Joint Assistance Sponsorship* (JAS) is a rarely used category but is available to refugees with special medical or other needs and operates in a similar way. Refugees are provided with up to 24 months of joint support from IRCC and sponsors. Regardless of the programme under which refugees are sponsored, applicants are subject to security, criminality and health checks performed by IRCC staff before they are admitted.

In the current context, post-Syrian initiative, IRCC is struggling to fill its BVOR spaces, while PSR queues range from 2-4 years. In 2018, UNHCR, IRCC and Amnesty International in Canada have all been promoting the BVOR program to fill the unused capacity. Sponsors prefer the PSR pathway because families they support then ask them to sponsor family members left behind, such as siblings and parents.

On arrival in Canada, all resettled refugees, whether government or privately sponsored, receive permanent resident status, which allows them to access the same government-funded settlement services as other permanent residents, and allows them to access a clear path to citizenship after three years of residence within a 5-year window. Refugees generally receive financial and social integration support for one year, which is provided by the private sponsor in case of PSRs or jointly by the government and private sponsor in case of BVOR refugees. The spouse or dependent children of a refugee are eligible for family reunification, if the application is made within one year of resettlement by the primary protection beneficiary.

The sponsorship programme has maintained a high level of engagement on the part of Canadian civil society organisations and individual sponsors. Since the creation of the private sponsorship programme, more than 288,000 privately sponsored refugees have been welcomed to Canada. The programme has played an important role during particularly critical times in Canada's resettlement history. Of the 60,000 Indochinese refugees who entered Canada for resettlement in the late 1970s and early 1980s, at least half were PSRs<sup>55</sup>. Such high-level engagement in the programme has been maintained and, as of January 2017, 45% of the nearly 40,000 Syrian refugees resettled to Canada were PSRs<sup>56</sup>.

The private sponsorship model in Canada has been credited as a particularly effective tool for ensuring the successful integration of refugees resettled to Canada.<sup>57</sup> Partly this

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<sup>55</sup> Hyndman, J., Payne, W. and Jimenez, S. *Private refugee sponsorship in Canada*, Forced Migration Review, (2017) Vol. 54, pp. 56-59.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

is seen to relate to former refugees' access to their sponsors' social networks and social capital. Sponsors also enter into local immigration partnerships with municipal and regional coalitions in the organisation of refugees' integration. These can include mainstream service providers, municipalities, federal and provincial entities, employers' association, health organisations, ethno-cultural and religious organisations, school boards and academic institutions, which are involved with the sponsor and provide various types of support to the refugee.

Recent evaluations of the Canadian resettlement programme show that privately sponsored refugees generally have higher employment rates and are less likely to use public benefits than government-supported refugees.<sup>58</sup>

### **3.2.1 Transfer of responsibilities from government agencies to private actors as a defining feature**

While it would be extremely difficult to construct a single definition of sponsorship that captures the diversity of the private initiatives that have emerged in Europe since 2013, all schemes reviewed by the study do share one common element. Namely, sponsorship schemes involve a transfer of responsibility from government agencies to private actors for some elements of the identification, pre-departure, reception, or integration process for beneficiaries. Private actors can include civil society organisations or individuals who act as sponsors in the implementation of the scheme. The activities that sponsors undertake can range from providing financial support (through raising funds) to directly providing services and support to sponsorship beneficiaries.

Exactly which responsibilities are transferred from government authorities to private sponsors varies across schemes (see mapping in section 4). The sponsorship schemes reviewed for this study have transferred responsibility for some or all the following elements:

- Identifying and nominating beneficiaries for sponsorship (known as 'naming');
- Arranging and/or funding pre-departure orientation and medical screening;
- Arranging travel and/or funding travel for beneficiaries to the destination country;
- Arranging or providing material reception support for beneficiaries (e.g. housing, financial support, food, clothing);
- Arranging or funding medical care (e.g. paying for medical insurance);
- Providing or arranging integration support (orientation to the community, language training, job search assistance).

The extent and exact nature of responsibilities delegated to sponsors in each of these areas varies across Member States. All the sponsorship schemes identified by the study have made sponsors responsible for some level of reception and integration support, and for some, also extended to the identification and pre-departure phase. It is important to note, however, that in all sponsorship schemes operating to date in the EU, government authorities have not relinquished responsibilities for the reception and integration of beneficiaries of international protection, as laid down in EU asylum *acquis*. Wherever sponsorship schemes have been set up in EU Member States, the study has found that government authorities remain the service and support provider of last resort for beneficiaries, i.e. they remain ultimately responsible for caring for beneficiaries if the sponsorship relationship breaks down (see section 4.6).

Generally, the current sponsorship schemes within the European Union (and Dublin Associated States) can be categorised into two types based on the nature and level of responsibilities given to sponsors:

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<sup>58</sup> IRCC, *Evaluation of the Resettlement Programs (GAR, PSR, BVOR and RAP)*, Ottawa, 2016, available at: [www.cic.gc.ca/english/pdf/pub/resettlement.pdf](http://www.cic.gc.ca/english/pdf/pub/resettlement.pdf).

- Schemes that give sponsors some level of responsibility throughout the process of identifying, facilitating the departure of, and settling of beneficiaries, from identification to integration (though government authorities still perform vetting and final selection). This includes the humanitarian corridors established by **Belgium, France and Italy**, as well as the ad hoc humanitarian admissions programmes operated by **the Czech Republic, Germany, Ireland, Poland, Slovakia and Switzerland**);
- Schemes that match beneficiaries with local and community sponsors who provide for their reception and integration after beneficiaries are admitted through a resettlement or humanitarian admission programme. This is currently the case in **the UK** scheme as well as programmes being designed in **Germany, Ireland**, and being tentatively explored in **the Netherlands**.

The **Canadian model** has adopted both approaches. While the traditional Canadian PSR programme gives sponsors responsibility over much of the process, especially identification and integration, the BVOR programme relies on the resettlement authorities to identify refugees and primarily gives sponsors responsibility for integration.

### **3.2.2 Objectives of private sponsorship schemes**

Exactly how Member States choose to run sponsorship – what responsibilities are delegated to sponsors and how much ownership they are given – is largely dictated by the goals of the sponsorship programme. Sponsorship schemes serve widely varied aims in the Member States reviewed for the study, and the stakeholders reported a wide range of views on what the aims of sponsorship should be. Within the consultations conducted for the study, the most commonly cited goals included:

- **Expanding the number of admission places available to persons in need of protection.** Sponsorship can affect this goal in two primary ways:
  - (1) by enabling the admission of *additional* people, beyond the government's financial and numerical commitment (a goal of the **Canadian programme**, as well as the **Irish and German** humanitarian admission programmes (HAP) and the humanitarian corridors);
  - (2) by providing additional resources to government resettlement efforts in a way that allows the government to expand its commitments (as in the new sponsorship pilot in Ireland and the Portuguese sponsorship programme that operated within the EU relocation scheme);
- **Facilitating legal admission for groups who might not otherwise have access to it.** If beneficiaries of international protection are 'named' by sponsors, rather than identified for admission through UNHCR, sponsorship beneficiaries might be drawn from different groups than those UNHCR refers based on vulnerability criteria. Sponsorship schemes often become routes for the reunification of extended family members (as in **Canada**) and some programmes exclusively admit the extended family of existing residents for sponsorship (as in the **Irish and German HAPs**). The Australian sponsorship programme has explicitly targeted refugees likely to integrate quickly into the Australian labour market by stipulating that sponsorship beneficiaries should understand English and have a clear path to employment in **Australia**. Beneficiaries must still need protection and meet Australia's humanitarian entry criteria;
- **Better integration prospects for beneficiaries.** Better integration was one of the most often cited goals by both Member State authorities and CSOs. Sponsorship could improve integration in two ways: (1) private and volunteer support means refugees receive a greater level of personal assistance (as reported by beneficiaries in **Canada**) and have the opportunity to benefit from sponsors' social networks, which can aid in labour market integration; (2) refugees named by

sponsors may have different characteristics than those referred by UNHCR and therefore find the transition into the receiving country easier (e.g. sponsorship beneficiaries in **Canada** have higher education levels and knowledge of English and French than government supported refugees, and in **Australia** and **New Zealand**, sponsorship beneficiaries must demonstrate knowledge of English and a recent work history);

- **Improve public support for refugees/resettlement and address public anxieties.** In addition to better integration, most stakeholders believed that sponsorship could improve attitudes towards refugees and resettlement in their countries. Sponsorship is seen to build individual contacts between host communities and refugees, helping to reduce tensions. For example, in **Canada**, nearly one-third of the population has had some personal contact with the sponsorship programme.<sup>59</sup> Sponsorship can also give communities some sense of influence and buy-in regarding how resettlement works at local level as is the case, for example, in the **United Kingdom** where sponsors must obtain the approval of the municipality.
- **Undertake resettlement in a way that is cost-effective:** Stakeholders less commonly cited costs as a reason for undertaking sponsorship.<sup>60</sup> This goal was cited along with that of increasing resettlement places, i.e. more people could be admitted if private resources were used to support resettlement in addition to public resources. Importantly, stakeholders reported that sponsorship is not cost-free, rather national authorities must still bear costs for the reviewing and processing applications from sponsors and beneficiaries, and monitoring, training and supporting sponsors. These costs can be particularly significant while designing or setting up a programme. Moreover, government authorities still bear responsibility for some integration costs. In **Canada**, for example, the government funds language classes for all immigrants, including sponsored refugees, and in the **United Kingdom**, resettled refugees may still benefit from public housing subsidies and the National Health Service. Moreover, in most countries, sponsored refugees will still have access to mainstream social services, such as public education for children.
- **Provide admission to a specific group:** Rather than increasing admission places for persons needing protection broadly, sponsorship schemes in Eastern Europe aimed to provide admission for a specific group of people, namely Syrian or Iraqi Christians. Because these schemes prioritised one specific group for admission based on religion, several stakeholders viewed them as discriminatory.<sup>61</sup>

Programmes can of course be designed and implemented to serve more than one of these goals, and the goals of the programme can change over time. In **Canada**, for example, while the programme was initially designed to increase resettlement places, the government soon acknowledged that civil society had a unique added value in the integration process, and better integration then became a second goal of the programme.<sup>62</sup> And in **Germany**, sponsorship-based humanitarian admission programmes at State level, initially intended as an emergency channel for extended family reunification for Syrians, have expanded in scope in some States. Berlin and Thuringia, for example, now allow non-family members and community groups to serve as sponsors (though a family connection to Germany is still required) and have extended the programme to some non-Syrians.

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<sup>59</sup> See: <https://www.theglobeandmail.com/opinion/article-canada-in-2018-is-a-country-of-global-citizens>.

<sup>60</sup> This objective was cited by only two stakeholders, national authorities in the UK and Canada.

<sup>61</sup> Information collected through interviews with international organisations and research institutions.

<sup>62</sup> Information collected through interviews with Canadian sponsoring groups and the national authorities.

A reason given by Swedish stakeholders for *not* implementing sponsorship schemes was that the government was focusing on the integration of asylum seekers and the fulfilment of its humanitarian obligations through other means, for example via the recent expansion of **Sweden's** resettlement quota from 3,400 places in 2017 to 5,000 places in 2018.<sup>63</sup>

### **3.2.3 'Additionality' of private sponsorship schemes**

A central question in any effort to define private sponsorship is whether beneficiaries admitted through sponsorship schemes must be admitted in addition to those who enter through government-supported programmes or not – a concept known as 'additionality'. In some sponsorship programmes, and for some actors, additionality is a defining feature of sponsorship, rather than simply one among many possible goals.<sup>64</sup> Along these lines, classic definitions of sponsorship, developed around the **Canadian resettlement programme**, specify that additionality is a part of sponsorship efforts, and sponsorship schemes will thus operate in parallel to other resettlement and humanitarian admission channels. In Europe, the humanitarian corridors implemented in **Belgium, France and Italy** have all adopted the concept of additionality.

Civil society actors in many EU Member States have clearly articulated their belief that additionality should be a core element of sponsorship efforts.<sup>65</sup> Creating additional resettlement spaces is one of the most cited goals of sponsorship, particularly among civil society actors. Some civil society actors have acknowledged, though, that additionality may be a long-term goal. In the **United Kingdom and Ireland**, for example, civil society organisations (CSOs) consulted for the study indicated that they hoped their countries' programmes would eventually result in additional resettlement places, but these CSOs were willing to accommodate their governments' preferences for a non-additional programme meanwhile in the hope they will later accomplish the goal of additionality.<sup>66</sup> UNHCR has similarly acknowledged that additional numbers may be a long-term goal for some sponsorship programmes and has been willing to work with programmes that are not yet additional, as in the **United Kingdom and Ireland**.<sup>67</sup>

But additionality has not always featured in sponsorship schemes as they have expanded outside of **Canada** and within Europe. Both the current **UK** sponsorship pilot programme and the pilot that launched in **Ireland** in June 2018 operate within the government resettlement quota and therefore do not admit any additional beneficiaries. Government stakeholders in the **Netherlands** also stated that a pilot, the setting up of which is being tentatively explored, would not be additional. Initiative in **Australia** also fits within the existing resettlement quota and is not additional.

Consultations conducted for the study also revealed that some stakeholders have begun to define additionality in broader terms than 'additional admission places'. One CSO interviewed in **Ireland**, for example, described additionality as the additional resources (particularly housing and accommodation) that community actors provide to support the government's resettlement efforts and possibly allow government efforts

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<sup>63</sup> Interviews with a representative of a national authority in Sweden.

<sup>64</sup> See research conducted by MPI Europe in Kumin J., *Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union*, Brussels, 2015, <http://www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european>; and Fratzke S., *Engaging communities in refugee protection: The potential of private sponsorship in Europe*, Brussels, 2017, <http://www.migrationpolicy.org/research/engaging-communities-refugee-protection-potential-private-sponsorship-europe>.

<sup>65</sup> See for example: <https://www.ecre.org/wp-content/uploads/2017/04/Policy-Papers-01.pdf>. And a civil society organisation in the Netherlands articulated additionality as a key goal of sponsorship during an interview with the study team.

<sup>66</sup> Interview with civil society stakeholders in the UK and Ireland.

<sup>67</sup> Interview with representatives of an international organization.

to expand.<sup>68</sup> Some interviewees pointed to the additional services and mentorship that sponsors provide as additionality.<sup>69</sup> Several CSOs interviewed for the study saw sponsorship efforts as 'additional' partly because they created places for additional types of beneficiaries beyond those identified and referred by UNHCR in resettlement programmes (to include for example internally displaced persons or individuals affected by climate change) – a view echoed by stakeholders from another international organisation and by a consulted Member of the European Parliament.<sup>70</sup>

The results of the study suggest that additionality – in terms of numbers of resettlement places – has become less central to the definition of sponsorship as the practice has expanded outside Canada.

### **3.2.4 The relationship between private sponsorship and other channels of entry for persons in need of protection**

Closely related to the issue of how sponsorship is defined is the question of how sponsorship relates to existing (humanitarian) entry channels. Persons who are in need of international protection<sup>71</sup> generally gain access to asylum and are granted international protection either by applying for protection once they are in the territory of the country of protection or through a managed channel for humanitarian entry such as resettlement and/or humanitarian admission.

**Resettlement** is usually managed by the State and coordinated with the UN High Commissioner for Refugees (UNHCR), who refers beneficiaries for resettlement based on vulnerability. Resettlement is used to provide a 'durable solution' to displacement for people who are unlikely to be able to return to their home country or start a new life in the country of first asylum.<sup>72</sup> States usually set annual admissions targets for their resettlement programmes, run on an ongoing basis across multiple displacement situations.

**Humanitarian admission**, by contrast, is often an ad hoc initiative operated in response to a particular humanitarian need or displacement situation and limited to a specific group of beneficiaries.<sup>73</sup> EU Member States have, for example, operated humanitarian admission schemes for people displaced by the Iraq war and the Syrian

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<sup>68</sup> Interview with an Irish civil society stakeholder.

<sup>69</sup> Interviews with Craig Damian Smith, and an Irish civil society stakeholder.

<sup>70</sup> Interview with German French civil society stakeholders, an international organization, and a Member of the European Parliament.

<sup>71</sup> In the EU context, international protection encompasses refugee status and subsidiary protection status (Article 2(a) of Directive 2011/95/EC).

<sup>72</sup> United Nations High Commissioner for Refugees (UNHCR), UNHCR Resettlement Handbook, 2011, available at: <http://www.unhcr.org/46f7c0ee2.pdf>.

<sup>73</sup> See for example definition of 'other humanitarian admission programmes' provided in the AMIF Regulation that defines them as "an ad hoc process whereby a Member State admits a number of third-country nationals to stay on its territory for a temporary period of time in order to protect them from urgent humanitarian crises due to events such as political developments or conflicts" (Article 2(b) Regulation 516/2014 establishing the Asylum, Migration and Integration Fund (hereafter the 'AMIF Regulation'). In the frame of the Fundamental Rights Agency (FRA) study on *Legal entry channels to the EU for persons in need of international protection – a toolbox*, of February 2015 (available at: <http://fra.europa.eu/en/publication/2015/legal-entry-channels-eu-persons-need-international-protection-toolbox>), humanitarian admission is understood as "programmes that are similar to resettlement, but for which refugees are not individually selected and submitted by the UNHCR [...]. It is used to describe those situations in which people are admitted after having received refugee or other protection status, making this scheme accessible to individuals who might not qualify for resettlement under the UNHCR" (p. 8). In line with this interpretation of the concept of humanitarian admission programmes, see more recently research carried by the European Migration Network (EMN), Synthesis study and studies produced by national contact points on *Resettlement and Humanitarian Admission Programmes in Europe - what works?*, 2016, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn-studies-00\\_resettlement\\_synthesis\\_report\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_resettlement_synthesis_report_final_en.pdf).



civil war.<sup>74</sup> While resettlement beneficiaries generally receive international protection status,<sup>75</sup> humanitarian admission programmes (HAPs) may give a separate national humanitarian or protection status.

In addition to resettlement, and humanitarian admission programmes and 'typical' asylum channels, the temporary **intra-EU relocation programme** allowed persons in need of protection to be relocated from their point of entry in Italy or Greece to another EU Member State.<sup>76</sup> The eligibility period for the relocation programme ended in September 2017. Through the relocation programme, asylum seekers in Italy and Greece who were likely to receive protection could be relocated to another Member State where their applications for international protection would be processed.

Persons in need of protection can also enter the EU through **family reunification** with individuals who have already received protection status in a Member State. In most cases, family reunification is limited to the immediate family members (spouse and minor children) of the primary status holder.

While **sponsorship** has often been referred to as a 'complementary' or 'additional' pathway to protection,<sup>77</sup> sponsorship schemes have taken a diversity of approaches to the admission process depending on the goals they aim to achieve and the origins of the sponsorship programme. Private sponsorship has served as a separate channel of entry within the context of the Humanitarian Corridors and in the early Humanitarian Admission Programmes in Germany, Ireland, and Eastern Europe. More recently, however, sponsorship has also been implemented as part of the traditional resettlement system (e.g. in the United Kingdom and the future pilot in Ireland) and as part of the intra-EU relocation scheme (as in Portugal).

Given the range of admission schemes that have operated with a sponsorship component, sponsorship could perhaps best be described as a way of admitting persons for humanitarian or international protection reasons, rather than as a separate channel itself.

### **3.3 Overview of sponsorship schemes across the EU**

Most of the schemes examined were set up from 2015 onwards in response to the sharp increase in the number of asylum seekers and other migrants arriving in EU

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<sup>74</sup> See examples cited in the study of the European Union Agency for Fundamental Rights (FRA), *Legal entry channels to the EU for persons in need of international protection – a toolbox*, op.cit., and ICMC, *10% of refugees from Syria; Europe's resettlement and other admission responses in a global perspective*, June 2015, available at: <https://www.icmc.net/sites/default/files/documents/10-percent-syrian-refugees-resettlement-2015.pdf>.

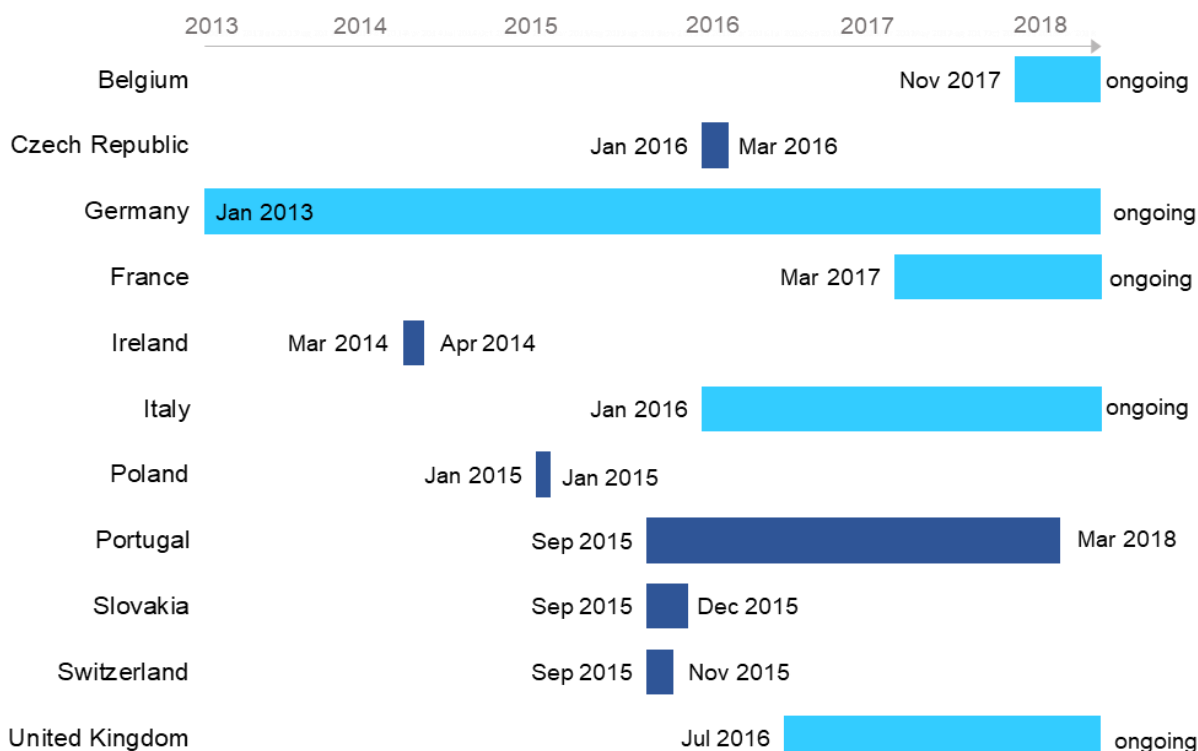
<sup>75</sup> Per the EU Qualification Directive, harmonised status may be either refugee status or subsidiary protection. See *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as 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*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0095>.

<sup>76</sup> Following two proposals of the European Commission, the Council of the EU adopted a temporary and exceptional relocation mechanism that planned the relocation of a total of 160,000 persons in need of international protection from Greece and Italy to other EU Member States based on a mandatory distribution key (Council of the EU, Decision 2015/1523 and 2015/1601). The relocation mechanisms 'expired' in September 2017. By March 2018, over 96% of all eligible applicants registered for relocation by Italy and Greece were relocated, representing a total of 33,846 of persons. See latest progress in European Commission, *Progress report on the Implementation of the European Agenda on Migration and its annexes*, COM(2018) 250 final, Brussels, 14 March 2018.

<sup>77</sup> For example, ICMC refers to a "toolbox approach" whereby the different options (sponsorship schemes, humanitarian admission, facilitated family reunification programmes) should go hand in hand and ensure complementarity. See ICMC Europe, *Private Sponsorship in Europe. Expanding complementary pathways for refugee resettlement*, Brussels, 2017, available at: <https://www.icmc.net/sites/default/files/documents/scoping-paper-icmc-europe-2017.pdf>. See also ECRE, *Policy Paper, Protection in Europe: Safe and Legal Access Channels*, Brussels, 2017, available at <https://www.ecre.org/wp-content/uploads/2017/04/Policy-Papers-01.pdf>.

Member States. However, some schemes – such as those established in **Germany** and in **Ireland** – go back to 2013 and 2014, respectively. About half of the sponsorship schemes studied are still operating, namely in **Belgium, Germany, France, Italy** and in the **United Kingdom**. The remainder of the schemes examined have been discontinued (see Figure 6). In **Switzerland, the Czech Republic, Ireland, Poland and the Slovak Republic**, ‘window for admission’ of beneficiaries of sponsorship schemes was only open for a few months (one to three months). The Portuguese scheme was open for almost three years and ended with the conclusion of the EU emergency relocation scheme in March 2018 (see Figure 3).

*Figure 3. Timeline of the implementation of sponsorship schemes in Europe (2013-2018)*



*Source: Study team elaboration based on information collected via desk research and stakeholder consultations*

Several Member States are considering (re)starting or changing their schemes. **Portugal** is currently considering establishing a new sponsorship scheme around resettlement based on its experience with relocation.<sup>78</sup> Other Member States such as **Germany** and **Ireland** are also considering the establishment of new private sponsorship schemes. Details of these new programmes are, however, still being determined. **The Netherlands does not yet operate a private sponsorship** programme for persons in need of international protection. The government is tentatively exploring what sponsorship could look like, were it to be implemented in the Netherlands, and the Ministry of Justice and Security is consulting civil society stakeholders.<sup>79</sup> This includes a focus on the scheme’s potential contribution following

<sup>78</sup> Information collected through interviews with representatives from civil society organisations and national authorities.

<sup>79</sup> The initial impetus for exploring the possibility to operate private sponsorship originated from the Ministry of Justice and Security and was inspired by the prolonged Syrian crisis and the many civil society initiatives emerging following the increased arrival of asylum seekers in the Netherlands in 2015. Civil society actors have also been vocal in calling for the creation of a sponsorship programme. In 2016, Sant’Egidio (which had been involved in creating humanitarian corridors in France and Italy) created an alliance of civil society organizations interested in pursuing private sponsorship in the Netherlands. Currently, the group includes

beneficiaries' integration trajectory, alongside a focus on private sponsorship schemes as support for resettled refugees rather than as an additional humanitarian admission channel.<sup>80</sup>

There are important differences in the way beneficiaries are selected in various sponsorship schemes. As described in section 3.2.1, some schemes are based on a '**matching system**' whereby it is not the sponsor, but another stakeholder that identifies both the beneficiary and the sponsor to be paired. Other schemes have adopted a '**naming system**' allowing the sponsors to identify the people they want to sponsor. In the United Kingdom and Portugal, the schemes are based on a 'matching system'. Similarly, possible future schemes in Ireland, the Netherlands and Germany may also be based on referral by UNHCR, while schemes operated in the Czech Republic, France, Italy, the Slovak Republic, Poland and Switzerland have adopted a naming system allowing the sponsors to identify the beneficiaries.

Research found that only one Member State adopted legislation to frame the implementation of private sponsorship schemes (Germany). In other Member States or Dublin Associated States, **private sponsorship schemes operated within the existing legal framework on asylum and migration** and few resorted to the adoption of administrative-level acts (Ireland, Switzerland). Thus, in most schemes, the framework of operation of sponsorship schemes was set by memoranda of understanding or contracts signed by national authorities and CSOs (Belgium, Czech Republic, France, Italy, Slovak Republic, Poland, UK). A link can be drawn here between private sponsorship schemes and resettlement, since several Member States operating a resettlement programme do so without a legislative framework.

Research conducted for this study shows that stakeholders involved in their design and/or implementation like the flexibility allowed by private sponsorship schemes. This flexibility allows actors to tailor private sponsorship schemes to their institutional framework, to consider the refugee or migrant population and the interest of communities when considering contributing to the operation of private sponsorship schemes.

### **3.3.1 Scale of private sponsorship schemes**

Between 2013 and -2018, the number of persons admitted under private sponsorship in the EU was around 31,690, of whom 1,534 were admitted to **Portugal** and 1,286 to **Italy**. In **Germany**, 23,500 visas for privately sponsored beneficiaries were issued, while the number of actual entries to Germany is not known.<sup>81</sup> Similarly, in **Switzerland**, 4,673 visas were issued without the total number of people admitted made public. Fewer than 700 individuals were admitted through private sponsorship schemes in the **Czech Republic** (89), **France** (129)<sup>82</sup>, **Ireland** (119), **Poland** (158), the **Slovak Republic** (149), and the **United Kingdom** (53). In the **United Kingdom**, the people admitted through private sponsorship are already counted as part of the resettlement numbers since the scheme is operated within rather than in parallel to the resettlement programme. In **Portugal**, the scheme is part of the intra-EU relocation scheme and therefore also not additive. A broad overview is shown in Figure 3.

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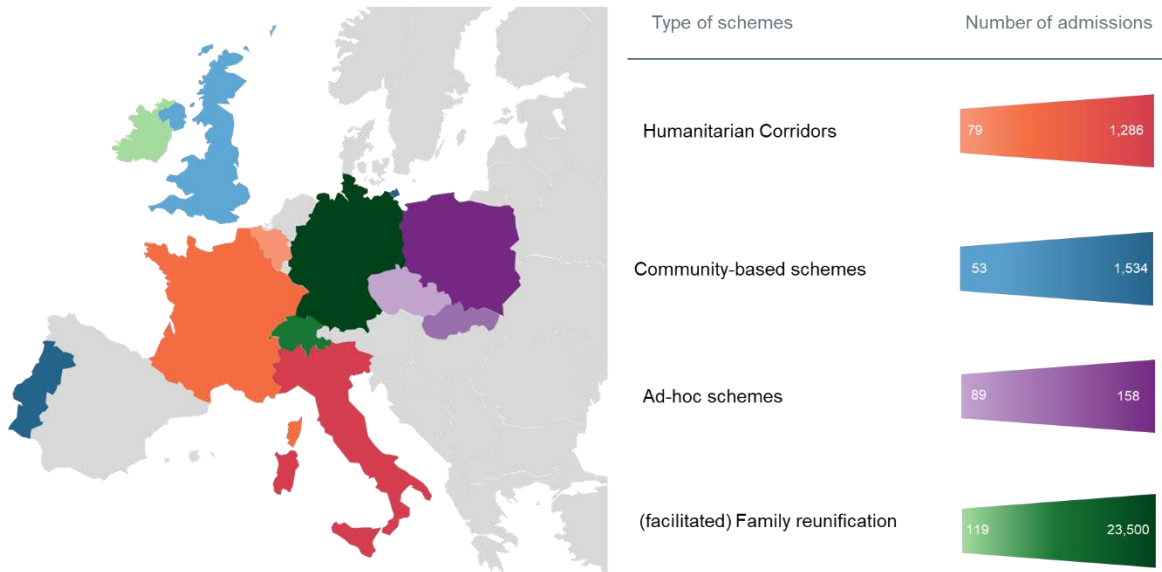
Pax, Humanitas, Church in Action, Justice and Peace, OXFAM Novib, the Dutch Council for Churches as well as the Dutch Refugee Council.

<sup>80</sup> Information collected through consultation with a representative from the Dutch Ministry of Justice and Security.

<sup>81</sup> Figures for Germany are only issued for visas. No public data is available on actual *admissions* (confirmed by an interview with a representative of a federal national authority in Germany).

<sup>82</sup> Figures for France include only those admitted through the Humanitarian Corridors programme (and not those admitted via the humanitarian visa programme '*visas asile*' that is a long-standing – and discretionary practice – of French national authorities).

Figure 4. Type of private sponsorship scheme and number of individuals admitted through the scheme.



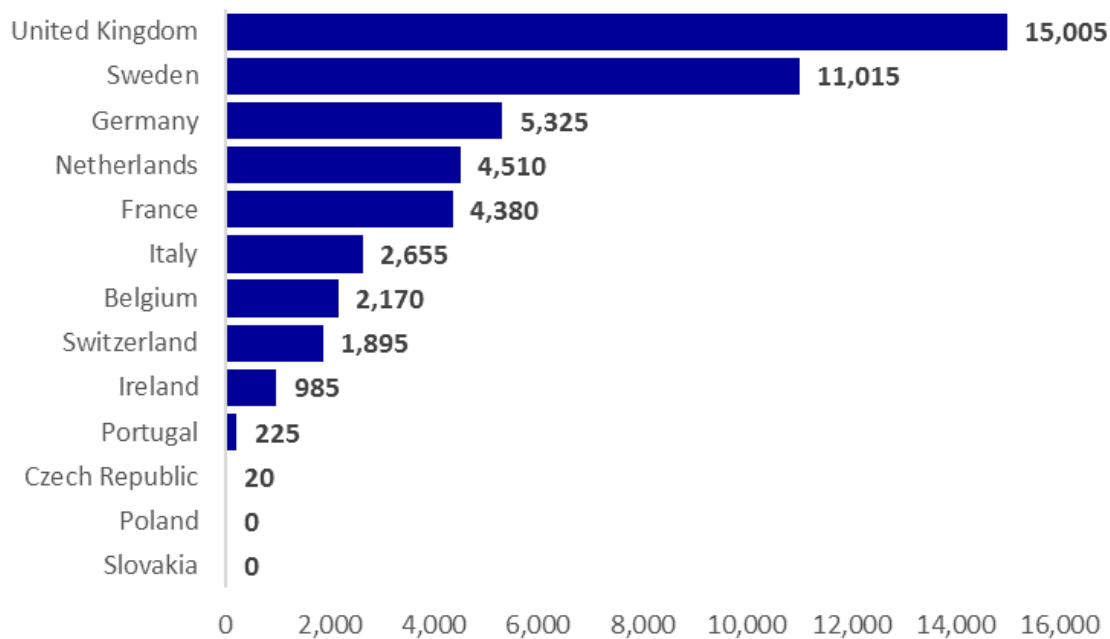
Source: Study team elaboration based on information collected through stakeholder consultations. Note: In Belgium and Germany, only the number of visas issued is reflected; the exact number of admissions was not available at the time of drafting.

Most EU private sponsorship schemes have admitted new beneficiaries on top of government-led resettlement, and a glance at resettlement numbers shows how the phenomena compare. Comparisons between sponsorship and resettlement numbers should, however, be drawn carefully because of discrepancies in how they are counted. For example, Eurostat figures do not include humanitarian admissions in Germany and Austria and therefore figures underestimate the total scale of such admissions. The numbers show that each channel stands on its own and very much depends on the national context and the definition used.<sup>83</sup> Despite these limitations, a quick comparison shows that government-led resettlement is more common across the EU (i.e. in more Member States) than private sponsorship, while more people are resettled.

Figure 5 below shows the number of people admitted through resettlement between 2013 and 2017 in the countries (Member States and Switzerland) studied for this report. Among those Member States, the United Kingdom showed the highest number of resettled individuals (15,005) followed by Germany (5,325) and France (4,380). Some of the analysed Member States such as Poland and the Slovak Republic did not resettle any individuals between 2013 and 2017 and the Czech Republic admitted only 20 people through resettlement during that period.

<sup>83</sup> See MPI research paper: <https://www.migrationpolicy.org/research/tracing-channels-refugees-use-seek-protection-europe>. For example, the UK resettlement numbers include the Syrian Vulnerable Person Relocation Scheme, which occurs *outside* the normal UK resettlement program (called the Gateway Protection Program); Germany's resettlement numbers do not include admissions via the 2013-2016 Syrian HAP yet they do seem to include the HAP contributions to the EU-Turkey agreement.

Figure 5. Number of resettled individuals by country between 2013 and 2017



Source: ICF based on Eurostat, Resettled persons by age, sex and citizenship Annual data (rounded) [migr\_asyresa], extracted on 5th July 2018.

Note: Not necessarily all Member States have resettled in all years in this period and figures below are a cumulative total of the period 2013-2017. Moreover, countries carrying out significant humanitarian admission activities are underrepresented in Eurostat figures, as they are not counted as resettlement.

## **4 Mapping of sponsorship schemes across the EU and Dublin Associated States**

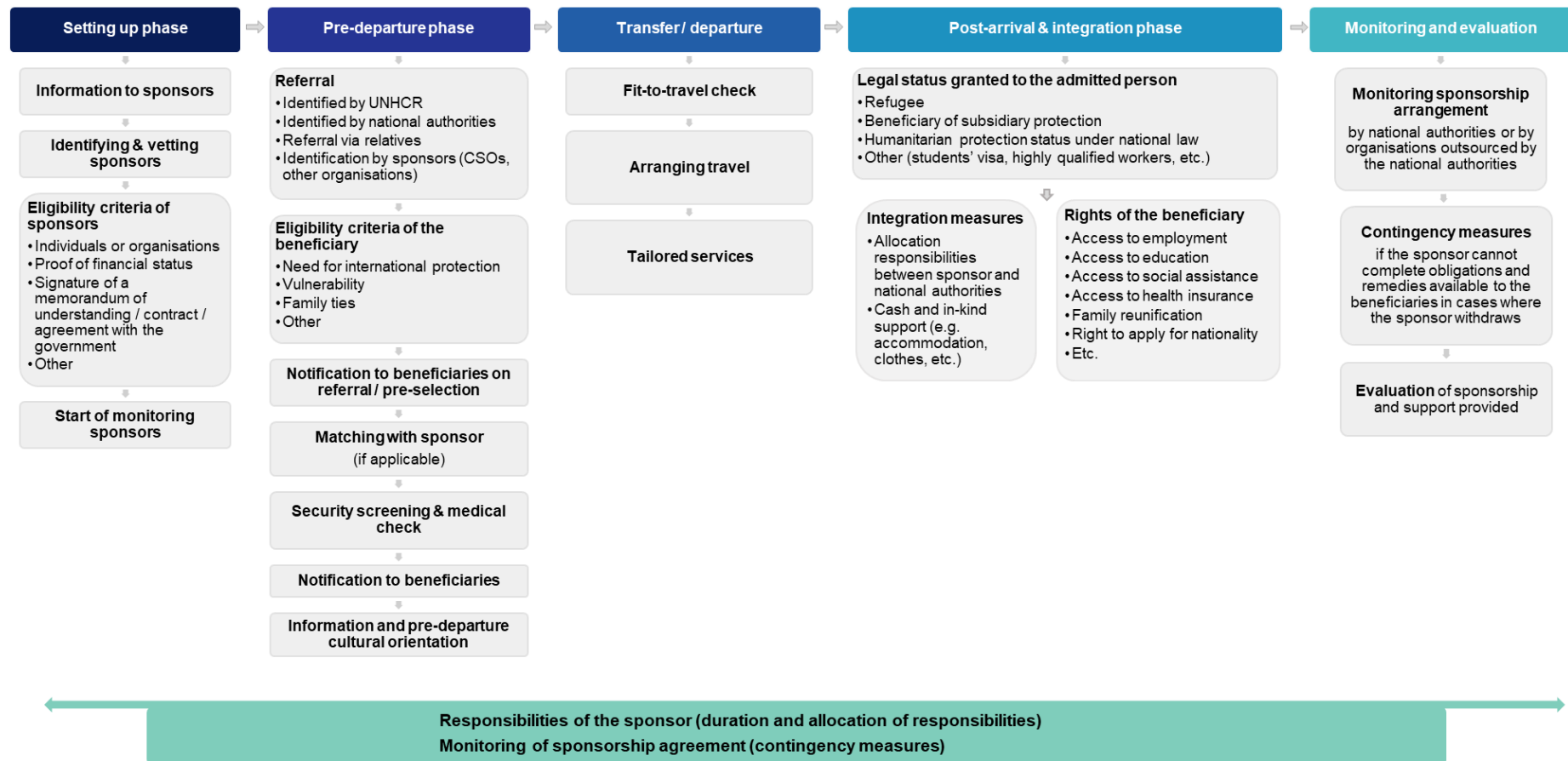
This section provides an overview of existing private sponsorship schemes across the EU and Dublin Associated States. It provides a description of the different types of private sponsorship schemes in the EU based on an analysis of the typical elements of those programmes, including:

- Eligibility criteria of the beneficiaries;
- Eligibility criteria of the sponsors;
- Status granted to beneficiaries upon arrival;
- Sponsored beneficiaries' rights;
- Responsibility of the sponsors;
- Monitoring and evaluation of sponsorship programmes.

### **4.1 Typical features of private sponsorship schemes**

To support the mapping and the analysis of existing practices in Europe, the study breaks down the process of implementing private sponsorship schemes into several phases (Figure 5). This possible 'pathway' aims to present all steps, features and criteria observed in private sponsorship programmes across Europe. The features presented can be found in the schemes examined as part of this study, though their exact characteristics vary widely. The present overview should therefore be considered as a helpful guide to breaking down sponsorship, but not as a definitive set of fixed features found in each sponsorship scheme.

Figure 6. Possible pathway of a private sponsorship scheme



Source: Elaboration of the study team based on desk research, stakeholder consultations and discussions with DG HOME and EASO.

These **phases** are the following:

- During the **setting-up** of a sponsorship scheme, the process to identify, inform and vet sponsors is typically initiated either by national authorities or organisations involved in the implementation of a sponsorship programme. Sponsors may be required to prove sufficient financial resources and sign a memorandum of understanding, contract or protocol.
- The **pre-departure** (from the country of origin or of residence) phase includes the process of identifying, vetting, and selecting the beneficiary and preparing them for departure. To participate in a sponsorship scheme, a beneficiary can be either identified by the national (resettlement) authority, often in collaboration with UNHCR, or 'named' by future sponsors (often family members). Depending on the referral procedure, a matching process could also be organised, either by national authorities or other organisations responsible for coordinating sponsorship schemes. Ideally, the beneficiary is notified that s/he has been selected to participate in the programme and, after a screening of the eligibility criteria to participate in a sponsorship programme, undergoes a security screening and medical check. An 'official' notification to the beneficiary is often followed by pre-departure and/or cultural orientation to prepare for the transfer to the country of destination and to manage expectations.
- The sponsor, national authorities or other organisations can take charge of the **transfer and departure** of the beneficiary by arranging the travel and paying for the costs of the travel, including visa fees. Other tailored services could also be provided, particularly if the beneficiary needs specific medical support.
- **Post-arrival and integration phase** depends on the legal status granted to the beneficiary upon arrival and the associated rights. The division of responsibility between the sponsor and national (integration) authorities varies. Who provides what services will depend on the specific responsibilities given to the sponsor and the extent of those responsibilities (in some cases outlined in a memorandum of understanding, other contracts or protocols).
- At the horizontal level, the **responsibilities of the sponsor** unfold throughout the implementation of a sponsorship programme. Equally, thorough **monitoring and evaluation** of the set-up and implementation of the sponsorship scheme and the support provided by the sponsor should be in place for every scheme. While a formal evaluation of the scheme a few years after implementation can assess its overall success, continuous monitoring of relevant metrics i.e. key performance indicators (KPIs) would be necessary to make adjustments throughout the implementation and running of the scheme. This should include generating data about the people admitted (and their characteristics) to understand whether they match the target group. Central to monitoring activities is evaluating the sponsorship arrangements to ensure that sponsors are meeting their obligations and that contingency measures are in place if a sponsor cannot fulfil their obligations. This also includes ensuring that beneficiaries are aware of their rights and access to legal remedies.

To ensure a more meaningful comparison of the practices in Member States, the components identified in these phases are grouped into **five overarching, typical features of sponsorship schemes**. These components stem from practices observed in Member States, but **not all may be present as clearly separated in practice** since this links to the objective of operating a sponsorship scheme (outlined in sections 3.2).



The first feature comprises the **eligibility criteria of the sponsor**. When establishing a sponsorship programme, Member States must determine who can become a sponsor, usually individuals or civil society organisations,<sup>84</sup> and what requirements they must meet to be eligible. In some schemes, both individuals and organisations are involved in the 'sponsoring process'. The first component also sets out the requirements a sponsor must fulfil before being able to assume responsibilities. These may include providing proof of financial means or having family links with the sponsored beneficiary, and fulfilment of these requirements may be checked as part of a formal vetting procedure.

Also linked to the pre-departure phase, the second feature involves the **eligibility criteria of the beneficiary**. Here, the study maps the criteria Member States have used to identify a candidate for sponsorship (e.g. need of international or humanitarian protection, vulnerability criteria, nationality, pre-existing ties to the destination country) and the referral and matching process. The identification and referral process highlight an opportunity to examine the information provided to future beneficiaries, the existence of notification procedures and the remedies available to contest a negative decision or refusal of selection, as well as any security vetting measures undertaken before departure.

As highlighted in section 3.2, the involvement of private actors and non-governmental actors is the main defining feature of private sponsorship schemes. The third component, therefore, focuses on how Member States have **defined and allocated responsibilities between sponsors and national authorities**, a cornerstone in the design and implementation of sponsorship schemes.

The responsibilities of the sponsor may be defined in an agreement signed between the sponsor and national authorities, generally concluded at the pre-departure phase. The type and contents of these arrangements can influence the extent of the sponsors' obligations to the person needing international protection admitted through the scheme. The type of responsibilities, whether financial or non-financial (with the latter including integration support), may vary depending on the sponsorship programme implemented. Likewise, sponsors' obligations can begin at the pre-departure phase and continue through the transfer and post-arrival phase. The differences in responsibilities of sponsors warrant a closer look at the duration of sponsors' obligations and other details of sponsorship schemes, such as available information and support provided to them.

Once arrived in the destination country, the fourth component considered in the study consists of the application procedure for an international protection status and the **legal status granted**. The mapping of **the rights associated with the legal status** aims to determine any differences in access to rights between the harmonised statuses (based on EU instruments) and non-harmonised statuses granted within the framework of national legislation. This includes an assessment of discrimination and equal treatment considerations, particularly the differences between sponsored beneficiaries and persons granted international protection in 'regular' procedures.

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<sup>84</sup> Other categories or types of sponsors such as higher-education institutions can also get involved in sponsorship-type of activities yet through different kind of programmes. Recently, student scholarship initiatives emerged relying on the involvement of universities to support refugee students to come to Europe for their studies. In programmes implemented in Europe, beneficiaries of such programmes generally receive a student or long-term visa and are not granted international protection. Recent research on programmes implemented in Europe published by ICMC Europe, *Student scholarships for refugees. Expanding complementary pathways for refugee resettlement*, Brussels, 2017, available at: [http://www.resettlement.eu/sites/icmc/files/ERN%2B%20Student%20Scholarships%20for%20Refugees%20-%20Expanding%20complementary%20pathways%20of%20admission%20to%20Europe\\_0.pdf](http://www.resettlement.eu/sites/icmc/files/ERN%2B%20Student%20Scholarships%20for%20Refugees%20-%20Expanding%20complementary%20pathways%20of%20admission%20to%20Europe_0.pdf).

Finally, as mentioned above, a key horizontal component of sponsorship schemes concerns **monitoring and evaluation** of existing schemes and their implementation. Certain sponsorship agreements include formal clauses mandating an evaluation, although fully-fledged evaluations are scant. Sub-section 4.9 examines what mechanisms were implemented in practice to monitor the exercise of sponsors' obligations, whether any contingency measures or 'safety nets' were established and any emerging best practices.

## **4.2 Eligibility criteria of the sponsor**

Criteria for the selection of sponsors vary from one scheme to another, though the main components for comparison and analysis between implemented sponsorship schemes are the following:

- the type of sponsor;
- proof of financial means;
- proof of adequate housing;
- residence status; and
- (previous) experience working with vulnerable groups.

All countries except the **Czech Republic**, **Poland** and the **Slovak Republic** set some criteria for the selection of sponsors.

The ad-hoc nature and design of sponsorship schemes implemented in Eastern Europe help explain the lack of clear eligibility criteria. For example, the **Slovak Republic** does not have a resettlement programme and the government made clear that this type of sponsorship scheme was not intended to be repeated.<sup>85</sup> The fact that religious groups were proactively approaching governments to authorise the operation of such schemes led the governments to choose the sponsor organisation. The lack of eligibility criteria and selection process of the sponsor was mitigated in the **Czech Republic** by a very detailed contract with a clear division of responsibilities signed between the government and the sponsor.

Overall, stakeholders interviewed for this study consider the criteria to be easy to satisfy. There are, however, some criteria that received criticisms due to their potential limitation of the range of eligible sponsors. This depends on the criterion itself but also on the type of scheme implemented and the characteristics of Member State.

There are schemes, such as the humanitarian corridor schemes in **Belgium**, **France** and **Italy**, where the criteria to become a sponsor are not clearly set out. This is most probably due to the lack of formal application process, with sponsors chosen based on their previous involvement with vulnerable groups and their involvement with the network of associations that have signed the Memorandum of Understanding with institutional counterparts, rather than on other specific features. Community-based schemes, such as those implemented in the **United Kingdom** and **Portugal**, on the other hand, may present clearer criteria, as the schemes include a clear and formal process for the selection of prospective sponsors.

### **4.2.1 Type of sponsor**

In all schemes researched, the sponsor is either **an organisation or an individual**. Depending on the scheme, 'organisational' sponsors often operate together with individuals (volunteers, private citizens or (extended) family members) to provide support to beneficiaries. '**Organisational sponsors**' can be considered the 'initial' sponsors, as they often have responsibility for guiding sponsors through the sponsorship process and may provide a safety net if the individual sponsorship falls

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<sup>85</sup> Interview with representatives of national authorities in the Slovak Republic.

through. Individual sponsors work directly with the beneficiaries and can be considered '**subsidiary sponsors**'.

This division between organisational and subsidiary sponsors is particularly relevant in the humanitarian corridor schemes, where criteria are not clearly set out. Schemes run in **Belgium, Italy and France** are not 'open' in the sense that there is no procedure to apply to become a sponsor since they must be part of the network of civil society organisations that initially negotiated the protocol or memorandum of understanding with national authorities. The participation of individual sponsors generally happens informally. In **Italy**, the involvement of individual sponsors relies on the membership (as a volunteer, for example) to one of the civil society organisations implementing the programme. A different practice emerged in **France** where beneficiaries are welcomed by a 'sponsoring group' of up to 10 volunteers who elaborate a 'project' to welcome selected families from Lebanon.<sup>86</sup> An informal guidebook, mainly based on questions from volunteers and from practice, was developed by the organisational sponsor to guide this group to accommodate and welcome beneficiaries.<sup>87</sup>

Several international organisations consulted highlighted the **added-value of expanding the pool of sponsors** beyond the civil society organisations already working with refugees to include citizens or members of the public who may not otherwise have direct contact with the refugee population.<sup>88</sup> In their view, letting citizens sponsor beneficiaries is one of the ways private sponsorship can foster a welcoming community and social cohesion.<sup>89</sup> By creating an avenue for private citizens to have 'one-on-one contact' with protection beneficiaries, sponsorship could help to dismantle prejudice and increase understanding of resettlement and humanitarian protection.<sup>90</sup> This is also seen as a key benefit of the Canadian sponsorship model. A recent survey found that nearly one third of Canadians had either sponsored a refugee themselves or knew someone who had sponsored a refugee.<sup>91</sup>

#### **4.2.2 Legal residence**

In the case of (facilitated) family reunification-type schemes, legal residence of sponsors in the country of destination is a common requirement for prospective sponsors. Sponsors can hold either permanent or temporary residence or be citizens of that country.

For example, in **Germany**, eligible sponsors must have registered their main place of residence within the federal States for at least one year (e.g. Brandenburg<sup>92</sup>, Saxony-Anhalt<sup>93</sup>, Thuringia<sup>94</sup>) or at least six months (e.g. Schleswig-Holstein<sup>95</sup>, Hamburg<sup>96</sup>). Private sponsorship in federal States was seen as a way to enable Syrians to bring their family members to Germany even if they did not receive a fully-fledged refugee

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<sup>86</sup> Interview with a civil society organisation in France.

<sup>87</sup> Interview with a civil society organisation in France.

<sup>88</sup> Interview with representatives of two international organisations.

<sup>89</sup> Interview with a representative of an international organisation.

<sup>90</sup> See: [http://www.iaccp.org/sites/default/files/pettigrew\\_tropp\\_2006\\_contact\\_theory\\_0.pdf](http://www.iaccp.org/sites/default/files/pettigrew_tropp_2006_contact_theory_0.pdf).

<sup>91</sup> See: <https://www.theglobeandmail.com/opinion/article-canada-in-2018-is-a-country-of-global-citizens/>

<sup>92</sup> Decree of the federal state of Brandenburg, 2017. Available at: [http://bravors.brandenburg.de/verwaltungsvorschriften/erlNr\\_07\\_2017](http://bravors.brandenburg.de/verwaltungsvorschriften/erlNr_07_2017).

<sup>93</sup> Decree of the federal state of Saxony-Anhalt, 2015. Available at: [https://www.proasyl.de/wp-content/uploads/2015/12/19\\_2015-07-28\\_SaAnhalt\\_dritte\\_Verlaengerung\\_AAO\\_syrische\\_Fluechtlinge.pdf](https://www.proasyl.de/wp-content/uploads/2015/12/19_2015-07-28_SaAnhalt_dritte_Verlaengerung_AAO_syrische_Fluechtlinge.pdf).

<sup>94</sup> Decree of the federal state of Thuringia, 2016. Available at: [https://www.proasyl.de/wp-content/uploads/2015/12/Aufnahmeanordnung\\_Syrien\\_Thueringen\\_Dez\\_2016.pdf](https://www.proasyl.de/wp-content/uploads/2015/12/Aufnahmeanordnung_Syrien_Thueringen_Dez_2016.pdf).

<sup>95</sup> Decree of the federal state of Schleswig-Holstein, 2017. Available at: [https://www.proasyl.de/wp-content/uploads/2015/12/MILISH-Syrien-Angehorigenaufnahme\\_02.L-AAO\\_20171214.pdf](https://www.proasyl.de/wp-content/uploads/2015/12/MILISH-Syrien-Angehorigenaufnahme_02.L-AAO_20171214.pdf).

<sup>96</sup> Decree of the federal state of Hamburg, 2017. Available at: [http://daten.transparenz.hamburg.de/Dataport.HmbTG.ZS.Webservice.GetRessource100/GetRessource100.svc/364b5dd8-547f-45cf-a870-ec708944440c/Akte\\_038.23-03.pdf](http://daten.transparenz.hamburg.de/Dataport.HmbTG.ZS.Webservice.GetRessource100/GetRessource100.svc/364b5dd8-547f-45cf-a870-ec708944440c/Akte_038.23-03.pdf).

protection status.<sup>97</sup> In some state-led programmes (Berlin, Hamburg), sponsors who sign the Declaration of Commitment<sup>98</sup> did not necessarily need to reside within the same federal State that issued the residence permit to sponsorship beneficiaries, as long as the beneficiary's family member resided within that State. Berlin has further expanded the criteria to allow Iraqi, EU or Swiss citizens in Germany to be considered as eligible sponsors. In exceptional cases, stateless persons from Syria or Iraq may also act as sponsors (Berlin, Hamburg, Thuringia).

In **Ireland**, the sponsor was required to be an Irish citizen of Syrian origin or Syrian national lawfully residing in Ireland with family link to beneficiaries. In **Switzerland**, the scheme required that the sponsor to whom the beneficiary is related is resident in Switzerland under either a permanent residence permit or as a naturalised Swiss citizen.

In both **Germany** and **Ireland** (SHAP), sponsors could be citizens of those Member States. Additionally, in Berlin, EU citizens residing in that state could act as sponsors. In these circumstances, provisions of the **EU citizens' rights Directive**<sup>99</sup> may also apply, namely in the case of family reunification with a (third-country national) family member of an EU citizen<sup>100</sup> (who made use of their right to move in the EU).

#### **4.2.3 Financial means**

Most schemes that specify requirements for sponsors oblige them to demonstrate sufficient financial means to meet their obligations to beneficiaries. **Germany**, **Ireland** and the **United Kingdom** require proof of financial means. In **Germany**, while legislation does not provide a minimum income requirement for sponsors, in practice, individual States assess sponsors' financial solvency and minimum income requirements can vary across States. For example, Berlin fixed income thresholds for sponsors ranging from 2,210 EUR per month for single persons to 3,365 EUR for married couples with one child acting as sponsors.<sup>101</sup> Similarly, in the **United Kingdom**, prospective sponsors must provide evidence of sufficient resources and in **Ireland**, sponsors under the humanitarian admission scheme had to provide proof of household income.

The schemes implemented in the remaining countries do not explicitly require proof of sufficient funds, but there are instances where it is assessed indirectly. The scheme implemented in **France**, for example, requires sponsoring groups to submit a project. When assessing the project proposal, the group's capacity to support a family for a year will indirectly be considered. In **Italy**, sponsors are not required to demonstrate sufficient financial means.

Setting an income threshold in the design of sponsorship schemes is a way to ensure that sponsors have the means to support beneficiaries. Introducing too low a financial threshold may result in sponsors taking on responsibilities they cannot fulfil and result in the breakdown of sponsorships (see subsection 4.6 and 4.7). All international

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<sup>97</sup> Information collected through an interview with a representative of a national authority in Germany.

<sup>98</sup> Baraulina, T., Bitterwolf, M., and Grote, J., 2016. Resettlement and Humanitarian Admission Programmes in Germany. *Focus-Study by the German National Contact Point for the European Migration Network (EMN). Working Paper*, 68, 1-72. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn-studies-11a\\_germany\\_resettlement\\_humanitarian\\_admission\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-11a_germany_resettlement_humanitarian_admission_en.pdf).

<sup>99</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, 29 April 2004, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004L0038>.

<sup>100</sup> Directive 2004/38 defines family members as spouse, registered partner, children under the age of 21, dependant direct relatives in the ascending line (Article 2(2)).

<sup>101</sup> Berlin State Office for civil and regulatory affairs, 2018. Available at: <https://www.berlin.de/labowillkommen-in-berlin/einreise/syrische-fluechtlinge/artikel.376315.php>.

organisations consulted during the study were generally in favour of requirements to demonstrate sufficient funds for the sponsorship period. One stakeholder suggested that such requirement be based not on a minimum monthly income threshold but on a regular income proven to be sufficient to secure the (material) security of the beneficiary for a given period, such as one or two years.<sup>102</sup>

Another circumstance to consider here is the type of sponsor since the threshold may differ depending on whether the sponsor is an individual(s) or an organisation.<sup>103</sup> The scheme implemented in Berlin described above allows organisations to become sponsors and sign a declaration of commitment (i.e. 'organisational sponsor'), while refugees living in Berlin can act as 'subsidiary sponsors' who need to have family links to sponsorship beneficiaries. Thus, 'organisational sponsors' may be the ones demonstrating they meet the income threshold.

Consultations with stakeholders in **Germany** showed that the level of the income threshold can affect the implementation and outcomes of the sponsorship scheme: in particular, the choice of how high or low the minimum income threshold lies may have impacted the scope of the group of potential sponsors. In Schleswig-Holstein, for example, a relatively high number of visas has been issued in relation to the size of the local Syrian community, which may be due to the State's comparatively low minimum income threshold.<sup>104</sup> In **Australia**, civil society groups have criticised the financial bond sponsors must post as too high, excluding many potential sponsors.<sup>105</sup>

#### **4.2.4 Adequate housing**

In most programmes, sponsors must guarantee adequate housing, even where this is not an explicit criterion of the application to become a sponsor. Indeed, one of the main features of the private sponsorship schemes analysed is that the beneficiary be housed by the sponsor (see sub-section 4.6).

A few of the schemes analysed anticipated this and already made it an eligibility criterion of the sponsor. In **the United Kingdom**, the requirement is very clearly defined: the sponsor must be able to show that accommodation has been secured for at least two years for their application to succeed. Prospective sponsors must also describe the house and ensure that it meets the same standards as social housing.<sup>106</sup> Two stakeholders voiced concerns over the difficulty of meeting this criterion<sup>107</sup>, particularly in certain urban areas, where there is a lack of (affordable) available housing. Ultimately, one interviewee argued, this could lead to an exclusion of lower income sponsors in certain (urban) areas, making the scheme exclusive to more affluent areas and potentially affecting the overall integration of sponsored refugees into the United Kingdom.<sup>108</sup>

In **Portugal**, proof of independent and adequate accommodation is also an explicit requirement of prospective sponsors and in **Ireland** (SHAP), health and safety checks of any accommodation were introduced.

Other schemes expect sponsors to house the beneficiaries, but it is not an explicit eligibility criterion.

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<sup>102</sup> Interview with an international organisation.

<sup>103</sup> Interview with a representative of a EU-wide civil society organisation.

<sup>104</sup> SVR 2015, 18. Available at: [https://www.proasyl.de/wp-content/uploads/2015/12/MILISH-Syrien-Angehorigenaufnahme\\_02.L-AAO\\_20171214.pdf](https://www.proasyl.de/wp-content/uploads/2015/12/MILISH-Syrien-Angehorigenaufnahme_02.L-AAO_20171214.pdf).

<sup>105</sup> See: <https://www.amnesty.org.au/wp-content/uploads/2018/02/Better-plan-summary-community-sponsors.pdf>.

<sup>106</sup> The full application form is available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627711/application\\_approval\\_community\\_sponsor\\_july\\_17.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627711/application_approval_community_sponsor_july_17.pdf).

<sup>107</sup> Interviews with one civil society organisation and one governmental representative.

<sup>108</sup> Interview with a civil society organisation.

#### **4.2.5 Experience working with vulnerable groups**

The requirement for sponsors to prove previous working experience with vulnerable groups may constitute good practice to prevent sponsorships breaking down (see sub-section 4.7.).

In the United Kingdom, this is an explicit eligibility criterion in the sponsorship scheme: sponsors are required to demonstrate that they have previous work experience with refugees or vulnerable groups. This was introduced to safeguard beneficiaries, to ensure that sponsors had the requisite knowledge and skills to meet their responsibilities and to work with individuals and families who may have experienced trauma or have other needs. In **Italy**, a similar requirement exists informally although no formal certification is required.<sup>109</sup> Some stakeholders highlighted this lack of requirement in the design of the scheme implemented in **Poland** as one of the reasons it failed, together with the sponsoring organisation not being subject to sufficient vetting and their limited experience with vulnerable groups.<sup>110</sup>

However, this prerequisite was criticised by prospective sponsors in **the United Kingdom**: the requirement to certify previous experience working with vulnerable groups and submitting a detailed resettlement plan was too onerous and time-consuming and could put off some potential sponsors.<sup>111</sup> But this also may be partly because the programme's administrative systems and procedures are relatively new and still evolving.

Current discussions in **the Netherlands** on establishing a private sponsorship scheme in the future do not exclude the inclusion of such an eligibility criterion.<sup>112</sup>

#### **Summary of eligibility criteria of the sponsor**

Research found that most sponsorship schemes, except three (in the Czech Republic, Poland and Slovak Republic), set criteria for the selection of sponsors. The number and type of criteria for the selection of sponsors vary from one scheme to another. At one end of the spectrum, such as in humanitarian corridor-type of schemes, eligibility criteria to become a sponsor are not clearly defined, nor do they demand a formal application process for sponsors. At the other end, community-based sponsorship schemes include clearer criteria as they include an application and selection process of future sponsors.

In all schemes researched, the sponsor is either **an organisation or an individual**. The distinction can sometimes be blurred since, depending on the scheme, 'organisational sponsors' often operate together with individuals or 'subsidiary sponsors' (e.g. volunteers, citizens, family members) to provide support to beneficiaries. 'Organisational sponsors' are often the initial sponsors since they are often the ones bearing the responsibility to guide individual sponsors through the sponsorship process and, depending on the scheme, also provide a 'safety net' if the 'individual' sponsorship fails.

**Legal residence** of sponsors in the country of destination of sponsored beneficiaries is a common requirement in (facilitated) family reunification-type of

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<sup>109</sup> In France, previous experience with refugee or vulnerable groups is seen as an advantage but not a requirement so as not to deter future candidates (individual sponsors) to volunteer in sponsoring groups. Interview with a civil society organisation in France.

<sup>110</sup> Information collected through interview with a civil society organisation in Poland.

<sup>111</sup> See MPI (S. Fratzke) *Engaging communities in refugee protection: the potential of private sponsorship in Europe* (2017), p. 9; and Clements, Rook, Barosevic, and Evans, *Supporting the Development of Community Sponsorship of Resettled Refugees in the UK* (unpublished report), Social Finance Limited and Good Faith Partnership LLP, London, 2017.

<sup>112</sup> Interview with a representative of a civil society organisation in the Netherlands.

sponsorship schemes. Here, sponsors can either be citizens of that country or hold a permanent or temporary residence.

Whether the (initial) sponsor is an individual or an organisation may have an impact on the level of **financial means** that sponsors must demonstrate in some schemes. Proof of financial means represents one way to ensure that sponsors can support beneficiaries throughout the duration of a scheme. While introducing a lower financial threshold may expand the range of sponsors able to participate, it may also cause sponsorships to break down.

While accommodation must be guaranteed to sponsored beneficiaries in most sponsorship schemes, a few also require proof from prospective sponsors of **adequate housing** and is a clear eligibility criterion.

Finally, a few sponsorship schemes include a (formal or informal) requirement for sponsors to prove **previous working experience with vulnerable groups**. It may constitute good practice to ensure that prospective sponsors are aware of the responsibilities and tasks expected of them throughout the implementation of the scheme and ultimately avoid breakdown of some schemes.

### **4.3 Eligibility criteria of the beneficiary**

The eligibility criteria for the beneficiaries are generally clearly defined, although how well-defined and implemented they are in practice varies across different schemes. Most had one main criterion for the identification of beneficiaries and some also required that more than one criterion be satisfied. The main eligibility criteria identified through the study can be divided into four main groups:

- nationality from and/or residence in a certain third country;
- prima facie need of international protection;
- fulfilment of vulnerability criteria;
- some form of religious affiliation; or
- pre-existing ties with the destination country (generally family ties).

Apart from these criteria mentioned above, most of the schemes analysed also included specific grounds for exclusion. Exclusion on security grounds is one of the most common criterion and, except for one Member State (Ireland), beneficiaries were also required to undertake a medical examination prior to departure.

Unlike the **Canadian model**, private sponsorship schemes across the EU do not always (explicitly) include prima facie need of international protection as an eligibility criterion for beneficiaries. In Canada, sponsored individuals must either have refugee status according to the 1951 Geneva Convention or qualify under the standards of the 1951 Convention or the 'Country of Asylum Class' rules (i.e., 'being seriously and personally affected by civil war or armed conflict').<sup>113</sup>

This section provides an overview of the most common eligibility criteria for beneficiaries of private sponsorship schemes across the EU as well the main advantages and disadvantages identified in connection to these criteria.

#### **4.3.1 Nationality from/residence in a certain third country**

The private sponsorship schemes examined were generally a result of either the need to address the indirect humanitarian consequences of the conflict in Syria – i.e., increased migration across the Mediterranean, or its direct effects – such as displacement to neighbouring countries. These sponsorship schemes, therefore,

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<sup>113</sup> See: <http://www.rstp.ca/wp-content/uploads/2014/03/Chapter-3-rev-Nov-2017-FIN.pdf>.

specifically targeted beneficiaries according to their nationality and/or residence in a particular asylum country.

Whether the beneficiary must be a national of a given country or simply be affected by conflict in a specific geographic area will depend on the type of scheme. Most of the schemes analysed primarily focused on Syrian nationals.<sup>114</sup> In **Germany**, for example, most of the States' Humanitarian Admission Programmes (HAP) were only open to Syrian nationals,<sup>115</sup> as well as stateless people (mostly those of Kurdish and Palestinian origin) who had lived in Syria for at least three years in some States.<sup>116</sup> Other private sponsorship programmes such as those in **the Czech Republic, France** and **the Slovak Republic** and in the Berlin sponsorship programme<sup>117</sup> were also open to Iraqi nationals. In **France**, the humanitarian corridors are open to people living in Lebanon who meet the programme's vulnerability criteria. In **Italy**, the programme focuses on people living in Ethiopia and Lebanon – i.e., transit countries with a high concentration of vulnerable asylum seekers. More broadly, in **Switzerland**, the sponsorship scheme was open to residents of Syria, individuals staying in a neighbouring country of Syria or in Egypt and to people who had fled Syria after the crisis broke out in March 2011; beneficiaries could not, however, hold a valid residence permit from any of those third countries.<sup>118</sup>

Some stakeholders in **Italy** said that limitations on the nationalities eligible for the sponsorship schemes run the risk of excluding certain beneficiaries affected by conflict in a certain country, but who are not nationals of that country.<sup>119</sup> This risk was circumnavigated in schemes such as that adopted in the **United Kingdom** where, because the sponsorship programme is part of the Syrian Vulnerable Persons Relocation scheme, sponsorship is open to anyone who has fled the conflict in Syria to neighbouring countries. This means the scheme includes not only Syrians but also inter alia Iraqis, Palestinians and Kurds who sought refuge in Syria before the conflict started and were forced to flee again.<sup>120</sup>

Another important issue regarding the geographic whereabouts of the beneficiaries is whether 'being outside the country of origin' constitutes an eligibility criterion for private sponsorship. It has been argued that private sponsorship should extend to those who need protection but are still in their country of origin to prevent them embarking on dangerous journeys to safety.<sup>121</sup> But, like most resettlement programmes, most of the private sponsorship schemes analysed require that the beneficiaries are outside their country of origin with exceptions such as the **Czech Republic, Ireland (SHAP), Germany** (in some States) and **Switzerland** where potential beneficiaries can either reside in Syria or in neighbouring countries.

#### **4.3.2 Vulnerability criteria**

Another criterion adopted by several Member States is the degree of vulnerability of the potential beneficiaries of private sponsorship. In this study, vulnerability is a tool to prioritise cases for resettlement or for admission through other humanitarian

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<sup>114</sup> Belgium, Czech Republic, France, Germany, Ireland, Italy, Poland, Switzerland and the UK.

<sup>115</sup> Information collected through an interview with a representative of a national authority in Germany.

<sup>116</sup> This was the case for the States of Berlin, North Rhine-Westphalia, Thuringia and Hamburg.

<sup>117</sup> See: <https://www.berlin.de/labo/willkommen-in-berlin/einreise/syrische-fluechtlinge/artikel.376315.php>.

<sup>118</sup> See: <https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/einreise-ch/20130904-weis-SYR-e.pdf>.

<sup>119</sup> Information collected through an interview with a sponsoring organisation in Italy.

<sup>120</sup> ICMC, Private Sponsorship in Europe: Expanding complementary pathways for refugee resettlement, September 2017, <https://www.icmc.net/sites/default/files/documents/scoping-paper-icmc-europe-2017.pdf>.

<sup>121</sup> Judith Kumin, *Welcoming Engagement: How Private Sponsorship can strengthen refugee resettlement in the European Union*, MPI Europe, December 2015, available at:

<https://www.migrationpolicy.org/sites/default/files/publications/Asylum-PrivateSponsorship-Kumin-FINAL.pdf>.



channels and refers to categories applied to determine eligibility for *admission* (and not for status).<sup>122</sup>

UNHCR resettlement submission categories are standard for resettlement and are determined based on the vulnerability of specific refugee groups. These groups are:

- refugees who require legal and/or physical protection needs in the country of refuge;
- survivors of torture and/or violence;
- refugees with specific medical needs;
- women and girls at risk;
- children and adolescents at risk;
- refugees in need of family reunification; and
- refugees lacking foreseeable alternative durable solutions.<sup>123</sup>

When implementing national resettlement programmes, countries may or may not follow these criteria and use additional ones.<sup>124</sup>

The vulnerability of the beneficiaries played a role in their selection in most of the sponsorship schemes analysed, with varying degrees of intensity and precision of what vulnerability could entail. Those programmes for example in **Belgium** and in the **United Kingdom** are based on UNHCR vulnerability criteria.<sup>125</sup> For others, including **France, Ireland** (SHAP) and **Italy**, vulnerability is a key criterion for the selection of beneficiaries, but is not necessarily based on UNHCR vulnerability criteria. In Italy, vulnerability criteria are much broader and more flexible than those established by UNHCR<sup>126</sup> taking into consideration, *inter alia*, beneficiaries' living conditions, livelihood opportunities, food security, access to education and level of protection.<sup>127</sup> Similarly in **France**, beneficiaries *could* be persons in need of international protection (*prima facie* need of protection) who demonstrate 'a high degree of vulnerability, especially in view of their personal situation, age or health'.<sup>128</sup> In the **Czech Republic**, vulnerability was not expressly required to be eligible for private sponsorship, but the scheme mainly focused on families and individuals with children. The SHAP in **Ireland** required that the beneficiaries fulfil certain vulnerability criteria and prioritised elderly parents, children, unaccompanied mothers and children, single women and girls at risk

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<sup>122</sup> The 1951 Refugee Convention does not refer to the vulnerability of refugees nor does it indicate any categories or groups of vulnerable refugees. The concept of vulnerability is equally not clearly defined in the EU asylum acquis (see AIDA Report <http://www.asylumineurope.org/2017-ii>). While the Asylum Procedures and Reception Conditions Directives set a number of procedural obligations on Member States together with specific reception conditions for certain categories of international protection applicants the concept of "vulnerability" remains largely undefined (for example, Asylum Procedures Directive (Directive 2013/32/EU) in its Article 2 refers to "applicant in need of special procedural guarantees" and Articles 2 and 21 of the Reception Conditions Directive (Directive 2013/33/EU) provides for a non-exhaustive list of "vulnerable groups" including minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation).

<sup>123</sup> See UNHCR revised Resettlement Handbook, 2011, available at: <http://www.unhcr.org/46f7c0ee2.pdf>.

<sup>124</sup> See examples cited in *Welcome to Europe – a comprehensive guide to resettlement, op.cit.*, pp. 124-128.

<sup>125</sup> Information collected through interviews with representatives of civil society organisations in Belgium.

<sup>126</sup> Information collected through an interview with a sponsoring organisation in Italy.

<sup>127</sup> European Resettlement Network, webinar on Humanitarian Corridors Programme, Accessing Protection in Safety and Dignity, 23 February 2017.

<sup>128</sup> See Article 3 of the Protocol signed with the Ministry of Interior and Ministry of Foreign Affairs: "*des personnes ayant droit, selon l'UNHCR, au moins à première vue, à la reconnaissance du statut de réfugié, [...] ou des personnes ne remplissant pas les conditions mentionnées au a) mais pour lesquelles il existe des raisons sérieuses de penser qu'elles seraient éligibles à la protection internationale ; et qui montrent une forte condition de vulnérabilité compte tenu en particulier de leur situation personnelle, de leur âge ou de leur santé*".

and disabled people.<sup>129</sup> The new sponsorship scheme currently being discussed in **Ireland** will only be based on UNHCR vulnerability criteria.<sup>130</sup>

In **Poland, the Slovak Republic, Switzerland** and **Portugal**, vulnerability was not a selection criterion for beneficiaries because of the design of the sponsorship scheme (ad-hoc schemes, visa facilitation programme and participation in the EU relocation mechanism respectively).

The stakeholder consultations highlighted that the establishment of private sponsorship schemes based on vulnerability criteria poses two significant challenges. One, there is a risk that an unclear delineation of vulnerability may generate uncertainty around who is eligible to be sponsored. On the other hand, some stakeholders expressed concern that if private sponsorship schemes are based on vulnerability criteria, and therefore use the same or very similar criteria as those for resettlement, sponsorship schemes risk taking on the role of, and even replacing, government-supported resettlement.

A 'loose definition' of vulnerability may generate uncertainty around who qualifies for private sponsorship and who should be prioritised for the programmes.<sup>131</sup> In **France**, stakeholders suggested that vulnerability criteria were too broad, making it difficult for the civil society organisations in charge of identifying beneficiaries in Lebanon to determine who should be eligible for private sponsorship.<sup>132</sup> Several stakeholders consulted also pointed out that having clearly defined eligibility criteria is key to the success of any private sponsorship scheme.<sup>133</sup>

Moreover, as resettlement programmes target the most vulnerable individuals in need of international protection, this study identified a risk of overlap between resettlement and private sponsorship schemes if the latter were to be based on vulnerability criteria. Here, several representatives of international organisations and national civil society organisations agreed that, whenever the government operates a resettlement programme, the most vulnerable should be left to (government) resettlement programmes and private sponsorship schemes should focus instead on different groups:<sup>134</sup> private sponsorship would be open to those who would not be able to access protection through government-supported resettlement, thereby increasing their opportunities to reach safety.<sup>135</sup>

#### **4.3.3 Prima facie need of international protection**

Another factor considered by most Member States establishing private sponsorship schemes is whether prima facie need for international protection is required to qualify as beneficiary. Under the **Canadian model**, only people who qualify for refugee status according to the 1951 Geneva Convention, or those who 'are seriously and personally affected by civil war or armed conflict' can be sponsored.

Needing protection was a selection criterion in most sponsorship programmes analysed. But the process used to determine whether a person needs international protection varied. While some Member States relied on UNHCR to determine whether a person needs international protection, others conducted preliminary assessment of protection needs *before* that person is transferred to the Member State.

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<sup>129</sup> See:

<http://www.inis.gov.ie/en/INIS/Pages/SYRIAN%20HUMANITARIAN%20ADMISSION%20PROGRAMME>

<sup>130</sup> Information collected through an interview with a representative of a national authority in Ireland.

<sup>131</sup> Information collected through interviews with a representative of a research institution.

<sup>132</sup> Information collected through interviews with a representative of a research institution.

<sup>133</sup> Information collected through interviews with representative of international organisations and a civil society organisation in Germany.

<sup>134</sup> Information collected through interviews with representatives of international organisations.

<sup>135</sup> Information collected through interviews with representatives of international organisations and civil society organisations.

In the **French scheme**, the need for protection is assessed to an extent at pre-departure phase when the application for a visa is submitted at the consulate in Beirut. A more thorough examination of the case to determine whether the person can obtain international protection is conducted after they arrive in France, when beneficiaries submit an asylum application (see also section 4.1.5).<sup>136</sup>

In **Portugal**, private sponsorship schemes are established within the framework of the relocation of persons in need of international protection from Greece and Italy (the EU relocation mechanism),<sup>137</sup> meaning EU relocation criteria apply to the selection of beneficiaries.<sup>138</sup> In the **United Kingdom**, only refugees identified and referred by UNHCR are eligible for sponsorship.<sup>139</sup> According to some stakeholders consulted in **Ireland** and in the **Netherlands**, any future private sponsorship schemes in those countries will only be considered within the context of resettlement and for individuals referred by UNHCR.<sup>140</sup>

Stakeholders had mixed views about whether the need for international protection should be used to establish sponsorship schemes. On one hand, some representatives of international organisations consulted argued that sponsorship should not be limited to those who qualify for refugee or subsidiary protection status. In their opinion, being in need of protection, defined broadly, should be enough to qualify for private sponsorship (also including internally displaced people).<sup>141</sup> On the other hand, other stakeholders from international organisations and national civil society organisations in the **United Kingdom** argued that, because a large number of refugees are still without access to durable solutions and who have significant protection needs or are in a protected situation, it seems reasonable that private sponsorship schemes focus on refugees and that they further rely on UNHCR for the identification of individuals.<sup>142</sup> Limiting sponsorship within 'named' schemes to refugees with recognition from UNHCR can also make processing sponsorship applications easier for national authorities, mainly because beneficiaries are able to provide more comprehensive and standardised documentation of their cases.<sup>143</sup>

#### **4.3.4 Religious affiliation**

Some forms of religious affiliation may also constitute a criterion for the eligibility of beneficiaries. However, in most of the Member States analysed, religious affiliation was not a criterion for selecting beneficiaries for private sponsorship. Only in **Belgium, the Czech Republic, Poland and the Slovak Republic** did the schemes focus on religious minorities in Iraq and Syria.

In **the Slovak Republic**, the eligibility criterion was being a Christian Iraqi persecuted by ISIS.<sup>144</sup> Similarly, in **the Czech Republic**, the sponsorship programme was only open to Christian Iraqis in Iraq and Lebanon and in **Poland**, only to Christian Syrians. In **the Czech Republic**, recent converts needed a written baptism certificate to prove their (Christian) faith and a confirmation from a person within an ecclesiastic

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<sup>136</sup> Information collected through an interview with a representative of a national authority in France.

<sup>137</sup> Relocation can only apply to applicants for which the average recognition rate of international protection at the EU level is above 75%. Currently three nationalities have such high recognition rates: Syrians, Eritreans and Iraqis.

<sup>138</sup> Set out in Council Decisions 2015/1523 and 2015/1601.

<sup>139</sup> ICMC, Private Sponsorship in Europe: Expanding complementary pathways for refugee resettlement, September 2017, <https://www.icmc.net/sites/default/files/documents/scoping-paper-icmc-europe-2017.pdf>.

<sup>140</sup> Information collected through consultation with a representative of a national authority in the Netherlands and representatives from civil society organisations in Ireland.

<sup>141</sup> Information collected through interviews with representatives of international organisations.

<sup>142</sup> Information collected through interviews with representatives from international organisations and a representative from a civil society organisation in the UK.

<sup>143</sup> Information collected through interviews with representatives of national authorities in Canada and Ireland, and civil society organisations in Ireland.

<sup>144</sup> Information collected through an interview with a representative of a national authority in Slovakia.

institution on the ground confirming that faith.<sup>145</sup> More recently, the humanitarian corridor started in **Belgium** aims to provide protection to Syrian national members of a variety of religious communities.

Stakeholders consulted in **the Czech Republic** highlighted the difficulties of the Czech private sponsorship experience. Although the standard of support was fairly extensive, around two-thirds of the beneficiaries returned to Iraq –suggesting that they did not need protection - or moved to another Member State (mainly Germany).<sup>146</sup> The stakeholders consulted suggested that the need for international protection should be main criterion for selecting future beneficiaries for private sponsorship in- rather than (only) their religious affiliation.<sup>147</sup>

Several stakeholders raised concerns about the focus on specific religious groups without taking into consideration other eligibility criteria such as vulnerability or prima facie need of international protection.<sup>148</sup> Restricting private sponsorship to certain religious groups can also generate concern over discrimination. All international organisations consulted agreed that private sponsorship schemes cannot be discriminatory and should be based on protection needs rather than on religion and ethnicity only.<sup>149</sup> Such discussions echo concerns expressed by international organisations around resettlement. For example, UNHCR recommended States not to use integration potential and other discriminatory criteria, including religion, for the selection of individuals in resettlement since such discrimination might '*undermine the protection and needs-based approach to resettlement creating inequalities and protection gaps, and limiting access to resettlement by some refugees most at risk*'.<sup>150</sup>

#### **4.3.5 Pre-existing ties to the destination country: family ties**

Pre-existing family ties to the destination country, although not required in most schemes analysed, was also an eligibility criterion in some sponsorship schemes.<sup>151</sup> While such ties are not a formal criterion for eligibility in **Canada**, for example, they are a common basis for sponsors to name beneficiaries in the private sponsorship programme.

**Germany, Ireland and Switzerland** have established sponsorship programmes mainly based on existing family ties to the destination country. The main goal of these programmes was to expand legal access for people with family members in the Member States of destination and to preserve family unity. This meant people residing in these countries could 'name' family members to participate in the scheme. The sponsorship programmes in **Germany, Ireland and Switzerland** were not only open to not only core family members but also to extended family members, creating a legal channel of entry<sup>152</sup> for some relatives who would otherwise be excluded from regular family reunification channels.

In **Germany**, private sponsorship was seen as a way to enable Syrians to bring over their family members even if the sponsor had received subsidiary protection and therefore did not have a right to family reunification.<sup>153</sup> Other German States have

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<sup>145</sup> See: <http://www.gen21.cz/vyrocnizprava-2015-a-2016/>.

<sup>146</sup> Information collected through interviews with representatives of national authorities in the Czech Republic.

<sup>147</sup> Information collected through an interview with representatives of national authorities and civil society organisation in the Czech Republic.

<sup>148</sup> Information collected through interviews representatives of international organisations and representatives of civil society organisations in the Czech Republic.

<sup>149</sup> Information collected through interviews representatives of international organisations.

<sup>150</sup> See: <http://www.unhcr.org/4ac0873d6.pdf>.

<sup>151</sup> Belgium, Czech Republic, France, Italy, Poland, Portugal, Slovak Republic and Switzerland. In **France**, in addition to the prima facie need of international protection and 'vulnerability criteria', selection of beneficiaries also took into account the '*availability of family or social links with France*' (Protocol, Article 3).

<sup>152</sup> Switzerland does not apply the EU Family Reunification Directive.

<sup>153</sup> Information collected through an interview with a representative of a national authority in Germany.

established slightly different criteria for family members to qualify as beneficiaries. For example, while all the schemes included nuclear and extended family members, the state of Brandenburg also extended the programme to additional, unrelated caregivers for underage children. Similarly, in **Switzerland**, the programme included core family members, relatives in ascending and descending line and members of their nuclear family and siblings.<sup>154</sup> The scheme required only that family relationship must be 'credibly and clearly demonstrated', even if the visa applicant cannot produce official civil status documents. Beneficiaries had to prove that the family relationship was 'likely'. National legislation establishing the scheme included the clause to perform a DNA test in exceptional cases.<sup>155</sup>

Although the eligibility criteria for the **planned Irish and German pilot sponsorship schemes** have not yet been decided, they will not necessarily require family links.<sup>156</sup>

While private sponsorship schemes based on family ties to the destination country do promote family unity, they may also create a strong risk of bypassing the right to family reunification based on the **Family Reunification Directive**<sup>157</sup> if they become a channel for reunification for core family members. The Family Reunification Directive states that family members eligible for family reunification are nuclear or core family members, namely the spouse or partner and minor children.<sup>158</sup> Most stakeholders consulted agreed that, whenever the sponsorship programme requires family ties to the destination country, these should go beyond those of core family members eligible for family reunification and primarily target extended family members.<sup>159</sup> The design of some of the schemes researched suggested a potential overlap, for example, in **Germany**, where eligibility criteria for beneficiaries included nuclear and extended family members, and in **Ireland** where it was not specified which categories of family members qualified for private sponsorship with applications judged on the closeness of the relationship.<sup>160</sup>

An overlap was also seen in the scheme run in **Switzerland** where the facilitated procedure to issue a visitor visa applied to nuclear family members (spouse and children under the age of 18), relatives in ascending and descending order *including* members of their nuclear family as well as grandparents, parents, children over the age of 18, grandchildren, and siblings.<sup>161</sup> However, Switzerland is not bound by the Family Reunification Directive.

#### **4.3.6 Other eligibility criteria and available legal remedies**

Most of the sponsorship programmes studied allowed beneficiaries to be refused on **security grounds**. In **Germany**, beneficiaries could be excluded from consideration for sponsorship if the security screening identifies criminal convictions or connections to criminal networks or if they have supported crimes against the peaceful coexistence of peoples.<sup>162</sup> In **Portugal**, the liaison officers deployed to Italy and Greece could

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<sup>154</sup> See: <https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/einreise-ch/20130904-weis-SYR-e.pdf>.

<sup>155</sup> See: <https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/einreise-ch/20130904-weis-SYR-e.pdf>.

<sup>156</sup> Information collected through an interview with a representative of a civil society organisation in Ireland and an interview with a representative of a national authority in Germany.

<sup>157</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3 October 2003.

<sup>158</sup> Article 4(1) of the Family Reunification Directive.

<sup>159</sup> Information collected through interviews representatives of international organisations and research institutions.

<sup>160</sup> See:

<http://www.inis.gov.ie/en/INIS/Pages/SYRIAN%20HUMANITARIAN%20ADMISSION%20PROGRAMME>.

<sup>161</sup> See: <https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/einreise-ch/20130904-weis-SYR-e.pdf>.

<sup>162</sup> ProAsyl, 'Aufnahmeprogramme' (admission programme) available at: <https://www.proasyl.de/thema/syrien/syrien-aufnahmeprogramme/>, 2017.

consult with the Antiterrorism Coordination Unit within the Working Group of the European Agenda for Migration over any security concerns. This unit was responsible for conducting background checks on those pre-selected.<sup>163</sup> In **Ireland** (SHAP), sponsors had to provide a declaration of good character of beneficiaries and that they did not present a security risk to Ireland or other EU countries.<sup>164</sup> In **Switzerland**, on the other hand, a detailed verification of personal and direct danger was not required and beneficiaries were only checked against the Schengen Information System (SIS).<sup>165</sup>

Most of the Member States operating private sponsorship programmes, except **Ireland**,<sup>166</sup> do not require a **medical check** of the beneficiaries before departure. Nor do the schemes analysed consider **special medical needs** as a specific eligibility criterion for beneficiaries. Should a private sponsorship scheme include people with special medical needs, stakeholders suggested that they come under the scope of government resettlement programmes rather than private sponsorship. Stakeholder also highlighted the importance of coordination and cooperation between all actors involved in the scheme to guarantee that sponsors have enough resources to meet the needs of the sponsored individuals.<sup>167</sup>

Research shows that none of the Member States operating private sponsorship schemes foresee any **legal recourse for non-selected individuals**. In the **Canadian Private Sponsorship of Refugees Program** there is no appeal process. Judicial review before a Federal Court has limited scope and implies only a review of the procedure and not the merits.<sup>168</sup> The only appeal mechanisms available are general procedures to appeal the non-issuance of a visa for entry (applicable in all schemes except the United Kingdom).

### **Proposal for a Union Resettlement Framework Regulation: eligibility criteria and refusal grounds**

Based on a provisional political compromise reached during negotiations on the proposal for a Union Resettlement Framework at the time of writing, Member States would be able to choose to admit persons in need of international protection either via resettlement or humanitarian admission. Member States would also be able to admit third-country nationals through 'emergency admission', i.e. admission through resettlement or humanitarian admission of those with urgent legal or physical protection needs or with immediate medical needs.

As per traditional resettlement, referrals in case of resettlement would be realised through UNHCR, while under the humanitarian admission, third-country nationals could be referred through UNHCR, future EU Asylum Agency, or another relevant international body as well as States themselves.

**Eligibility for admission** under the Framework would be reserved for persons in need of international protection who are vulnerable or based on their family links with the person to be admitted. In case of humanitarian admission, family members of third-country nationals legally residing in a Member State or of Union citizens, who need international protection, will also be eligible. The admission of family members

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<sup>163</sup> AIDA, Portugal Country Report, March 2018, <http://www.asylumineurope.org/reports/country/portugal>

<sup>164</sup> Requirements presented here are sourced from [http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf) and <http://www.inis.gov.ie/en/INIS/Pages/SYRIAN%20HUMANITARIAN%20ADMISSION%20PROGRAMME>.

<sup>165</sup> See: <https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/einreise-ch/20130904-weis-SYR-e.pdf>.

<sup>166</sup> However, in Ireland (SHAP), beneficiaries had to provide appropriate documentary evidence of being screened and/or vaccinated against certain diseases prior to arrival.

<sup>167</sup> Information collected through an interview with a representative of a civil society organisation in Portugal and with a representative of an international organisation.

<sup>168</sup> See: <http://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=085&top=11>.

of third-country nationals or of Union citizens who are legally residing in a Member State should be without prejudice to the rights laid down in Council Directive 2003/86/EC on the right to family reunification, and therefore should focus on the family members who fall outside the scope of that Directive or relevant national law, or who could not be reunited with their families for other reasons.

Furthermore, Member States may choose to give preference to people based on social links or other characteristics that can facilitate integration.

The provisional compromise text proposal at the time of writing sets out a list of obligatory **refusal grounds** that addresses security threats and a list of optional refusal and discontinuation grounds that allows, without obligation, Member States to refuse resettlement.

The personal scope of the proposal covers the scope of most sponsorship schemes implemented so far by Member States.

### **Summary of eligibility criteria of the beneficiary**

Most of the private sponsorship schemes analysed included **nationality from a certain third country** as an eligibility criterion. The main effect of this is that referring to a particular nationality (e.g. Syrian nationals only) excludes from private sponsorship people who do not hold that nationality but are still affected by a conflict in their host country and cannot return to their country of origin. Extending the sponsorship programme to all those displaced by a conflict in a specific geographic area where, in addition, they cannot rely on their country of origin for protection was identified as good practice in the design of sponsorship schemes. Likewise, expanding sponsorship schemes to people **still inside the country of origin/residence** was also identified as good practice to discourage them from embarking on perilous trips to safety.

**The vulnerability of the potential beneficiaries** was the second main eligibility criterion in several of the schemes analysed. The study identified certain challenges around an unclear definition of vulnerability. While some Member States followed UNHCR's vulnerability criteria, other Member States adopted a broader definition of vulnerability without clearly defining who is to be considered 'vulnerable' for the purpose of private sponsorship. Research also showed that the likelihood that private sponsorship will take on the role of, and possibly replace, government-supported resettlement is a potential disadvantage of private sponsorship schemes based on vulnerability criteria. On the other hand, the main purpose of considering the vulnerability of potential beneficiaries is to protect those most in need of international protection, true for both state-driven resettlement and private sponsorship-driven resettlement. Some stakeholders recommended that whenever the government is operating a resettlement programme, the most vulnerable should be left to (government) resettlement programmes and private sponsorship schemes should rather focus on different groups.<sup>169</sup> Within this scenario, private sponsorship would be open to people who would not be able to access protection through government-supported resettlement, thus broadening these groups' opportunities to reach safety.<sup>170</sup>

Thirdly, **being in need of protection** was a selection criterion in most of the sponsorship schemes analysed. Some of the stakeholders consulted agree that

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<sup>169</sup> Information collected through interviews with representatives of international organisations.

<sup>170</sup> Information collected through interviews with representatives of international organisations and civil society organisations.

private sponsorship should focus on recognised refugees only.<sup>171</sup> Others argued that the need for protection, defined broadly, should be enough to qualify for private sponsorship (thus including internally displaced persons).<sup>172</sup>

The use of **religious affiliation** as an eligibility criterion was controversial. Sponsorship schemes in Eastern Europe that targeted only members of a particular religious group generally did not also consider the need for international protection. The design of schemes themselves and, to an extent, the level of support provided caused beneficiaries either to move to another Member State or return to their country of origin.

Whenever **pre-existing family ties to the destination country** is considered as an eligibility criterion, there could be overlaps with the right to family reunification as defined in the Family Reunification Directive. Limiting private sponsorship to those who would otherwise be excluded from the scope of the family reunification Directive was identified as good practice.

In this regard, several of the stakeholders consulted pointed out that having clearly defined eligibility criteria is a key element for the success of any private sponsorship scheme.

#### **4.4 Status granted to beneficiaries upon arrival**

The sponsorship schemes examined differed in the type of status granted to beneficiaries upon arrival in the destination country and the set of rights associated with that status. Unlike the **Canadian model**, where beneficiaries are granted permanent residency when entering Canada, most private sponsorship schemes analysed required that the beneficiaries apply for international protection after arrival. While in **Canada** sponsored people have the same rights as any other permanent resident, in the schemes analysed across the EU and Switzerland, the rights and entitlements of the beneficiaries varied depending on the type of status granted.

Research showed that the status and rights granted to beneficiaries is considered one of the most challenging aspects of private sponsorship schemes. Several of the stakeholders interviewed at national and international level pointed out that difficulties in 'securing' a protection status long-term as well as existing differences in the set of rights granted to the beneficiaries are factors that may hinder the success of private sponsorship schemes.<sup>173</sup> This section presents an overview of the type of documents issued to beneficiaries for entering the Member State of destination and the status granted to beneficiaries upon arrival.

##### **4.4.1 Entry in the country of destination**

Once the beneficiaries have been identified and selected to participate in a private sponsorship scheme, they will be transferred to the Member State of destination that admitted them. In most sponsorship schemes researched, the legal entry of beneficiaries of sponsorship schemes on the territory of a country has been previously managed through **visas on humanitarian grounds** based either on EU<sup>174</sup> or national

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<sup>171</sup> Information collected through interviews with representatives from international organisations and a representative from a civil society organisation in the UK.

<sup>172</sup> Information collected through interviews with representatives of international organisations.

<sup>173</sup> Information collected through interviews with representatives of international organisations and with representatives of civil society organisations in Germany and in Ireland. See also ICMC scoping paper on private sponsorship schemes available at: <https://www.icmc.net/sites/default/files/documents/scoping-paper-icmc-europe-2017.pdf>.

<sup>174</sup> Indeed, for intended short-stays, the Visa Code Regulation (Regulation 810/2009) allows Member States to adopt derogations from the admissibility requirements based on humanitarian grounds or for reasons of national interest (Article 19(4) Regulation 810/2009) and, additionally, also provides the possibility for



legislation.<sup>175</sup> Such visas were issued to those with the intention to obtain protection status once they arrive in the territory.

Humanitarian corridors programmes implemented in **Belgium**,<sup>176</sup> **Italy** and **France** are based on issuing humanitarian visas. As stated in the protocol establishing humanitarian corridors, **Italian** consulates issue visas with limited territorial validity in accordance with Article 25 of the Visa Code.<sup>177</sup>

However, as clarified later in 2017 by the CJEU in the *X and X* case, 'an application for a visa with limited territorial validity made on humanitarian grounds by a third-country national, on the basis of Article 25 of the [Visa] Code, to the representation of the Member State of destination that is within the territory of a third country, with a view to lodging, immediately upon his or her arrival in that Member State, an application for international protection and, thereafter, to staying in that Member State for more than 90 days in a 180-day period, does not fall within the scope of that code but, as European Union law currently stands, solely within that of national law'.<sup>178</sup> Continuing this practice would therefore contradict EU legislation. At EU level, the Visa Code Regulation harmonises the issue of visas only for short-stay visits to EU Member States that are part of the Schengen area, i.e. to people who intend to leave the territory of these Member States before their short-stay visa expires. However, this is not the case for people who intend to obtain international protection status in the EU.

In contrast to the practice implemented so far in Italy, **France** used national provisions to issue long-stay (type 'D') humanitarian visas<sup>179</sup> - a practice borrowed from earlier humanitarian admission programmes used to aid entry of Iraqi and Syrian nationals into France.<sup>180</sup> The difference with these earlier programmes is that, in the humanitarian corridor programmes, the Ministry of Interior commits to issue an entry (humanitarian) visa within two months for selected beneficiaries.<sup>181</sup>

**Switzerland** - a Schengen Associated Country - adopted, following the 'deteriorating situation in Syria, several 'Directives' intended to improve the visa procedures for

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Member States to issue a short-stay limited territorial validity visa on 'humanitarian grounds, on grounds of national interest or because of international obligations' to persons not fulfilling the entry conditions (Article 25(1) Regulation 810/2009).

<sup>175</sup> Both Canada and Switzerland operated for several years schemes allowing individuals to apply for asylum abroad - a model that was considered as an example of good practice. These were however repealed in 2011 and 2012 (in Canada and Switzerland respectively). As a result, in Switzerland, only requests for humanitarian visas are processed by Swiss embassies abroad.  
<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/bulletins-2011/347-october-7-2011.html> and  
<https://www.fluechtlingshilfe.ch/assets/asyrecht/rechtsgrundlagen/exploring-avenues-for-protected-entry-in-europe.pdf>.

<sup>176</sup> 'Humanitarian visas' are also issued to the 150 selected (Syrian) beneficiaries of the humanitarian corridor in Belgium (see media statement: <http://www.santegidio.be/event/communique-de-presse-couloir-humanitaire-vers-la-belgique-pour-150-refugies-syriens/?lang=fr>); the Federal Migration Centre issued an analysis of 'humanitarian visas' in Belgium in May 2017 available at: [http://www.myria.be/files/Myriadocs4\\_Visas\\_humanitaires.pdf](http://www.myria.be/files/Myriadocs4_Visas_humanitaires.pdf).

<sup>177</sup> For example, Article 4 of the Protocol signed between Ministry of Interior, Ministry of Foreign Affairs, the Community of Sant'Egidio and Caritas/Bishops Conference signed in January 2017. See also M. Collyer, *Humanitarian Corridors: safe and legal pathways to Europe*, Policy Briefing, University of Sussex, Autumn 2017, available at: <http://sro.sussex.ac.uk/72424/1/Policy%20briefing%20-%20Humanitarian%20corridors.pdf>.

<sup>178</sup> CJEU, Case C-638/16, *X and X*, 7 March 2017. ECLI:EU:C:2017:173.

<sup>179</sup> Articles R311-1 and R311-3-1 of Code of Entry and Residence of Aliens and Right to Asylum (CESEDA).

<sup>180</sup> For additional details on the practice in France, please see: <http://www.resettlement.eu/sites/icmc/files/ERN%2B%20Private%20Sponsorship%20in%20Europe%20-%20Expanding%20complementary%20pathways%20for%20refugee%20resettlement.pdf>.

<sup>181</sup> Article 5 of the Protocol signed with French Ministry of Interior and of Foreign Affairs.

specific categories of people.<sup>182</sup> But, given how few people used them, a different procedure was adopted based on the provision in the Schengen Borders Code to allow entry for short stays on humanitarian grounds even where the entry conditions are not met.<sup>183</sup> A facilitated procedure to issue a visitor visa on humanitarian grounds was adopted where a visa with limited territorial validity of 90 days was issued to beneficiaries in consulates abroad. The programme was 'victim of its success' with more than 4,000 applications lodged in three months and, as a result, Swiss authorities stopped the scheme after three months.<sup>184</sup> The CJEU ruling in *X and X* also had an impact on the Swiss practice and subsequent judgments of the Federal Administrative Court clarified that issuing visas to people who intend to obtain international protection in the EU cannot be based on the Schengen Visa Code. According to the judicial interpretation and solutions found by the Swiss Federal Administrative Court to the gap left by the CJEU case law, the Swiss consulates abroad have to issue, on the basis of that jurisprudence, a national<sup>185</sup> visa (a type 'D' visa) on humanitarian grounds valid only for Switzerland.<sup>186</sup> This solution will apply until a new legislation on the issuance of a visa on humanitarian grounds is adopted.<sup>187</sup>

In other Member States, such as in **Ireland**, a humanitarian visa was also issued to beneficiaries of the Syrian Humanitarian Admission Programme (SHAP). But this will change under the new pilot scheme that will only apply to people admitted under the national resettlement programme.<sup>188</sup> One of the initial challenges encountered in the implementation of the ad-hoc sponsorship scheme in the **Slovak Republic** was the lack within the national legislative framework of the possibility for beneficiaries of the scheme to apply for international protection outside the national territory. Another way was therefore found within the existing legislative framework by issuing national long-stay visas to beneficiaries.<sup>189</sup> Lastly, in the **United Kingdom**, entry for beneficiaries of its community-based sponsorship scheme is based on a national temporary six-month visa.

#### **4.4.2 Status granted to beneficiaries upon arrival**

The current situation demonstrates variation in the protection statuses and rights granted to beneficiaries. In most schemes, beneficiaries of sponsorship schemes can apply and receive an international protection status, as defined in the EU acquis. Sponsorship beneficiaries then get access to international protection as defined by the EU acquis, thus in principle gaining access to the standards set in the Qualification Directive around access to accommodation, healthcare, social services and integration facilities.

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<sup>182</sup> See text of the Directive at:

<https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/einreise-ch/20130904-weis-SYR-e.pdf>.

<sup>183</sup> Article 6 of the Schengen Borders Code (Regulation 2016/399) provides that as a derogation from the entry conditions for short stays set out in the Regulation, third-country nationals that do not fulfil them, "may be authorised by a Member State to enter its territory on humanitarian grounds, on grounds of national interest or because of international obligations". <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0399&from=EN>.

<sup>184</sup> See: <https://www.humanrights.ch/en/switzerland/internal-affairs/asylum/miscellaneous/humanitarian-visas-a-bottleneck>.

<sup>185</sup> Federal Administrative Court of Switzerland, judgment of 19 June 2017, TAF F-7298/2016.

<sup>186</sup> Federal Administrative Court of Switzerland, judgment of 19 June 2017, judgment of 10 July 2017, TAF F-3748/2016.

<sup>187</sup> Wieruszewski M, *Visas humanitaires: un état des lieux, la pratique suisse compte tenu de la jurisprudence de la CJUE et du TAF*, January 2018, p.34, available at <https://www.redcross.ch/fr/file/27435/download>.

<sup>188</sup> Information collected through an interview with a representative of a national authority in Ireland.

<sup>189</sup> Interview with a representative of a national authority in the Slovak Republic.

In three Member States, namely **Ireland, Germany and the Slovak Republic**, beneficiaries may be granted access only to national protection statuses, thus falling outside the application of the standards set by the EU asylum acquis and creating a difference in access to status and rights with other beneficiaries of international protection (and beneficiaries of other sponsorship schemes altogether).

In other sponsorship schemes, replicating a framework already applicable in Member States' resettlement programmes, identification and selection of beneficiaries only provides admissibility to the scheme but not automatic access to protection, a gap that could potentially lead to legal limbo if the assessment of the status and subsequent procedures are not framed clearly either in legislation or in the sponsorship scheme. In practice, however, no such case was found.

#### **4.4.3 EU harmonised protection status**

In contrast to the arrangements in the **Canadian model** but in line with the practice of certain Member States in resettlement programmes, most sponsorship schemes require that the beneficiary apply for a protection status after arrival. This was the case in **Belgium, Czech Republic, France, Italy, Portugal, Poland and Switzerland**. The United Kingdom is an exception, where applicants receive refugee status ('humanitarian protection')<sup>190</sup> upon arrival and are not required to enter the asylum procedure. In the UK, refugee status is granted for a five-year period after which they have the option to apply for indefinite leave to remain.<sup>191</sup>

The application for international protection was submitted through regular asylum procedures, as provided in the Asylum Procedures Directive, in **Belgium, France, Italy, Portugal, Poland and Switzerland**.<sup>192</sup> In some schemes, the application is accelerated whether informally or formally or both. In **France**, the protocol signed by NGOs with the government stipulates that the beneficiary should within 15 days of their arrival in France be able to get an appointment with the *Préfecture* to obtain the asylum claim form and get an appointment to lodge it.<sup>193</sup> The protocol also indicates that the application should be examined within a maximum of three months. This procedure meets the timeframes specified in the asylum procedures Directive and even provides for shorter examination periods than the ones set by it.<sup>194</sup> Moreover, civil society organisations consulted indicated that, while there was no formal priority given to such applications, in practice, this was the case.<sup>195</sup>

In **Switzerland**, national legislation allowed persons admitted via the visa facilitation scheme to apply for international protection within the three-month duration of their visa. While the total number of people admitted through the visa scheme is known, no data were collected on the numbers who subsequently applied (and received) international protection status.

##### **4.4.3.1 National protection status**

**Germany and Ireland** are the only Member States where beneficiaries did not receive a harmonised status<sup>196</sup> but rather a national residence permit. In the ad-hoc

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<sup>190</sup> In the UK beneficiaries received 'humanitarian protection' status which is equivalent to refugee status understood under the 1951 Refugee Convention and under the Qualification Directive.

<sup>191</sup> UK Home Office, UK Department for Local Government, UK Department for International Development - Community Sponsorship: Guidance for prospective sponsors (July 2017), p. 6.

<sup>192</sup> Note: Switzerland is not bound by the Asylum Procedures Directive.

<sup>193</sup> Article 5 of the Protocol.

<sup>194</sup> Article 31(3) of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive).

<sup>195</sup> Interviews with two civil society organisations in France.

<sup>196</sup> 'Harmonised protection status' refers to the status granted under the Qualification Directive (refugee status or subsidiary protection).

scheme implemented in **the Slovak Republic**, beneficiaries received a national humanitarian protection status.<sup>197</sup>

In **Ireland**, sponsored individuals received a two-year renewable residence permit (known as the 'SHAP Stamp')<sup>198</sup> and in **Germany**, they were granted a one to two-year residence permit issued by the local Foreigners' Office.<sup>199</sup> In those countries, beneficiaries were not expected to apply for asylum, although legally they were allowed to do so.<sup>200</sup>

One of the main challenges identified in the analysis of existing private sponsorship schemes in the EU is the need to ensure that beneficiaries are provided with a long-term 'secure' status. It was argued that one of the most successful elements of the **Canadian private sponsorship programme** was that it granted refugee status to beneficiaries while offering permanent residency and a pathway to citizenship.<sup>201</sup> Research showed that this was not the case either in **Germany** or **Ireland** where people received a one or two-year residence permit and the process for renewal of status and potential access to citizenship was not always clearly stipulated.

In **Ireland**, some representatives of civil society organisations criticised the lack of clarity around the status granted to beneficiaries of SHAP.<sup>202</sup> Several stakeholders consulted were concerned whether the status granted would be renewed upon expiration (there was no automatic right to renewal).<sup>203</sup> Guidelines for renewal were reportedly only issued in early 2017, shortly before the status was due to expire.<sup>204</sup> Generally, because the visa granted under SHAP was unique, few relevant public authorities knew about it, causing some uncertainty and difficulty for beneficiaries in accessing certain services. For example, it was reported that some beneficiaries faced difficulties in entering the labour market since employers were not familiar with the status granted under SHAP and consequently did not hire the sponsored individuals.<sup>205</sup> This situation prompted many beneficiaries to apply for asylum afterwards to secure status and ensure their access to rights.

The **German** scheme did not provide a clear pathway to citizenship. The acquisition of citizenship for sponsorship beneficiaries is decided at the discretion of national authorities in addition to the requirement that beneficiaries need to fulfil other naturalisation requirements set out in national legislation, e.g. achieving a certain level of German language skills. This poses a risk of losing protection when the first permit expires.<sup>206</sup>

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<sup>197</sup> Act No. 480/2002 Coll. on asylum and on change and amendments of some acts, Article 9, confirmed by an interview with representatives of national authority in the Slovak Republic.

<sup>198</sup> Resettlement of Refugees and Private Sponsorship in Ireland (December 2016) - EMN Ireland and ESRI; Interview with a representative from a civil society organisation in Ireland.

<sup>199</sup> Engler 2015, 24.

<sup>200</sup> Information collected through interviews with representatives of national authorities and civil society organisations in the Member States under analysis.

<sup>201</sup> ICMC, European Resettlement Network, Private Sponsorship in Europe, Expanding Complementary Pathways for Refugee Resettlement, <http://www.resettlement.eu/sites/icmc/files/ERN%2B%20Private%20Sponsorship%20in%20Europe%20-%20Expanding%20complementary%20pathways%20for%20refugee%20resettlement.pdf>.

<sup>202</sup> Information collected through an interview with a representative of a civil society organisation in Ireland.

<sup>203</sup> Samantha Arnold and Emma Quinn, EMN Ireland, Resettlement of Refugees and Private Sponsorship in Ireland, [http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf)

<sup>204</sup> Samantha Arnold and Emma Quinn, EMN Ireland, Resettlement of Refugees and Private Sponsorship in Ireland, [http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf); Interview with a representative from a civil society organisation in Ireland.

<sup>205</sup> EMN Report "Resettlement and Humanitarian Admission Programmes in Europe - what works?"; Resettlement of Refugees and Private Sponsorship in Ireland (December 2016) - EMN Ireland and ESRI; Interview with a representative from a civil society organisation in Ireland.

<sup>206</sup> ICMC, European Resettlement Network, Private Sponsorship in Europe, Expanding Complementary Pathways for Refugee Resettlement,

Several representatives of the international organisations and civil society organisations consulted agreed that a long-term perspective should be reflected in the status granted to the sponsored individuals.<sup>207</sup> All the international organisations consulted agreed that sponsored individuals should be granted refugee status or subsidiary protection and should have the same entitlements as any other beneficiary of international protection in the countries of destination.<sup>208</sup> However, as described above, this was not the case in at least two Member States (Germany and Ireland) analysed where the national status granted also limited beneficiaries' access to certain rights (see section 4.5.2 below).

Based on current negotiations, under the **Union Resettlement Framework**, international protection would be the status granted to admitted persons in case of resettlement. In case of humanitarian admission, Member States could choose to grant international protection or humanitarian status under national legislation *equivalent* to subsidiary protection under the Qualification Regulation.

### **Summary: Status granted to beneficiaries upon arrival**

The status and rights granted to beneficiaries is considered **one of the most challenging aspects** of private sponsorship schemes across the EU and Switzerland.

For their legal entry to the territory of the Member States, beneficiaries of some sponsorship schemes were, where the conditions were met, issued visas **in accordance with the Visa Code based on Article 25(1)**. Following the CJEU's ruling in the 2017 *X and X* case and its interpretation of Article 25(1) of the Visa Code, the practice of issuing visas with limited territorial validity based on humanitarian grounds in the context of humanitarian corridors should be revised: as the purpose of beneficiaries receiving such visas is to subsequently apply for international protection, such practice breaches the provisions of Visa Code. According to current EU law, visas issued to persons who intend to obtain international protection or another long-term protection status in the EU must only be based on national legislation.

Most sponsorship schemes analysed require that the beneficiary **apply for a protection status after arrival** (replicating a framework already applicable in Member States' resettlement programmes). In those Member States where an asylum application was required upon arrival, beneficiaries were also asylum seekers and had the same rights as any other asylum applicant.

## **4.5 Sponsored beneficiaries' rights**

In those Member States where an asylum application is required upon arrival, beneficiaries are also asylum seekers and, as such, have the same rights as any other asylum applicant (based on EU asylum acquis, particularly the provisions of the Asylum Procedures Directive and the Reception Conditions Directive).

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<http://www.resettlement.eu/sites/icmc/files/ERN%2B%20Private%20Sponsorship%20in%20Europe%20-%20Expanding%20complementary%20pathways%20for%20refugee%20resettlement.pdf>.

<sup>207</sup> Information collected through interviews with representatives of international organisations and civil society organisations.

<sup>208</sup> Information collected through interviews with representatives of international organisations and civil society organisations.

#### **4.5.1 Rights as holders of international protection status**

As mentioned above, after arrival and once a final decision on their asylum application is issued, those beneficiaries admitted via sponsorship schemes granting them access to either refugee status or subsidiary protection are entitled to the same rights as any other refugee or beneficiary of subsidiary protection who entered through a different channel. In the EU, these rights are stipulated in the recast Qualification Directive. The latter sets out the conditions for recognition of those needing international protection and the content of their rights once protection has been granted. This concerns, for example, the right of the beneficiary of international protection to:

- *Information* (Article 22) regarding the rights and obligations attached to their status. This means that this information should be provided in a language that the beneficiary understands or is reasonably supposed to understand, and access to such information should be provided as soon as possible following the granting of the protection status;
- Obtain a *residence permit* (Article 24) and under certain conditions a *travel document* (Article 25) after international protection has been granted;
- Member States must ensure that beneficiaries of international protection receive the necessary *social assistance* as provided to nationals (Article 29). Member States, however, may limit the access of beneficiaries of subsidiary protection to 'core benefits' comprising 'at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance';<sup>209</sup>
- *Access to employment* (Article 26) immediately after protection has been granted and same treatment as nationals in the context of mutual recognition of diplomas (Article 28);
- *Access to health care* (Article 30) under the same eligibility conditions as nationals, including treatment for people with special needs;
- *Access to accommodation* (Article 32) under equivalent conditions as other third-country nationals legally residing in Member States;
- *Access to appropriate integration facilities* (Article 34), such as integration programmes, including language training or cultural orientation.

The proposal for a Qualification Regulation sets out several 'integration incentives' for all beneficiaries of international protection. Here, Member States would be allowed to condition the granting of certain social assistance to the participation by the beneficiary in compulsory integration measures (Article 34 of the proposal). For access to integration measures, Member States can make participation in these integration measures compulsory (Article 38 of the proposal).<sup>210</sup>

In the **United Kingdom**, for example, sponsored individuals have access to welfare benefits and assistance, including health insurance and a housing allowance under the same conditions as any other resettled refugee.<sup>211</sup> In **Portugal**, relocated people

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<sup>209</sup> Recital 45 of the Qualification Directive. See also interpretation of the CJUE of 'core benefits' and 'social security' in the *Kamberaj* case, CJEU Case C-571/10 *Servet Kamberaj v Istituto per l'Edilizia sociale della Provincia autonoma di Bolzano, Giunta della Provincia autonoma di Bolzano, Provincia autonoma di Bolzano*, 24 April 2012.

<sup>210</sup> European Commission, proposal for a Qualification Regulation 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 and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, COM(2016) 466 final:

<https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-466-EN-F1-1.PDF>

<sup>211</sup> ICMC, European Resettlement Network, Private Sponsorship in Europe, Expanding Complementary Pathways for Refugee Resettlement, available at:

<http://www.resettlement.eu/sites/icmc/files/ERN%2B%20Private%20Sponsorship%20in%20Europe%20-%20Expanding%20complementary%20pathways%20for%20refugee%20resettlement.pdf>.

brought to the country through private sponsorship also have the same rights as any other asylum seeker.<sup>212</sup>

#### **4.5.2 Rights under national humanitarian protection statuses**

In Member States where beneficiaries received a national protection status, the status granted did not always ensure the same level of access to rights as that recognised for resettled refugees or spontaneous asylum applicants.

While the national protection status granted to beneficiaries in the **Slovak Republic** offered similar rights as those given to beneficiaries of international protection<sup>213</sup>, in **Ireland**, the 'humanitarian visa' granted under the SHAP was reportedly unclear about the rights it conferred to beneficiaries.<sup>214</sup> While those sponsored had the right to work to access emergency or essential healthcare, they were not eligible for social welfare.<sup>215</sup> Mainstream services, including English lessons and job search support, were accessible to SHAP beneficiaries. But specialised services available to resettlement beneficiaries were not made available to those arriving via SHAP.<sup>216</sup>

In **Germany**, in comparison to resettled refugees, or recognised refugees who are admitted through an asylum procedure, sponsored beneficiaries are granted fewer rights and have access to less financial support.<sup>217</sup> For example, privately sponsored beneficiaries are only eligible for social welfare assistance, such as unemployment support or student funding, at the reduced rates provided to asylum seekers prior to refugee recognition.<sup>218</sup> The issue of differences in rights in Germany was even more obvious around family reunification, another right where sponsored individuals and people admitted as beneficiaries of humanitarian admission programmes, only have access in exceptional circumstances. In addition, beneficiaries do not have a right to post-arrival orientation and they can only access courses if places are available (i.e. all other eligible groups have preference).<sup>219</sup> This limited access to certain rights may have been why some beneficiaries in Germany decided to apply for asylum upon arrival rather than remain within the foreseen track of private sponsorship.<sup>220</sup>

Granting those sponsored a non-harmonised status risks creating double standards within the EU's international protection system where people receiving a national protection status may have access to fewer rights than those receiving an international protection status. Several stakeholders consulted on the subject said that the rights granted to privately sponsored people must be equivalent to those granted to refugees and beneficiaries of subsidiary protection.<sup>221</sup> In their view, private sponsorship cannot be used to shift the State's responsibility to private individuals

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<sup>212</sup> Information collected through an interview with a representative of a national authority in Portugal.

<sup>213</sup> Beneficiaries received a national protection status (based on Article 9 of Act No. 480/2002 Coll. on asylum), the status confers permanent residence status, access to the labour market, to social welfare, public healthcare, and to education and vocational training. In-kind and cash assistance as well as post-arrival orientation were provided by the NGOs. Since the ad-hoc scheme admitted beneficiaries and their core family members, no 'further' right to family reunification was envisaged.

<sup>214</sup> Information collected through an interview with a representative of an international organisation.

<sup>215</sup> See information provided by the Irish Naturalisation and Immigration Service:

<http://www.inis.gov.ie/en/INIS/Pages/SYRIAN%20HUMANITARIAN%20ADMISSION%20PROGRAMME>;

[http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf).

<sup>216</sup> Samantha Arnold and Emma Quinn, EMN Ireland, Resettlement of Refugees and Private Sponsorship in Ireland, [http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf).

<sup>217</sup> For a more in-depth overview of the specific rights granted under this status, please see Tometten C., *Resettlement, Humanitarian Admission, and Family Reunion: The Intricacies of Germany's Legal Entry Regimes for Syrian Refugees*, in *Refugee Survey Quarterly*, Volume 37, Issue 2, 1 June 2018.

<sup>218</sup> Tometten C., *Resettlement, Humanitarian Admission, and Family Reunion: The Intricacies of Germany's Legal Entry Regimes for Syrian Refugees*, *Ibid.* Note: successful asylum claimants who were granted refugee status, resettled refugees as well as beneficiaries of the national humanitarian admission programmes are eligible to claim social welfare benefits on the same level as benefits granted to German nationals.

<sup>219</sup> Information collected through an interview with a representative of a national authority.

<sup>220</sup> Information collected through an interview with a representative of a national authority in Germany.

<sup>221</sup> Information collected through an interview with a representative of an international organisation.

without guaranteeing the minimum set of rights recognised to applicants for international protection.

There are similar concerns about the rights provided under the family reunification Directive compared to those on offer to beneficiaries of the facilitated family reunification under the federal State HAPs in **Germany**. While access to the *labour market* is granted both to sponsored beneficiaries (except self-employment) and to family members reunited under the family reunification Directive (FRD) framework, differences in rights mainly concern:

- *Access to integration or language courses*: holders of a residence title for family reunification are entitled to integration courses involving language and orientation lessons and are obliged to participate if they do not have basic level German (Sections 43 to 45 of the Residence Act). But sponsored beneficiaries under the HAPs schemes do not have access to integration facilities and must pay to participate, if places are available (Sections 43 sub.3 and 44 sub. 4 of the Residence Act).
- *Access to healthcare and social assistance*: Under the FRD, the access of family members to healthcare depends on the rights granted to the sponsor which, if the sponsor is a beneficiary of international protection, is the same level as for German nationals and are eligible to statutory health insurance. Sponsored beneficiaries rely on the medical costs that can be borne by the sponsor; if the sponsor cannot fulfil their obligations under the declaration of commitment, beneficiaries can access healthcare (and other social assistance) at the same level as asylum seekers.

The opposite is also true whenever privately sponsored individuals end up receiving better treatment than spontaneous arrivals and resettled refugees. Several of the stakeholders consulted agreed that the establishment of private sponsorship schemes should avoid creating a system that differentiates between refugees selected by the sponsors and those arriving in the country of destination through irregular channels.<sup>222</sup>

In **Canada**, some civil society groups and experts have also criticised the two-track model of the Canadian resettlement system, where sponsored and non-sponsored refugees receive different levels and types of support.<sup>223</sup> While sponsored refugees receive important guidance and support from their sponsors, refugees under government-run assistance programmes have reportedly received less attention and assistance.<sup>224</sup>

Generally, even without private sponsorship programmes, there can be a 'two-speed system' where people arriving under planned programmes (regardless whether it is resettlement or private sponsorship) are treated better than spontaneous arrivals.<sup>225</sup> Even within the very same sponsorship scheme, different standards exist. In **Portugal**, families sponsored by the Refugee Support Platform (PAR) receive support for two years, while those being hosted by other organisations receive support for 18 months.

To address the challenge of 'double standards', the High Commissioner for Migration in Portugal published a handbook on minimum standards to ensure that sponsors at the very least fulfil the minimum quality requirements for the provision of

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<sup>222</sup> Information collected through interviews with a representative of an international organisation, a representative of a civil society organisation in Italy, a civil society organisation in the Netherlands and a civil society organisation in the UK.

<sup>223</sup> Interview with a representative of a research institution; and see also: [http://docs.wixstatic.com/ugd/b89524\\_e2207c535cda46c7ae85bb4539add26d.pdf](http://docs.wixstatic.com/ugd/b89524_e2207c535cda46c7ae85bb4539add26d.pdf)

<sup>224</sup> See: <https://cms.eas.ualberta.ca/UrbanEnvOb/wp-content/uploads/sites/21/2017/11/Syrian-Refugees-final-report-Nov-2017-1.pdf>.

<sup>225</sup> Information collected through an interview with a representative of a civil society in the UK.



services.<sup>226</sup> Similarly, in **Italy** among the beneficiaries of the humanitarian corridors, Syrians seem to receive better treatment compared to other sponsored individuals.<sup>227</sup>

Both the new **Irish and German pilot sponsorship programmes** will try to address some of the issues discussed above. A key change in the new German pilot scheme will be that the residence permits granted to sponsored beneficiaries will be the same as those admitted under the resettlement programme and will give access to the same rights, which are more comprehensive than those currently granted under the federal States' sponsorship programmes.<sup>228</sup> Similarly, under the Irish community sponsorship pilot, beneficiaries will have access to the same assistance and benefits as regularly resettled refugees (i.e. housing assistance payments, social assistance payments, medical care).<sup>229</sup>

#### **4.5.3 Available legal remedies**

None of the Member States analysed provide legal remedies to ensure equal treatment in accessing rights and status for those privately sponsored. However, in all Member States, privately sponsored individuals who received a non-harmonised status could apply for asylum and therefore access the State welfare system with the same rights granted to any other asylum seeker. As mentioned above, this occurred in **Germany** and **Ireland** where a substantial share of privately sponsored beneficiaries decided to abandon the foreseen track and apply for asylum to ultimately have access to the same rights granted to refugees and beneficiaries of subsidiary protection.

#### **Summary: Beneficiaries of sponsorship schemes' associated rights**

Most Member States granted **international protection status** (refugee status or subsidiary protection) to sponsored individuals. Individuals granted EU harmonised protection statuses were entitled to the **same rights as any other refugee or beneficiary of subsidiary protection** who entered the country through a different channel.

Only three Member States granted **national protection statuses**. In those Member States, the risk of creating a **different level of access to rights** (risk of 'double standards') for beneficiaries of international protection was identified as one of potential challenges of implementing sponsorship schemes. The need to ensure that beneficiaries are provided with a long-term 'secure' status was highlighted as a significant challenge related to national protection statuses. In this area, **granting refugee status or subsidiary protection** was identified as good practice.<sup>230</sup>

Establishing private sponsorship schemes risks creating a system that differentiates between refugees selected by the sponsors and those who arrive in the country of destination through irregular channels. But stakeholder consultation suggested that, even without private sponsorship programmes, there can be a 'two-speed system' where people arriving under planned programmes (regardless whether it is resettlement or private sponsorship) are treated better than spontaneous arrivals. In some Member States, different standards were identified even within the same private sponsorship scheme.

#### **4.6 Responsibilities of the sponsor**

This section analyses a key innovation of private sponsorship schemes, namely the allocation of responsibilities between sponsors and governments.

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<sup>226</sup> Information collected through an interview with a representative of a national authority in Portugal.

<sup>227</sup> Information collected through an interview with a representative of a civil society organisation in Italy.

<sup>228</sup> Information collected through an interview with a representative of a national authority in Germany.

<sup>229</sup> Information collected through an interview with a representative of a national authority in Ireland.

<sup>230</sup> Information collected through interviews with representatives of international organisations and civil society organisations.

In Europe, the 'passage' to private sponsorship schemes from more classic protection channels such as asylum or resettlement, can cause dilemmas for policymakers around their role and responsibilities in providing services to persons admitted through sponsorship schemes.<sup>231</sup> For example, a stakeholder consulted in **Sweden** did not support the delegation of responsibilities to sponsors because of the existing, extensive welfare system in Sweden, preferring instead to exclude the involvement of anyone other than public authorities in such policies.<sup>232</sup>

#### **4.6.1 Sponsorship agreement**

All responsibilities taken on by a sponsor are generally outlined in an agreement or an arrangement. The latter may contain information about the nature, allocation and duration of responsibilities between parties involved in the operation of a sponsorship scheme.

A sponsorship agreement is signed between the sponsor (an individual or an organisation) and national authorities in around half the countries studied. The memoranda of understanding signed between the CSOs and the relevant institutional counterparts regarding humanitarian corridors in **Belgium, France** and **Italy** adopt a rather loose approach to the definition and allocation of responsibilities, while community-based sponsorship adopted in the **United Kingdom**, closer to the Canadian model, encompasses a detailed account of sponsor obligations, namely within the frame of a resettlement plan, signed between the local sponsoring group and the Home Office. Sponsors involved in the ad-hoc schemes run in the **Czech** and **Slovak Republic** also signed agreements with governments, referred to as 'contracts', which detailed the allocation of responsibilities.

In **Germany**, the 'agreement' is set in legislation and takes the form of a declaration of commitment which establishes sponsors' financial obligations towards sponsorship beneficiaries. For the future sponsorship pilot scheme in Germany, it is foreseen that sponsorship agreements would be established with the aim to clearly delineate sponsors' non-financial commitments towards beneficiaries.<sup>233</sup> The nature of the scheme implemented in 2013 in **Switzerland** – facilitated visas for family members – meant no formal sponsorship arrangement was signed but the sponsor had to make certain guarantees in the visa application. National legislation did specify that the family member hosting the sponsored beneficiary had to prove sufficient financial means and accommodation to welcome the beneficiary for the duration of the visa (90 days).

Where specified, the duration of the agreements and, consequently, the sponsor's responsibilities generally varied from three months to a maximum of five years, with most schemes<sup>234</sup> ranging between one and two years. In **Czech Republic, France, Poland, Portugal**, the **Slovak Republic** and the **United Kingdom**, support in the provision of housing lasts longer than general support

A sponsorship agreement that does not outline in detail the responsibilities of the sponsor was welcomed by stakeholders implementing humanitarian corridor programmes since it allowed flexibility to adapt to changing circumstances.<sup>235</sup> Stakeholders said that because the focus of a sponsorship scheme is ultimately the integration of sponsored beneficiaries, a fixed timeframe of responsibilities cannot always be foreseen.<sup>236</sup> Different factors can influence the beneficiary's ability to

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<sup>231</sup> See: <https://www.migrationpolicy.org/research/scaling-refugee-resettlement-europe-role-institutional-peer-support>.

<sup>232</sup> Interviews with a representative of a national authority in Sweden.

<sup>233</sup> Interview with a representative of a national authority in Germany.

<sup>234</sup> Belgium, Czech Republic, France, Ireland, Italy, Poland, Portugal and the United Kingdom.

<sup>235</sup> Interviews with representatives of civil society organisations in France.

<sup>236</sup> Interview with civil society organisations in Italy.

integrate, including past experiences such as trauma, which can emerge after different intervals of time. Flexibility in the sponsorship agreement therefore allows the sponsor to adapt to the needs of the beneficiary.

On the other hand, too much flexibility around certain features of the agreement, such as its duration, may produce opposite (negative) effects. Sponsorship arrangements that are indefinite or too long may put a strain on the sponsors.<sup>237</sup> The five-year duration of sponsors' obligations in **Germany**, for example, was considered too long by several stakeholders (see also section 4.6.2.1).<sup>238</sup>

#### **4.6.2 Allocation of responsibilities according to the different schemes**

The overall objective of the sponsor's responsibilities, in varying degrees, is to help the beneficiary work towards integration and independence. Responsibilities towards beneficiaries are shared between national or local authorities and the sponsor (organisations and/or sponsors). What emerged in the research is that, with the notable exception of accommodation, the duty to provide access to basic services (health and education) generally lies with the authorities (see also section 4.5). There are, however, varying degrees of responsibility imposed on sponsors and varying durations (from one to five years) which may change according to the scheme implemented.

##### **4.6.2.1 Humanitarian admission programmes and (facilitated) family reunification schemes**

As mentioned previously, responsibility is generally formalised through a 'declaration of commitment' under these schemes. In **Germany**, responsibilities last five years, currently the longest scheme operating in Europe. This limit was introduced in the 2016 Integration Act since the previous, unlimited duration was considered too onerous for sponsors (partly due to the obligation to cover beneficiaries' medical checks, see the scope of the declaration of commitment in the box below). For declarations of commitment signed prior to 2016, the Act limited the duration of sponsors' commitments to three years.<sup>239</sup>

The declaration itself does not necessarily clearly list all obligations, however. In **Germany** and in **Ireland** (SHAP), the declaration is a statement of the sponsor's willingness to financially support beneficiaries after their arrival, as well as pay for their travel to the destination country. As such, sponsors bear responsibility for almost all aspects of beneficiaries' stay, ranging from accommodation, living costs, support to integration and health care costs.

Research showed that, in **Germany**, sponsors have also been required to cover the cost of integration courses (if beneficiaries cannot bear the costs themselves), costs of illness or any required nursing care plus any other costs not explicitly excluded from obligations under admission orders of federal States.<sup>240</sup> A sponsor in Germany is also required to cover departure costs if the beneficiary is deported.

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<sup>237</sup> Information collected through consultation with representatives of civil society organizations in Germany, international organisations, research institutions, and stakeholders in Canada.

<sup>238</sup> Information collected through consultations with representatives of civil society organizations in Germany and representatives of international organisations.

<sup>239</sup> Tometten C., *Resettlement, Humanitarian Admission, and Family Reunion: The Intricacies of Germany's Legal Entry Regimes for Syrian Refugees*, in *Refugee Survey Quarterly*, Volume 37, Issue 2, 1 June 2018, p. 11.

<sup>240</sup> Article 68 para 1 of the Federal Residence Act. Initially, the costs of health care in certain sponsorship schemes operated by Federal States in Germany were fully covered by the sponsor. Covering all medical costs of beneficiaries raised a number of concerns among sponsors and they were later excluded from sponsors' responsibilities towards beneficiaries in some schemes. Medical costs would most likely continue to be excluded in the future sponsorship programme considered at Federal level.

In **Ireland**, sponsors were expected to provide accommodation and any financial needs for the duration of their two-year 'SHAP stamp' (special residence permit),<sup>241</sup> because beneficiaries did not have access to social welfare or public housing assistance. The government covered emergency or essential medical services and medical care for minors. Mainstream services, including English lessons and job search support, were accessible to SHAP beneficiaries. But sponsored beneficiaries in Ireland have reported problems accessing services or finding employment because employers and service providers were unfamiliar with the SHAP Stamp and what rights it entails.<sup>242</sup> The temporary status they received also reportedly made it more difficult to find employment.<sup>243</sup>

The future community-based sponsorship scheme envisaged in **Ireland** will operate within the normal resettlement programme. This means beneficiaries will have access to the same assistance and benefits as regularly resettled refugees.<sup>244</sup>

Sponsors will be expected to provide additional assistance on top of the social assistance payments, if needed, as well as guidance and orientation. National authorities in particular expect sponsors to help with language training since the State has a limited State-run integration and language training programme and public language courses are not always available outside major cities.

Because the government expects many sponsorship places to be offered in villages and smaller cities, the sponsors have to take the lead in providing language training, if public programmes are not available.<sup>245</sup> This has the added value of extending the geographic locations where the government can place sponsored beneficiaries (and also help to mitigate housing shortages in Ireland) by calling on sponsors to provide integration services, rather than limiting sponsorship to places where these services are already available.

#### **Scope of the declaration of commitment in German HAPs**

The declaration of commitment is a legally binding document between the sponsor and the State provided in Section 23 of the Residence Act.<sup>246</sup> The latter foresees private sponsorship only in the context of admissions granted by the federal States under Section 23(1). This section refers explicitly to Section 68 of the Residence Act, which requires that the person signing the declaration of commitment (or the sponsor) be required *'for a period of five years<sup>247</sup> to reimburse all public funds which are expended to cover the foreigner's living expenses, including the provision of living space, medical care in case of illness and any required nursing care, and including any such expenditure which is based on a legal entitlement of the foreigner'*.

Most declarations of commitment have previously included a clause of expiry. This clause usually conditioned expiry with the sponsored foreigner either leaving Germany permanently or changing their 'purpose of stay'. Following provisions of the Residence Act (Section 3 or 4 of the Asylum Act) and of the Asylum Act (Part 5 of Chapter 2), changing

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<sup>241</sup> See:

<http://www.inis.gov.ie/en/INIS/Pages/SYRIAN%20HUMANITARIAN%20ADMISSION%20PROGRAMME>;  
[http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf).

<sup>242</sup> See: [http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf).

<sup>243</sup> See: [http://emn.ie/files/p\\_201612120402502016\\_Resettlement%20Report.pdf](http://emn.ie/files/p_201612120402502016_Resettlement%20Report.pdf) and information collected through an interview with a civil society organisation representative in Ireland.

<sup>244</sup> Thus, including housing assistance payments, social assistance payments and medical care (information collected through an interview with representatives of a civil society organisation and of a national authority in Ireland).

<sup>245</sup> Information collected through an interview with a representative of a national authority in Ireland.

<sup>246</sup> 2008 Residence Act (BGBl. I S. 162) amended in 2018 (BGBl. I S. 342).

<sup>247</sup> Initially, the responsibility of the sponsor under the declarations of commitment was unlimited in time; this was changed by the 2016 Integration Act which limited it to five years.

purpose of stay does not however include being granted international protection or residence for humanitarian reasons. Therefore, the declaration of commitment continues to be valid until the expiry of the newly introduced five-year period. In summary, even where a successful application for international protection or other humanitarian status changes the foreigner's purpose of stay, the declaration of commitment does not automatically expire.

Continuance of sponsor's responsibility after a sponsored beneficiary gained international protection raised issues regarding the proportionality of the financial burden that sponsors are required to bear. Where a beneficiary is granted international protection in Germany, they have the right to access the same assistance available to refugee or subsidiary protection holders, yet sponsors remain financially liable to the State for the cost of these services.

This was confirmed by the Federal Administrative Court's judgment of 26 January 2017,<sup>248</sup> that the continuance of the declaration of commitment does not constitute a violation of EU or international law, particularly not of Article 29 Qualification Directive or Article 23 Refugee Convention. The Federal Court held that these provisions apply only to the sponsored individual, but not to the *sponsor's obligations under the declaration of commitment*. In contrast to some of the arguments exposed by the claimants, the Court ruled that the mere possibility that a foreigner may feel discouraged from accessing the State's social welfare system because of sponsors incurring recourse liability, cannot change this result (in the case before the Court, the sponsored individual had indeed accessed the social welfare system, therefore the Court concluded that he/she obviously had not felt discouraged). This being considered as an *acte claire* by the Federal Administrative Court, no reference to the CJEU was made.<sup>249</sup>

It should be noted that declarations of commitment are not a recent phenomenon in Germany and were set up to support the movement of people fleeing the wars ignited by the break-up of Yugoslavia in the 1990s, with similar issues being raised already at that time. The fairness of the economic burden placed on sponsors had indeed already been dealt with by the Federal Administrative Court in its judgment of 24 November 1998<sup>250</sup> which established that, according to the principle of economic efficiency, an authority that has rendered services or payment to a sponsored individual has to take (full) recourse from the sponsor. The Court did however add that when considering the individual case, this may not be deemed proportional.

While sponsors in German HAPs were initially also responsible for covering beneficiaries' **health care costs**, most federal States have subsequently modified the scope of declarations of commitment and removed this responsibility due to concerns about the burden that health care expenses could place on sponsors. As a result, the federal government decided that health care-related costs should be borne by each federal State<sup>251</sup> on July 24, 2014 rather than by sponsors.<sup>252</sup>

In some States, sponsors bearing a great financial burden are being assisted through civil society initiatives that aim to provide a safety net to sponsors unable or struggling to fulfil their obligations. One example is the initiative '*Flüchtlingspaten Syrien*' established in March 2015 with the goal of helping sponsors meet their financial commitments.<sup>253</sup>

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<sup>248</sup> BVerwG 1 C 10/16.

<sup>249</sup> Riebau A. M. and Hörich C. disagree with the Court regarding the violation of EU law, in: *Zur Frage der Weitergeltung einer Verpflichtungserklärung für anerkannte Flüchtlinge*, Zeitschrift für Ausländerrecht, 2015, pp. 253-257 and after the Court's decision: *Der Streit um die Verpflichtungserklärung geht weiter*, Asylmagazin, 2017 272, pp. 274-275.

<sup>250</sup> BverwG 1 C 33/97.

<sup>251</sup> Not all federal States accepted this however and, in Lower-Saxony, the Land government was not willing to commit to bearing the health care-related costs for all sponsored beneficiaries. The Land government eventually opted not to extend the sponsorship programme after failing to reach a compromise with the German Federal Ministry of the Interior.

<sup>252</sup> EMN, *Study on Resettlement and humanitarian admission programmes in Germany*, October 2016, p. 16, available at: <https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Studien/wp68-emn-resettlement-humanitaere-aufnahme.html>.

<sup>253</sup> See: <https://fluechtlingspaten-syrien.de/>.

#### **4.6.2.2 Humanitarian corridor schemes**

As with the sponsorship eligibility criteria, humanitarian corridor schemes operating in **Belgium, France and Italy** often do not detail the responsibilities of the sponsors (and government). The memoranda or protocols signed with the government list the overall responsibilities of the parties and establish that the signees, and therefore also the sponsors, are responsible for the overall integration of the beneficiary. This requires the provision of support in accessing language courses and general upskilling as well as social and cultural integration. The sponsor is also responsible for assisting with the beneficiary's asylum application, including legal assistance.

An illustration of the flexibility allowed by the framework embedded in the protocols or memoranda of understanding is that they do not indicate what happens to the sponsored individual if they turn to national authorities for accommodation and/or in the case of sponsorship breakdown. Stakeholders consulted in national authorities indicated that beneficiaries' access to national services would be granted and this would only impact the relationship between national authorities and sponsoring organisations and not that between the sponsored beneficiary and the State.<sup>254</sup> This may be seen as a situation creating uncertainties for the beneficiary and as an element of flexibility for all actors involved in operating the scheme.

Except for **Belgium**, where responsibilities last one year, humanitarian corridors also remain vague about the duration of responsibilities. According to stakeholders consulted, in **Italy**, the sponsor is responsible for the beneficiary for a maximum of two years. But since the objective is to ensure integration, it can be longer or shorter as required. In **France**, the duration is approximately one year, with the exception of accommodation which can be extended up to 18 months.

#### **4.6.2.3 Community schemes**

Under these schemes, the sponsor signs an agreement with the government detailing a plan for the sponsorship to which they are contractually bound to adhere. Sponsors mainly play a role in connecting beneficiaries to services and offering a warm welcome when they arrive.

In the **United Kingdom**, the welcome package also requires the family is met and welcomed, escorted to their accommodation, briefed on how to use the amenities, given £200 per person for provisions<sup>255</sup> and given access to integration services as well as financial and reception support. Other 'softer' duties required by the agreement signed by UK sponsors include introducing the beneficiaries to and supporting their attendance at local community activities, such as children's playgroups, local events, etc. Except for housing, which the sponsor must guarantee for two years, the formal responsibility to support beneficiaries lasts one year.

In **Portugal**, the role of sponsors (civil society organisations and municipalities) in providing integration support was well established and the government has exclusively relied on services provided by civil society organisations and municipalities to receive beneficiaries. Sponsors undertake to provide a wide range of services, such as adequate housing (particularly not collective accommodation), access to education (contacting schools, etc.) and to the national health system (including access to mental health care services), access to Portuguese language classes and support in finding employment.<sup>256</sup> Sponsors in Portugal are responsible for the reception and

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<sup>254</sup> Interview with a national authority representative in France.

<sup>255</sup> For adults and children in cash on arrival for initial expenses including groceries, toiletries, clothes, and ensuring the family has sufficient funds to live on while their claim for benefits is being processed (e.g. for a family of five the sponsor would provide £1 000).

<sup>256</sup> Interview with a representative of a national authority in Portugal.

integration beneficiaries for a minimum of 18 months – except for PAR's (Refugee Support Platform) partners that are required to sign an agreement for the provision of services for at least 24 months.<sup>257</sup> After this 18 (or 24 month) period, national authorities arrange an interview with the beneficiary to help them in the transition to the general support system.

#### **4.6.2.4 Ad-hoc private sponsorship schemes**

Within ad-hoc schemes, the agreement is considered on a par with a legally binding contract. In both the **Czech** and **Slovak Republic**, this was a contract between the (faith-based) organisation implementing the scheme and the government that set out the obligations of both parties – with varying degrees of detail. The duration of the responsibilities ranged from 90 days to three years depending, as in other Member States, on the responsibilities endorsed by the sponsor.

For example, under the ad hoc schemes analysed – and in contrast to other schemes studied, sponsors were explicitly required to provide beneficiaries with a (monthly) financial allowance. In both **Poland** and the **Slovak Republic**, this was 100 EUR per beneficiary per month; in the **Slovak Republic**, this was gradually reduced over time. In the **Czech Republic**, financial support was also anticipated for the first 6 months, but the exact amount was not established.

Other responsibilities also varied between schemes: while a sponsor in the **Czech Republic** was only required to provide accommodation within the first six months after arrival,<sup>258</sup> one year was expected in **Poland** and three years in the **Slovak Republic**.<sup>259</sup> Basic health care was generally provided by the State and, in Poland, a sponsor also had to provide health insurance.

There is a notable difference between the schemes implemented in these countries in the scope and duration of the integration support to sponsored beneficiaries.

In **Poland**, integration support was required from sponsors only for the first 90 days after the beneficiaries arrived; the level of support was later criticised by beneficiaries and reportedly encouraged them to move to other Member States or return home.<sup>260</sup>

Conversely, the integration support to sponsored beneficiaries in the **Czech Republic** was subject to a detailed list of clauses in the contract signed with national authorities. Since beneficiaries did not enter the State integration programme, the sponsoring organisation provided their integration process for the first six months after their arrival and included social counselling and assistance, legal counselling and assistance, support to access social benefits and health care system, finding employment, support with enrolling minor children in schools, leisure time for children and finding psychological support. It also included translation support and a free, intensive Czech language course as well as social and cultural orientation.<sup>261</sup>

Similar provisions were included in the contract signed between sponsors and the government in the **Slovak Republic**. This contract also gave the government the right to monitor the project and, specifically, to provide methodological guidance to the sponsor organisation, notably on integration matters. It also included sanctions if

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<sup>257</sup> However, during the second year, the allowance will be reduced depending on the beneficiaries' financial situation.

<sup>258</sup> Sponsors in the Czech Republic had to ensure separate housing for each family in separate flats including equipment no later than 6 months after arrival and ensure support with integration and material help after moving into the 'integration flats' (municipality-owned housing) for up to 12 months after arrival.

<sup>259</sup> Yet only once the beneficiary has been granted national humanitarian protection status (during the asylum procedure, the beneficiary is accommodated in state-run reception facilities).

<sup>260</sup> Interviews with representatives of civil society organisations in Poland.

<sup>261</sup> Information collected from contract signed with the Czech Ministry of Interior (not public) and interviews with representatives of national authorities and civil society organisations.

the sponsor did not fulfil its obligations.<sup>262</sup> Based on this contract, sponsors must provide comprehensive integration services for three years, ranging from covering various administrative fees (e.g. contributions to ensure access to health care system, social security and education for children), to support finding employment and language tuition. One of the main challenges reported in the operation of the scheme was the limited experience of the sponsor organisation in integrating third-country nationals, which prompted national authorities to tightly monitor their work in the first months of the scheme.

#### **4.6.3 Sponsorship breakdown**

There are several reasons behind the potential for the relationship between the sponsor and beneficiary to end early. In **Canada**, stakeholders gave the most common reasons for sponsorship breakdown as secondary migration and family break-up (i.e. divorce).<sup>263</sup> When the sponsorship relationship breaks down, the responsibility or the well-being of the beneficiary generally passes to the State.

Although the resettlement plan in community-based scheme run in the **United Kingdom** was thoroughly checked by national authorities to avoid sponsorship breakdown, in the event it does happen during the first year of the scheme, the local authority and the Home Office would step in to cover financial costs. In theory, sponsored beneficiaries can also bring a case against the Home Office if sponsorship breakdown.<sup>264</sup>

In **Poland**, the lack of preparation of the sponsoring organisation in providing support to beneficiaries may have been why beneficiaries subsequently moved to another Member State. Possible good practice may have been demonstrated by the scheme in **Slovak Republic** where, in the (theoretic) event of non-compliance with duties set out within the sponsorship agreement from the sponsoring organisation, they can be replaced as a last resort by another organisation.

In the event of a 'serious failure' by the sponsor organisation, the financial responsibility for the integration were to be taken over by another partner among the sponsor.<sup>265</sup> In the **Czech Republic**, the contract between the sponsor organisation and the government was very detailed.<sup>266</sup> The sponsor organisation was responsible for providing funding throughout all phases of the implementation of the scheme, but the Ministry of Interior was a backup in case the organisation could not fulfil its obligations.<sup>267</sup>

In contrast, the current schemes implemented in **Germany** have limited 'safety nets' in place *for sponsors*. Beneficiaries may access public services or social assistance, if they need to, but national authorities may also require sponsors to reimburse the costs of services they have provided to beneficiaries, and sponsors are legally bound to pay them.<sup>268</sup> Thus, the future sponsorship scheme envisaged at federal level in

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<sup>262</sup> In theory, the government could change the sponsor organisation, yet it did not happen in practice (information collected through an interview with a national authority in the Slovak Republic).

<sup>263</sup> Interview with sponsoring organization in Canada.

<sup>264</sup> This scenario did not happen in practice. Information collected through an interview with national authorities in the UK.

<sup>265</sup> EMN, Study, *Resettlement and Humanitarian Admission programmes in Europe*, 2016, and the attached Slovak Republic's national report.

<sup>266</sup> Information collected through the contract signed with the Ministry of Interior (not public), interviews with representatives of national authorities in the Czech Republic.

<sup>267</sup> Contract signed with the government (not public), Government Resolution 1052, and interviews with representatives of national authorities.

<sup>268</sup> However, sponsors may contest this if they can prove before a Court on the basis of a lack of proportionality in the national authorities' request for reimbursement.



Germany may include a sponsorship fund to cover the costs of sponsorship breakdown, <sup>269</sup> to relieve the potential financial burden on sponsors.

In **France**, one sponsoring organisation has established an emergency fund in case the beneficiary wants to move to alternative accommodation with the fund covering the costs of renting in a different city. Each sponsor group has a designated contact point or person of reference who will liaise with the organisation to find an alternative solution for the family.<sup>270</sup> Some organisational sponsors also established an emergency fund in case the sponsoring group can no longer pay beneficiaries' accommodation fees. In **Italy**, there is no formal follow-up in the event of sponsorship breakdown. However, the network of organisations will try to find a solution, possibly by moving the beneficiary to new accommodation. It is through this network that the relationship between sponsor and beneficiary is monitored in Italy and any anomalies are reported to the central body of the organisation.<sup>271</sup>

When sponsorship breakdowns in **Canada**, the sponsoring organisation (Sponsorship Agreement Holder or SAH) or the immigration authorities (Immigration, Refugees, and Citizenship Canada or IRCC) will first attempt to find the refugee family another sponsor in their new location. If none can be found, refugees will instead receive social assistance benefits within their province or the national refugee assistance programme, depending on the terms of their sponsorship. Sponsors found to be at fault for a breakdown may have it weighed against them if they apply to sponsor in the future.

#### **4.6.4 Information, support and training to sponsors**

In some schemes, formal training and support mechanisms for sponsors exist. For example, in **the United Kingdom**, sponsors currently receive pre-application training from Caritas,<sup>272</sup> while the 'Reset network' was recently tasked with providing ongoing support,<sup>273</sup> and training is provided to individual sponsors by the organisations that are part of the Refugee Support Platform in **Portugal**. In **France**, volunteers in the sponsoring group receive help from the organisational sponsors which remain available to answer any practical questions via a point of contact.<sup>274</sup> Training sessions and capacity building measures to help sponsors fulfil their sponsorship obligations are also being considered in **Germany**.<sup>275</sup>

##### **Refugee Sponsorship Training Program in Canada**

In Canada, national authorities fund a Refugee Sponsorship Training Program (RSTP). The support network for sponsors in Canada has, however, been criticised because sponsors are not required to complete training with many unaware that such training exists. Low participation then generated certain problems around the

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<sup>269</sup> Such an example exists in the Canadian province of Manitoba.

<sup>270</sup> Interview with a civil society representative in France.

<sup>271</sup> Information collected through interview with a sponsor organisation in Italy.

<sup>272</sup> As part of the selection process sponsors have to undergo an induction day, in which they meet IOM and the Home Office to get a better idea of what sponsorship means and receive some insight to the process and cultural context of beneficiaries. A workshop to help manage expectations of sponsors (e.g. beneficiaries are not always grateful to be in the situation of sponsorship) (Interview with a representative of a national authority in the United Kingdom).

<sup>273</sup> 'Reset' (<https://www.resetuk.org/>) is a consortium of 11 civil society organisations that will provide training to sponsors (once they have been selected). It will provide training for example on 'refugee-specific' training on topics such as trauma, adapting to a new life and country, etc. (Information also collected through an interview with a representative of a national authority in the United Kingdom).

<sup>274</sup> Information collected through interview with a sponsor organisation in France.

<sup>275</sup> Information collected through consultation with a representative of a national authority in Germany.

sponsorship relationship<sup>276</sup> and several changes have been made to deal with this lack of support for sponsors. These include better promotion of RSTP services across Canada and among sponsors. In addition, Blended Visa Office-Referred (BVOR) sponsors are now required to complete training before being matched with a refugee. Canadian stakeholders consulted stressed that training and support is essential to any new sponsorship programme<sup>277</sup> and that training should be provided by NGOs, with local/specific training preferred. NGOs were preferred over governmental providers because they were considered more flexible in terms of responding to the needs of sponsors. NGOs were also perceived as having the ability to engage sponsors in honest conversations, something governments might not.<sup>278</sup> Whether training should be mandatory was a point of debate among stakeholders. Some stakeholders felt that training should be mandatory, to ensure that sponsors are fully prepared to fulfil their roles, while others feared that mandatory training courses could turn potential sponsors away.<sup>279</sup>

### **Summary: Responsibilities of the sponsor**

A **central feature of sponsorship schemes** is the allocation of certain responsibilities to private actors (individuals or organisations) in the pre-departure, transfer to the destination country, post-arrival and integration phases.

The signature of a **sponsorship agreement** is the first document to provide an outline of the type and duration of responsibilities endorsed by a sponsor. The existence of such a document constitutes good practice in the implementation of schemes since it contains indications on the allocation of responsibilities between the sponsor and other public authorities. In most sponsorship schemes analysed, an agreement is signed between the sponsor (either an individual or an organisation) and national authorities responsible of asylum matters. The latter can take various forms depending on the type of sponsorship scheme and its objective: either a contract (e.g. contracts, memoranda of understanding, protocols) or established in national legislation (e.g. declarations of commitment).

The **allocation of responsibilities** between a sponsor and national authorities also varies depending on the type of scheme implemented.

- In humanitarian corridor programmes, a rather loose approach to the allocation of responsibilities was adopted by stakeholders' parties to the memoranda of understanding and protocols. The flexibility offered by this option was welcomed by stakeholders.
- Community-based sponsorships (e.g. **United Kingdom**) adopted a detailed account of sponsor obligations, requiring a resettlement plan signed between the sponsoring group and national authorities.
- Ad-hoc sponsorship schemes that were implemented in **Czech Republic, Slovak Republic** and **Poland** operated based on a contract signed between sponsoring organisations and national authorities. The latter included, in some instances such as in the **Czech Republic**, a very wide range of obligations on the sponsors, including integration courses and a financial allowance.
- Humanitarian admission programmes and facilitated family reunification

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<sup>276</sup> For example, one study based on interviews with sponsors and refugees in Ontario observed sponsors acting in "paternalistic" ways, such as controlling refugees' bank accounts, preventing them from attending mosque, and interfering with refugees' family and personal relationships.  
[http://docs.wixstatic.com/ugd/b89524\\_e2207c535cda46c7ae85bb4539add26d.pdf](http://docs.wixstatic.com/ugd/b89524_e2207c535cda46c7ae85bb4539add26d.pdf).

<sup>277</sup> Interviews with RSTP, Mennonite Central Committee, and Craig Damian Smith.

<sup>278</sup> Interview with RSTP, Canada.

<sup>279</sup> Interview with Craig Damian Smith and the Mennonite Central Committee.

schemes set sponsor obligations through the signature by the sponsor of a declaration of commitment. Such declarations include a wide-ranging support to beneficiaries and the sponsor bear the responsibility for almost all aspects of the integration of the beneficiary. Coupled with the duration of the declaration, this ignited debates around the scope of the obligations endorsed by sponsors in one Member State (**Germany**), particularly where the sponsor was covering all medical costs. Here, good practice identified in the allocation of responsibilities between the sponsor and national authorities was that national authorities should provide beneficiaries with basic healthcare. Furthermore, although this 'model' of allocation of responsibilities may put a strain on the sponsor given the extent of their obligations, this does not impact the responsibilities of the public authorities since the beneficiary can still access the State's social welfare system. That national authorities may then claim reimbursement from the sponsor for these costs based on the declaration of commitment is a policy choice in the design of the sponsorship scheme.

The study identified a few schemes with a 'safety-net' or **contingency measures** in their design in case of **sponsorship breakdown** or where the sponsor can no longer support beneficiaries. These ranged from establishing an emergency fund to the intervention of national authorities in the management of the scheme by sponsoring organisations. Good practice to avoid sponsorship breakdown is to provide sponsors with sufficient **information, support and/or training** before the start of the sponsorship and throughout the duration of the support. Such practices were established in few schemes, which could be explained by the novelty of implementing sponsorship schemes in Europe.

#### **4.7 Monitoring and evaluation of sponsorship schemes**

Monitoring is important to regularly measure whether the scheme is achieving its objectives and to better understand the relationship between sponsor and beneficiary. Evaluation is crucial for understanding the long-term effectiveness, relevance, coherence, efficiency and sustainability of the scheme.

The study finds that monitoring the relationship between beneficiary and sponsor within private sponsorship schemes is often conducted informally, while the number of formal evaluations is rather limited.

Among the sponsorship schemes in the **United Kingdom** and **Portugal**, monitoring the relationship is undertaken most systematically through a mix of formal and informal methods. In the **United Kingdom**, strategic migration partners represent the 12 regions, and each has responsibility to support sponsorship. A contact officer will conduct a monitoring visit at month one, three and nine during the first year and has a discussion/interview with the sponsor group and separately meets the beneficiary family. Through this arrangement, contact officer may also notice dynamics within the relationship and possibly decide to return later to ask further questions.

Under the scheme in the **United Kingdom**, the sponsor is also required – on request – to provide relevant information to the Home Office to support monitoring and evaluation of the sponsorship arrangement and the wider sponsorship scheme. As suggested by stakeholders consulted<sup>280</sup>, the scheme implemented foresees a very rigorous selection process by the end of which it should be clear to the Home Office whether the prospective sponsor will be able to fulfil their duties in full. This system

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<sup>280</sup> Interview with a representative of a national authority in the UK.

aims at success by design, rather than requiring lengthy assistance and follow-up throughout the duration of the sponsorship.

Similarly, in **Portugal**, the Jesuit Refugee Service (JRS) oversees liaising between sponsors and beneficiaries and will regularly visit beneficiaries and the accommodation in which they have been placed to ensure that it meets the minimum standards. If any of the sponsor organisations identify any problems, they can also turn to the Working Group<sup>281</sup> and ask for help. For example, if the Refugee Support Platform (PAR) identifies any issues with the services provided by their partners during their 'quality checking' they can request assistance from the Working Group.<sup>282</sup> If, on the other hand, the beneficiaries face any difficulties in accessing their rights, they can make a complaint through the hotline established by the High Commission for Migration or formalise the complaint at any of the High Commission for Migration's local and national centres.

Other countries have informal monitoring mechanisms and more formal evaluation systems in place.

In **Italy**, monitoring groups including members from the sponsors, the Ministries of Interior and of Foreign Affairs, NGOs and all relevant stakeholders have been established to meet regularly, particularly before an arrival. The scheme itself will be evaluated after the first semester and upon conclusion.

**France** has a similar mechanism whereby NGOs and the Ministries of Interior and of Foreign Affairs agreed to meet every three months to discuss any challenges encountered in the operation of the humanitarian corridor and an evaluation is also foreseen, once by the end of the first semester and again upon conclusion.<sup>283</sup> As mentioned by a representative of a national authority in France, the project took some time to launch due to delays in the selection process and there was little use of such meetings in the first months of the implementation of the project. In practice, national authorities began to receive feedback from the NGO counterparts only one year after the scheme began.<sup>284</sup> Parties to the protocol have thus opted to wait for the scheme to end to see if any changes need to be implemented, or whether it may continue as is.

In the **Slovak Republic**, given the ad-hoc feature of the scheme implemented and the government's expressed intention not to repeat such an initiative, national authorities – including those in charge of the integration of beneficiaries of international protection – informally organised monitoring of the sponsoring organisation and the completion of its obligations. National officials then regularly visited beneficiaries at their accommodation and provided guidance to the sponsoring organisation where necessary. In the **Czech Republic**, the contract signed with the sponsor organisation clearly indicated the obligation of the Ministry of Interior to provide 'methodological support' to the sponsor organisation. The latter had to also send weekly reports to the Ministry on the implementation of the scheme during its first months.

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<sup>281</sup> Working Group of the European Agenda for Migration.

<sup>282</sup> Interview with the High Commission for Migration.

<sup>283</sup> Article 6 of the Protocol.

<sup>284</sup> Interview with a representative of a national authority in France.

## **5 Assessment of options for EU action**

This section presents a description of the options for possible EU action to support private sponsorship programmes that have been elaborated as part of the study. These include the 'no change' option, in which no additional EU action is undertaken, an option which envisages some 'soft' measures, as well as a financing/funding option and a legislative option.

### **5.1 Description of the status quo and options**

#### **5.1.1 Option 1: Status quo**

A first option for EU action would be to maintain the status quo. This would mean that Member States retain the liberty to set up a sponsorship programme or not and, if they do so, the freedom to design, support, and operate their sponsorship programmes as they choose. The EU level would continue to have a limited remit to steer the setup and the design of these programmes, and any input from the EU level would come primarily through existing measures which could be used, to a limited extent, to shape and support the development and implementation of resettlement and integration projects.

At present, the status quo allows Member States to:

- Decide to establish or not to establish private sponsorship schemes;
- Determine independently whether they wish to run sponsorship schemes as a separate admissions channel or as an element of the existing resettlement, humanitarian admission, or relocation system, and the annual quota they set for (each) channel;
- Design their own private sponsorship programmes, including setting eligibility criteria for beneficiaries and for sponsors, determining the types and duration of sponsors' responsibilities, and establishing the status and benefits that beneficiaries may access, provided it does not breach or overlap with existing EU asylum and migration acquis;
- Rely primarily on funding at the national level for the creation and operation of sponsorship schemes, or through partnership with CSOs or private charity.

The EU level has acted to:

- Commission an in-depth mapping of the sponsorship schemes and programmes that have been implemented in the EU to date and an investigation into the feasibility of EU action in this domain (i.e. the present study). And in 2015, the Commission issued a grant to IOM, ICMC, and UNHCR to map the legal contexts and feasibility of additional channels of entry for persons in need of protection, including private sponsorship;
- Fund some elements of sponsorship programmes under the existing AMIF. Even though neither the AMIF Regulation nor its Annual Work Programmes have explicitly mentioned this funding option so far, it is legally possible under the current Regulation. But without a specific mention of sponsorship, the existing funding structure neither encourages nor discourages the set up and implementation of sponsorship programmes. Member States can access financial support for sponsorship via the AMIF through Union Actions and National Programmes, as well as through lump sum funding allocated for resettlement:
  - To date, two calls for proposals under Union Actions have explicitly referred to actions to develop or support elements of sponsorship programmes. Sponsorship support projects could be funded under priorities related to integration or resettlement, provided the proposed activities are aligned with the goals of the AMIF. The 2016 and 2017 Annual Work Programmes included calls for proposals to support the integration of third-country

nationals who have been resettled or relocated,<sup>285</sup> and the 2017 Annual Work Programme specifically included a priority on support for volunteering activities related to integration. The remaining 2019 and 2020 annual work programmes could potentially include calls for proposals to support sponsorship-related activities; potential activities could include creating national platforms to raise awareness about becoming a sponsor or share information with existing sponsors, developing a training programme for sponsors on their responsibilities and how to work with refugees, or even funding for staff within government authorities to develop the administrative aspects of a new sponsorship programme (currently a critical gap for several of the consulted Member States). Such activities could be justified under the current AMIF on the basis that sponsorship has the potential to contribute to better integration outcomes or greater capacity to conduct resettlement;

- Member States dedicate 20 percent of their AMIF National Programmes to activities that strengthen the CEAS (including resettlement and humanitarian admission) and a further 20 percent to activities that facilitate legal migration and integration. Member States could draw on these budgets to support the development of their sponsorship programmes;
- Finally, sponsorship programmes that operated within the context of resettlement and facilitated Member States' contributions to the Union Resettlement Programme could be eligible for lump sum funding (EUR 6,000 or EUR 10,000) if the AMIF definition of resettlement is respected;
- Provide practical guidance and information on sponsorship schemes. To date, sponsorship-specific capacity-building activities at the EU level have been limited to creating a network of interested Member States (the EASO PSP Pilot Project Network). The working group, facilitated by the EASO, aims to gather knowledge and experiences on private sponsorship and provide a forum for learning and exchange of practices and information among Member States.<sup>286</sup> The first phase of the working group runs through the first half of 2018, with possible additional activities to be launched in September 2018.

overall, private sponsorship activities, including activities to support or promote private sponsorship, are primarily driven by Member State national authorities, interested CSOs, or international organisations. Coordination and learning between Member States occurs, but primarily happens on an ad-hoc basis or under the aegis of private initiatives. There has been a proliferation of private or internationally-led sponsorship peer support initiatives since 2015. To date, such exchanges have occurred as part of the Annual Tripartite Consultations on Resettlement (ATCR), through the European Resettlement Network Plus (ERN+), and with the government of Canada's Global Refugee Sponsorship Initiative (GRSI). More recently the EASO PSP Pilot Network has added an EU dimension to the landscape of sponsorship peer support. Participation in such initiatives is optional and done in a voluntary manner.

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<sup>285</sup> The 2016 Annual Work Programme included EUR 17.6 million under call 2.2.1 for "proposals to support transnational projects to integrate third-country nationals." Priority 2 of the call made available funding for "pre-departure and post-arrival support for the integration of persons in need of international protection who are being relocated within the EU or resettled from a third country." See: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20170518\\_revised\\_2nd\\_awp\\_amif\\_2016\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/20170518_revised_2nd_awp_amif_2016_en.pdf). In 2017, the Annual Work Programme included EUR 25 million for a "call for proposals to support transnational actions to integrate third-country nationals in the EU Member States," and priority 3 specified funding for "pre-departure and post-arrival support for the integration of persons in need of international protection in particular when having been resettled from a third country including through volunteering activities." See: [http://ec.europa.eu/research/participants/data/ref/other\\_eu\\_prog/home/wp/amif-awp-2017\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/other_eu_prog/home/wp/amif-awp-2017_en.pdf).

<sup>286</sup> See: [https://www.resettlement.eu/sites/icmc/files/EASO\\_Pilot%20Project\\_Clean.pdf](https://www.resettlement.eu/sites/icmc/files/EASO_Pilot%20Project_Clean.pdf)

Within the status quo, Member States would continue to design and implement sponsorship schemes as they see most fitting, reflective of each country's policy priorities and its legal and institutional context. Some Member States would develop private sponsorship schemes as part of resettlement programmes, others would operate outside of those, while still others would opt not to engage in sponsorship. From a national perspective, this flexibility would allow Member States to draw on sponsorship and other legal channels in line with its asylum and migration strategy, and to operate a sponsorship scheme in respect of the country's legal and institutional specificities, but also to be responsive to the interests and proposals put forward by CSOs, communities and other actors with an ambition to support protection on the territory.

The EU level would continue to provide the legal framework within which those schemes need to operate (i.e. asylum acquis) and as such monitor compliance as new programmes are set up or are revised by Member States. The EU is currently exploring this option to encourage the uptake of sponsorship across a larger number of Member States, via funding and peer support (EASO PSP Pilot Network).

### **5.1.2 Option 2: Soft measures**

A second option would be for the EU institutions to support sponsorship schemes using soft measures, including training programmes, capacity building, toolkits and operational guidance, and peer-learning activities. Uptake of and participation in these measures would be voluntary, and Member States would retain ownership of setting their own standards for the design and operation of their programmes.

Soft measures could target two levels:

1. First, training, toolkits, and peer learning could be offered to **Member State** officials who are responsible for designing and implementing sponsorship programmes. These initiatives could build on EASO's existing PSP Pilot Project Network and could serve multiple aims.<sup>287</sup> At an operational level, peer learning measures could provide guidance to Member States who are considering the creation of their sponsorship programmes, thus reducing the "start-up costs" of engaging in sponsorship. They could also be a resource for Member States who are already operating sponsorship programmes to encourage innovation or greater (cost) effectiveness or who would benefit from greater operational support. To the extent that design or operational tools offered by peer support projects were used by Member States, they would encourage a degree of consistency in how sponsorship is done.

Measures that could accomplish these goals include:

- Toolkits with resources such as a sample sponsorship plan, a sample sponsorship agreement form, a tool for testing sponsors' financial resources, or written information on the type of responsibilities sponsors could take on and how these relate to the requirements of the CEAS.
- Trainings for officials on topics such as how to assess sponsors' eligibility, how to match refugees and sponsors, or how to monitor sponsorship groups and mediate disputes.
- Networking and coordination platform for officials involved in implementing and designing sponsorship programs (either through periodic meetings or online).
- Initiatives that enable officials working on sponsorship in experienced Member States to share their knowledge with officials in other Member States through mentoring programmes, study visits, opportunities to consult on the design of programmes, or secondments.

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<sup>287</sup> The goals described here draw on a recent study examining resettlement peer support programmes. See <https://www.migrationpolicy.org/research/scaling-refugee-resettlement-europe-role-institutional-peer-support>.

- Conducting or commissioning research or impact assessments on the effects of sponsorship within EU Member States.

In addition, peer learning can serve to motivate new Member States to initiate sponsorship programmes, through roundtable exchanges or visits by high-level officials to countries operating sponsorship programmes. Peer support can also foster supportive relationships between stakeholders involved in carrying out sponsorship programmes. Activities like coordination meetings, study visits, or mentoring can create opportunities to build these relationships.

2. Second, soft support measures could target **sponsors and the civil society organisations** who are engaged in sponsorship activities. Several stakeholders mentioned that while they perceive sponsor training and ongoing support as critical to the success of sponsorship programmes, the staff or financial resources are not always available for Member State officials to organise this themselves.<sup>288</sup> Support measures designed to benefit civil society or sponsors could include:

- Trainings or training materials (e.g. handbooks, webinars, videos) that could be used by sponsors directly, or these materials could be used by those currently providing training to sponsors (e.g. CSOs). Such materials could focus on aspects of sponsorship that are common across Member States, such as how to manage cultural differences, information on beneficiaries' countries of origin, or how to avoid dependency and support beneficiaries in transitioning at the end of a sponsorship arrangement;
- A peer support network for CSOs working on sponsorship at the national level. The network could exist online or have periodic in-person meetings. The network would be an opportunity to share best practices, potential challenges, and experiences among the CSO groups that work most closely with sponsors and beneficiaries;
- A central online database of information and resources on sponsorship schemes and approaches, with links to appropriate contact points at the national level.

Soft measures and peer support initiatives could be funded via existing EU funding lines (e.g. via the AMIF) and coordinated by an EU body such as EASO. As the multiannual financial framework 2014-2020 is getting closer to the end, support initiatives and funding under AMIF are considered a soft measure as they would not require a change in existing regulations.

Stakeholders consulted for the study were clear, however, that any new peer support initiatives should be complementary to existing efforts and avoid proliferating the demands on officials' time for little gain. As peer support initiatives regarding resettlement, sponsorship and other legal channels have proliferated, stakeholders have at times been overwhelmed by the volume of requests for their participation in these initiatives, and have found themselves short on time to actually design and run their own programmes.<sup>289</sup> This challenge is exacerbated by the fact that in many Member States, just one or two people are responsible for resettlement and humanitarian admission activities at a policy level. An EU-level peer support initiative would potentially play a coordinating role by facilitating communication between various initiatives and helping to avoid duplication. This would need to be done, however, with careful attention to the interests of the actors involved in each of the initiatives, who might have different or divergent goals in mind regarding their efforts to promote sponsorship.

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<sup>288</sup> Interviews with Craig Damian Smith, representatives of the UK Home Office and of the Ministry of Justice in Ireland.

<sup>289</sup> This concern was shared during the consultations by stakeholders in Germany, France, and the Netherlands. See also, <https://www.migrationpolicy.org/research/scaling-refugee-resettlement-europe-role-institutional-peer-support>.



### **5.1.3 Option 3: Funding of sponsorship schemes**

A third option would be for the EU institutions to support sponsorship schemes using relevant funding instruments, targeting sponsorship schemes specifically.

Support to sponsorship schemes is provided under the current 2014-2020 Asylum, Migration and Integration Fund (AMIF): Member States can access financial support for sponsorship via the AMIF through Union Actions and National Programmes, as well as through lump sum funding allocated for resettlement (see above Option 1 on the status quo). The AMIF is getting closer to an end. Furthermore, without a specific mention of sponsorship in the AMIF Regulation, the existing funding structure neither encourages nor discourages the set up and implementation of sponsorship programmes.

The Commission's proposal for a new Asylum and Migration Fund (AMF) for the financial period 2021-2027 was adopted on 12 June 2018.<sup>290</sup> In its 2 May 2018 proposal on the 2021-2027 Multi-Annual Financial Framework, the Commission proposed to significantly reinforce the overall Union Budget for the management of migration and external borders, by increasing it by over 2.6 times, including an increase to the funding allocated to the decentralised Agencies in this area (EASO, EU-Lisa, etc.).<sup>291</sup> The proposed envelope for the AMF is EUR 10 415 000 000.

As the AMF proposal is currently formulated, private sponsorship schemes would fall under its scope of support. Article 3(2)(a) specifies that the Fund shall contribute "to strengthen and develop all aspects of the Common European Asylum System, including its external dimension" (30% of the budget is allocated to this specific objective),<sup>292</sup> and in particular "support the actions listed in Annex III(2)(f)"<sup>293</sup> as "actions related to the conducting of procedures for the implementation of the Union Resettlement Framework or national resettlement schemes that are compatible with the Union Resettlement Framework".<sup>294</sup> Although this definition comprises the majority of sponsorship programmes, it could also be broadened in order to include other channels of entry implemented by Member States, apart from those that could be classified under national resettlement or humanitarian admission schemes.

The Fund's implementation is foreseen by means of shared or direct/indirect management. The global resources are proposed to be allocated as follows:

- 60 % to the Member States' programmes; and
- 40 % to the thematic facility, which will periodically provide funding for several specific priorities, defined through annual or multiannual work programmes adopted by Commission Implementing Decision. This will include the disbursement of funds for specific actions at national or transnational level, Union actions, emergency assistance, resettlement, solidarity and responsibility efforts and the European Migration Network. The thematic facility envelope will also be used for the technical assistance at the initiative of the Commission.

Member States' national programmes would remain, as under the current AMIF Regulation, a funding opportunity for sponsorship schemes. Funds would be allocated to Member States that adopt multiannual national programmes and could target the

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<sup>290</sup> Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, 12.6.2018, COM(2018) 471 final 2018/0248 (COD).

<sup>291</sup> Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, 12.6.2018, COM(2018) 471 final 2018/0248 (COD).

<sup>292</sup> Within asylum, it is proposed to give a 60% weighting to the number of first time asylum applications, 30% weighting to the number of persons with international protection status in a Member State and a 10% weighting to the number of people resettled.

<sup>293</sup> Article 4(1) of the Proposal.

<sup>294</sup> Annex III(2)(f) of the Proposal.

set-up and development of specific private sponsorship programmes. Member States' programmes would fall under the thematic facility, and the European Commission could target support for designing, implementing and/or monitoring and evaluating a sponsorship programme as a specific priority in its annual or multiannual programmes.

Medium and long-term integration of third-country nationals would not be under the AMF any more, as it is currently the case for the AMIF, but would fall under the Cohesion Policy Funds, in particular the ESF+. The impact of such a change is difficult to measure at this stage, but the following general considerations can be made:

- There is a risk that integration of third-country nationals would be 'lost' among the other cohesion Funds, with no targeted measures taking into account specific needs;
- On the other hand, ESF+ would add the social inclusion perspective to the integration measures for third-country nationals, as well as a regional perspective that could be much more efficient than the national one.

However, short-term integration of third-country nationals would continue to be funded via the AMF through support actions to national governments, local and regional authorities and civil society groups.<sup>295</sup> In relation to private sponsorship schemes, support for integration could, for example, focus on early integration measures and aim at facilitating first key integration steps such as language courses but also capacity-building for authorities in charge of integration policy, one-stop information shops for newly-arrived legally staying migrants and exchanges between legally staying recently-arrived migrants and members of the host community.

Under the AMF it is proposed to give 30% weighting to the area of asylum, 30% to the area of legal migration and integration and 40% to the area of countering irregular migration including returns.

#### **5.1.4 Option 4: Legislative action**

A fourth option available to the EU would be taking legislative action with the aim of establishing a common or harmonised EU system of private sponsorship to support resettlement and other legal pathways to protection. While this option could materialise in several ways, the need for an additional legislative instrument specifically on private sponsorship mostly depends on the outcome of the ongoing negotiations on the **proposal for a Union Resettlement Framework Regulation**.

At the current state of play of negotiations of the Framework, most types of sponsorship schemes currently operating or being designed at Member State level would be covered by this new Regulation. For example, ad-hoc schemes that ran in Czech Republic, Slovak Republic and Poland were hybrid schemes, drawing simultaneously on resettlement, humanitarian admission and humanitarian corridors' features. Humanitarian corridor programmes could also be covered by the Union Resettlement Framework on the condition that the visa requirements for the entry and stay of beneficiaries admitted under the Framework on the territory of a Member State would remain dependent on national legislation. Furthermore, the provisional political compromise on the Framework would appear to include humanitarian admission programmes within its scope, e.g. community-based sponsorship scheme operating in the UK (and now in Ireland) that is run as an integral part of the national resettlement programme; the sponsorship scheme tentatively being explored in the Netherlands would potentially also be operating within the Dutch resettlement programme. Humanitarian admission programmes implemented by federal States in Germany would also be included in the scope of the Framework as well as the future scheme designed to be implemented at the federal level.

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<sup>295</sup> In the area of integration, 60% of weighting is given to the number of first time residence permits and 40% to the total number of third-country nationals in a Member State in a given year.

Main differences between current programmes and the one defined in the Framework concern harmonisation in the following areas:

- *The protection status granted to beneficiaries:* under the Framework, individuals admitted through humanitarian admission should be granted international protection or a humanitarian status under national law guaranteeing equivalent rights as subsidiary protection under the Qualification Regulation; and
- *Refusal and discontinuation grounds:* they are developed in a more comprehensive way under the Framework compared to the more generic (and undefined) security checks included in the sponsorship schemes researched.

The Union Resettlement Framework does not comprise provisions on the private-sponsorship-specific features, namely the role of sponsors in the referral process or guidance on the allocation of responsibilities between sponsors and the government.

While the need, added value and proportionality of an EU legislative action would need to be carefully researched, a possible **EU legislation on private sponsorship schemes** could complement the (future) Union Resettlement Framework and aim at harmonising some of the private-sponsorship specific features of such schemes in Member States that would decide to establish one. Such EU legislative instrument might be based on Article 78(2)(d) TFEU.

This instrument could take the form of a Regulation or a Directive. Stakeholder consultations indicated that a Directive would be more appropriate in the context of sponsorship schemes, as the aim of the instrument would be to harmonise standards notably regarding the role of the sponsor and the relationship of the sponsor and the State, leaving Member States the liberty to setup a sponsorship programme or not.<sup>296</sup>

Based on the above and on views gathered during stakeholder consultations – and subject to the principle of subsidiarity – such instrument could set out:

- The role of the sponsor in referrals of potential beneficiaries of sponsorship schemes, either via international organisations (e.g. UNHCR), by State authorities, other organisations, or private individuals;
- The nature of sponsor's obligations;
- A maximum duration of the sponsors' obligations (e.g. 5 years) in an agreement signed by sponsors with national authorities or specified in national legislation;
- Monitoring and evaluation provisions of the schemes throughout their implementation by national authorities.

The option for EU legislative action, however, was not perceived favourably by most stakeholders consulted, both by civil society and national authorities' representatives alike, for the following reasons:

- Firstly, there is a fear that a legislative instrument at EU level would run the risk of greatly reducing the variety of approaches and innovative solutions found at Member State level.<sup>297</sup> Should the overall objective of the EU be increasing the number of persons admitted via such additional legal pathways, a legislative framework at EU level could in fact lead to opposite outcomes. Indeed, implementation of private sponsorship schemes is still in its early stages in Member States and most of the schemes were implemented as 'pilot schemes' where Member States tested how sponsorship schemes could be

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<sup>296</sup> Interview with a representative of the European Parliament and representative of a CSO in Italy.

<sup>297</sup> Interview with a representative of a national authority in Germany.

implemented within existing national legislation. Therefore, it was argued that flexibility in the design and operation of sponsorship schemes is still needed and a rigid framework adopted at EU level could eventually undermine willingness among Member States interested in testing such innovative solutions.<sup>298</sup> A 'top down' approach could thus risk creating unnecessary political tensions with (and within) Member States, greatly limiting the added value of such option in practice.<sup>299</sup>

- Furthermore, the need for an additional legal instrument should also be weighed against existing EU asylum acquis and ongoing legislative proposals, in particular the current proposal for a Union Resettlement Framework.<sup>300</sup> Due to the fact that certain sponsorship schemes are run as part of resettlement programmes and others could be covered by the scope of the humanitarian admission programmes defined by the proposal, an additional instrument would only be useful if it was to cover private sponsorship-specific features. Otherwise it would run the obvious risk of overlapping scopes of the two instruments. It was noted that a separate instrument may ultimately blur the lines with Member States' efforts on resettlement or even discourage Member States to admit third-country nationals in need of international protection via different channels than resettlement.<sup>301</sup> Stakeholders were also of the view that EU action on sponsorship schemes should be developed within existing CEAS framework and ensure its consistent application throughout Member States instead of adding potential confusion with an additional legal instrument.<sup>302</sup>

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<sup>298</sup> Interview with representatives of the European Parliament, of a civil society organisation in Germany and of a national authority in Portugal.

<sup>299</sup> Interview with an academic expert.

<sup>300</sup> Interview with an international organisation. Another international organisation raised concerns about the added value of formally setting out common standards/conditions for sponsorship, considering that the current political climate would result in a 'lowest common denominator' to setting any kind of standards.

<sup>301</sup> Interview with a representative of an international organisation.

<sup>302</sup> Interview with a representative of an international organisation and of a research institution.

Table 1. Overview of the description of the status quo and options.

Options	Scope of action for EU and MS	EU measures (current/future)
<p><b>Status Quo</b></p>	<p><b>Scope of action for EU:</b></p> <ul style="list-style-type: none"> <li>• EU-level input would shape the set-up, design and implementation of sponsorship programmes to a limited extent (e.g. through some funding or provision of practical guidance and other soft measures);</li> <li>• EU would provide overall legal framework (i.e. asylum acquis) within which Member States' private sponsorship schemes operate and need to comply with and which compliance is being monitored by the Commission.</li> </ul> <p><b>Scope of action for MS:</b></p> <ul style="list-style-type: none"> <li>• MS would decide whether to establish private sponsorship schemes;</li> <li>• MS would determine independently whether to run sponsorship schemes as a separate admission channel or as an element of the existing resettlement, humanitarian admission, or relocation system, and set an annual quota for (each) channel;</li> <li>• MS would design their own sponsorship programmes (incl. determining eligibility criteria for beneficiaries and for sponsors, the types and duration of sponsors' responsibilities, and the status and benefits that beneficiaries may access) in accordance with EU asylum acquis;</li> <li>• MS would rely primarily on funding at the national level for the creation and operation of sponsorship schemes, or through partnership with CSOs or private charity.</li> </ul>	<p><b>The EU level has acted to:</b></p> <ul style="list-style-type: none"> <li>• Commission an in-depth mapping of the sponsorship schemes and programmes that have been implemented in the EU to date and an investigation into the feasibility of EU action in this domain;</li> <li>• Fund some elements of PSP under the existing AMIF (e.g. via proposals under Union Actions, AMIF national programmes, or lump sums for resettled persons under the Union Resettlement Programme);</li> <li>• Provide some practical guidance and information on sponsorship schemes (e.g. via EASO PSP Pilot Network).</li> </ul>
<p><b>Soft Measures</b></p>	<p><b>Scope of action for EU:</b></p> <ul style="list-style-type: none"> <li>• EU institutions would support and coordinate private sponsorship schemes using soft measures (incl. training programmes, toolkits and operational guidance, and peer-</li> </ul>	<p><b>Measures targeting MS:</b></p> <ul style="list-style-type: none"> <li>• Toolkits with resources (e.g. sample sponsorship plans and agreements, a tool for testing sponsors' financial resources, or written information on the type of responsibilities sponsors</li> </ul>

	<p>learning activities);</p> <ul style="list-style-type: none"> <li>• Soft measures and peer support activities would be funded via EU funding lines and coordinated by an EU body, such as EASO.</li> </ul> <p><b>Scope of action for MS:</b></p> <ul style="list-style-type: none"> <li>• MS would choose whether to establish private sponsorship programmes;</li> <li>• MS would set their own standards for the design and operation of sponsorship programmes;</li> <li>• MS voluntarily would choose whether to participate in soft measure activities or use soft measure tools.</li> </ul>	<p>could take on and how these relate to the requirements of the CEAS);</p> <ul style="list-style-type: none"> <li>• Trainings for officials (e.g. on how to assess sponsors' eligibility, how to match refugees and sponsors, or how to monitor sponsorship groups and mediate disputes);</li> <li>• Networking and coordination platform for officials involved in implementing and designing sponsorship programs (either through periodic meetings or online);</li> <li>• Initiatives that enable officials working on sponsorship in experienced Member States to share their knowledge with officials in other Member States through mentoring programmes, study visits, opportunities to consult on the design of programmes, or secondments;</li> <li>• Conducting or commissioning research or impact assessments on the effects of sponsorship within EU Member States.</li> </ul> <p><b>Measures targeting sponsors and CSOs:</b></p> <ul style="list-style-type: none"> <li>• Trainings or training materials (e.g. handbooks, webinars, or videos with a focus on common themes across MS sponsorship schemes, e.g. information on beneficiaries' countries of origin, how to manage cultural differences) used by sponsors directly, or by those currently providing training to sponsors (e.g. CSOs);</li> <li>• A peer support network (online or through periodic in-person meetings) for CSOs working on sponsorship at the national level;</li> <li>• A central online database of information and resources on sponsorship schemes and approaches, with links to appropriate contact points at the national level.</li> </ul>
<p><b>Funding Measures</b></p>	<p><b>Scope of action for EU:</b></p> <ul style="list-style-type: none"> <li>• Support to sponsorship schemes would be provided using the future 2021-2027 Asylum and Migration Fund (AMF);</li> </ul> <p><b>Scope of action for MS:</b></p> <ul style="list-style-type: none"> <li>• MS would choose whether to establish private sponsorship programmes;</li> </ul>	<p><b>Possible future EU measures:</b></p> <ul style="list-style-type: none"> <li>• Under the AMF, the European Commission could target support for designing, implementing and/or monitoring and evaluating a sponsorship programme (e.g. via projects on specific elements, networking and information exchange activities, studies, training) as a specific priority in its annual or multiannual programmes.</li> </ul>

	<ul style="list-style-type: none"> <li>MS would set their own standards for the design and operation of sponsorship programmes;</li> <li>MS could allocate funding within their national programmes for the set-up or activities relating to private sponsorship schemes.</li> </ul>	<ul style="list-style-type: none"> <li>The EU legislator<sup>303</sup> could moreover decide to modify the current Proposal for a Regulation establishing the AMF to target support to private sponsorship specifically. In particular, the scope of support (Annex III(2)(f) of the AMF Proposal) could be broadened in order to include the other channels of entry implemented by Member States, apart from those that could be classified under national resettlement or humanitarian admission schemes (though this definition comprises the majority of sponsorship programmes).</li> </ul>
<p><b>Legislative Action</b></p>	<p><b>Scope of action for EU:</b></p> <ul style="list-style-type: none"> <li>EU would take legislative action with the aim of establishing a harmonised EU system of private sponsorship to support resettlement and other legal pathways to protection;</li> <li>EU action would depend on the outcome of the ongoing negotiations on the proposal for a Union Resettlement Framework Regulation. At the current state of play of negotiations, most types of sponsorship schemes currently operating or being designed at Member State level would be covered by this new Regulation. However, apart from not capturing the variety of schemes currently implemented across the EU, the proposed Regulation does not comprise provisions on a clearer involvement of potential sponsors in the referral process nor guidance on the allocation of responsibilities between private actors and the government.</li> </ul> <p><b>Scope of action for MS:</b></p> <ul style="list-style-type: none"> <li>MS would choose whether to establish private sponsorship programmes;</li> <li>MS would retain the flexibility to decide what type of sponsorship programme to set up, under the provisions of the proposal for a Union Resettlement Framework, and this new legislative instrument on private sponsorship.</li> </ul>	<p><b>Possible EU legislative action:</b></p> <ul style="list-style-type: none"> <li>Adoption of EU legislation establishing a framework on private sponsorship schemes (based on Article 78(2)(d) TFEU) with the aim of harmonising some of the features of such schemes in Member States that would intend to adopt them. In particular, it could:             <ul style="list-style-type: none"> <li>Leave Member States with the option to define the role of the sponsor in referrals of potential beneficiaries (either via international organisations (e.g. UNHCR), by State authorities, other organisations, or private individuals);</li> <li>Outline the nature of sponsor's obligations;</li> <li>Set a maximum duration of the sponsors' obligations (e.g. 5 years) in an agreement signed by sponsors with national authorities or specified in national legislation;</li> <li>Include monitoring and evaluation provisions of the schemes throughout their implementation by national authorities.</li> </ul> </li> </ul>

<sup>303</sup> In this case, the European Parliament and the Council; the European Commission, due to its power of proposal, can alter it any time during the procedure of adoption of a Union act (Article 293(2) TFEU).

## **5.2 Assessment of the options**

This section presents the feasibility assessment of the four options. As per default, the assessment of the status quo / no EU action is marked as 'not applicable'.

The assessment of the options is broken down into three parts:

**Legal feasibility:** it examines the extent to which the option is compatible with the EU legal framework, the overall legal framework in Member States, whether the option would require changing the legal framework and the most appropriate legal instrument;

**Operational feasibility:** it examines main drawbacks and benefits of the option, and whether the option has an impact on the objectives of public engagement, the resettlement of groups who would otherwise not have access to it, and integration potential;

**EU added value:** it examines the extent to which the individual option is important for the EU as a whole, in particular in relation to enhancing safe and legal channels for protection and countering the key challenge with existing schemes (large discrepancies across schemes in their definition and working) These criteria make up the overall assessment of added value, and also contain aspects of the legal and operational assessment.

Four main objectives of private sponsorship schemes introduced in section 3.2.2 are assessed in this section. One of these – creating safe and legal pathways for migration – can be considered an overarching goal of sponsorship and therefore rather links to the assessment of EU added value, while three other objectives (increasing integration prospects, increasing public engagement and the extent to which the option enables the legal admission of groups who would otherwise not have access to it) are common objectives across different sponsorship schemes and are considered under the assessment of operational feasibility. The other two objectives – undertake resettlement in a way that is cost-effective and provide admission to a particular group – are secondary objectives specific to certain schemes.



### 5.2.1 Option 1: Status quo

#### **Legal feasibility assessment**

<b>Assessment criterion</b>	<b>Assessment</b>
<p>Extent to which the option is compatible with the EU legal framework on asylum and migration</p>	<p>The parts of the EU asylum and migration acquis most relevant to sponsorship are the Asylum Procedures Directive (APD), the Qualification Directive (QD), and the Reception Conditions Directive (RCD).</p> <p>The APD requires that individuals in need of international protection within the territory of EU Member States be given access to asylum procedures, with the QD further qualifying who is entitled to protection and which status should be granted (i.e. refugee status or subsidiary protection). Most of the sponsorship schemes in the EU reviewed for the study granted beneficiaries refugee status or subsidiary protection, i.e. EU-harmonised protection status. Indeed, this protection status was granted to those entering the State via a sponsorship scheme, after going through an asylum procedure once on the territory. Only three sponsorship schemes adopted a different approach and granted national humanitarian statuses (Germany, Ireland, Slovak Republic). These countries did, however, allow beneficiaries to lodge an asylum claim after their arrival, which could then still lead to the granting of refugee status or subsidiary protection.</p> <p>The RCD provides the benefits that should be given to applicants for international protection while their claims are assessed. Meanwhile, the QD sets out the rights and standards of care Member States must ensure protection beneficiaries are able to access. Given that most of sponsorship schemes operating in the EU foresee that the persons admitted apply for asylum and thus are granted an international protection status (after going through an asylum procedure in the territory of the Member State), these sponsorship beneficiaries fall under the scope of the RCD and the QD. Those who receive a national protection status (i.e. in Germany, Ireland and Slovakia) would not be covered by the RCD and QD, unless they apply for asylum.</p> <p>The sponsorship schemes reviewed for this study do aim to ensure that beneficiaries who apply for asylum are provided with the rights and benefits included in the QD and the RCD. That is also what is required by EU law. In situations where sponsorship arrangements have broken down, all sponsorship schemes include a “safety net” that would allow beneficiaries to access services and benefits provided by national authorities in accordance with the QD.</p> <p>Furthermore, the current acquis does not regulate the relationship between the State and a sponsor.</p> <p>The designs of current Member State sponsorship schemes thus do not appear to be dissonant with EU asylum and migration acquis.</p> <p>With regard to current EU-level action on sponsorship, there also do not appear to be any legal obstacles to using existing AMIF funds to support sponsorship schemes via Union Actions or National Programmes. Similarly, lump sum funds under the Union</p>

	<p>Resettlement Programme could be used to support sponsorship, if it occurred via a national resettlement programme. However, the European Commission has an important role in continuing to monitor the legal compatibility of Member States' actions in the area of asylum with the CEAS acquis. One practice to particularly observe in the future is the use of national protection statuses in sponsorship programmes. If this practice, which is presently limited, becomes more widespread and would affect a larger number of third-country nationals accessing protection in the EU, it may create a parallel protection system in the EU, however embryonic. The risk lies in it becoming a channel of entry for beneficiaries who have the same needs as refugee and subsidiary protection holders but cannot access to the same rights (unless after a successful, but potentially time- and resource-consuming asylum procedure). While the QD does allow for Member States to offer additional forms of protection beyond refugee and subsidiary status, it would go against the spirit of the EU acquis to grant a different – sometimes lower – standard of protection to individuals who, according to the QD, qualify for an EU-harmonised protection status. This issue has been addressed by the provisional political compromise on the Union Resettlement Framework Regulation that foresees the granting of a humanitarian status under national law that ensures rights equivalent to those for beneficiaries of subsidiary protection under the (future) Qualification Regulation and is without prejudice to the right to apply for asylum.</p> <p>A second element of sponsorship schemes that the Commission would need to pay attention to concerns the delegation of responsibilities for reception and integration to private individuals and organizations. It is thereby important to verify that (a) sponsorship schemes and relating agreements continue to designate government authorities as ultimately responsible for securing sponsorship beneficiaries' access to services and support as laid down in the RCD and QD, should sponsorship break down and (b) that beneficiaries are fully aware of this so they can exercise these rights in practice.</p>
<p>Extent to which the option is compatible with Member States' legal frameworks</p>	<p>All the sponsorship schemes reviewed for this study were deemed in line with national legal frameworks.</p> <p>Apart from Germany, none of the EU Member States which set up sponsorship schemes to date amended their national legislation. Rather, most sponsorship programmes made use of existing legal provisions for humanitarian visas (or similar visa measures) and territorial asylum procedures, alongside administrative decrees (or similar) that clarified sponsors responsibilities, to operate their schemes.</p> <p>However, this does not rule out amendments to national law in some Member States in the future. As an example, the establishment of humanitarian corridors-type of scheme requires the existence, in national legislation, of provisions allowing national authorities to issue humanitarian visas (or similar). Member States that wish to set up such a scheme may have to adopt this provision, if absent.</p>
<p>Extent to which the option meets the criteria of</p>	<p>Not applicable</p>

proportionality and necessity

Extent to which there are legal considerations that facilitate the establishment of private sponsorship schemes across the EU

Within the status quo, there are a few factors relating to the legal framework at national and EU level that facilitate the setup, operability and sustainability of sponsorship scheme. These include, among others:

- Rules that allow for, and possibly, facilitate the entry into the country of third-country nationals in need of international protection from outside of the EU. This may concern legal provisions that allow for the issuing of visas on humanitarian grounds or similar, or the assessing and granting of protection statuses and residence permits before they enter the country (less commonly done).
- Rules that lay down the responsibility that sponsors have for the beneficiary entering the scheme. For example, some EU Member States have required sponsors to assume legal responsibility for providing for beneficiaries (e.g. Germany). This in turn necessitates national legislation that ties the issuance of visa to a 'declaration of commitment' or similar from sponsors. Other Member States (e.g. France) opted to lay down sponsors' obligations in a Memorandum of Understanding, which can be done without legislative amendments.
- Rules that limit the responsibilities of the sponsors for the reception and integration of the beneficiary (e.g. time period; financial cut-off point; safety net in case of sponsorship breakdown). The EU asylum acquis as it stands does not regulate the relationship between the sponsor and the State, yet it regulates the responsibilities of the State, which also apply if sponsorship breaks down.

Extent to which there are legal obstacles to the establishment of private sponsorship schemes across the EU

In general, the study did not identify any (major) legal obstacles at national or EU level to establishing and implementing sponsorship schemes. However, following the interpretation of the CJEU in the *X and X* case of March 2017, the legal entry of beneficiaries of sponsorship schemes on the territory of the Member States cannot be operationalised through a visa on humanitarian grounds based on the Visa Code.

At the National level, there was one potential legal obstacle. Legislation passed in Germany as part of the state HAP sets the duration of sponsors' "declaration of commitment" at five years, which civil society stakeholders viewed as an unfeasible duration of responsibility for sponsors. The forthcoming pilot sponsorship programme, however, will operate as part of Germany's resettlement commitment rather than under the legal framework for HAP, and as a result, the five year duration of commitment will not apply. Instead, the new federal programme will operate under a separate framework for stipulating sponsors obligations.

**Operational feasibility assessment**

Assessment	Assessment
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Extent to which the option enables the legal admission of groups who would otherwise not have access to it

Private sponsorship has the potential to enable the protection of individuals and groups who would not otherwise have access to international protection or durable solutions via other legal protection channels. First, if sponsorship places are in addition to existing resettlement, it enables more people to access protection. Second, sponsorship can enable governments to expand their resettlement or humanitarian admission commitments if part of the costs is carried by the sponsors (e.g. housing), freeing up government resources to facilitate the entry of more beneficiaries. Third and finally, sponsorship can enable the admission of beneficiary groups who might not have access to resettlement, e.g. non-core family members. The extent to which sponsorship provides each of these benefits, and which benefits it provides, depends on the model of sponsorship chosen.

In Member States with established resettlement programmes, there is a slight risk that sponsorship could come to (partially) displace government supported resettlement, if sponsorship programmes are not designed with an eye to maximising the added value that private citizens and community groups can provide (and instead simply reallocate government responsibilities). But again, the extent to which this is a risk depends on how sponsorship programmes are designed and the goals and interests of those designing them.

Under the status quo, the design and implementation of sponsorship programmes will continue to be significantly varied on the form that additionality takes, if any. The EU-level could influence Member State choices of sponsorship models, and whether or how these complement existing pathways, using existing AMIF funding channels or peer support, even if it remains the prerogative of the Member States.

Extent to which the option has an impact on the integration of potential of the beneficiaries

Sponsorship has the potential to further facilitate the integration of protection of beneficiaries. Sponsors bring additional resources, particularly their time and attention, to assist beneficiaries. The social connections that sponsoring relationships provide can also be useful.

The extent to which sponsorship facilitates integration, however, depends on how well-prepared sponsors are to fulfil their responsibilities. Sponsors that are ill-informed or lack necessary skills or preparation could even be harmful to beneficiaries' integration, particularly in cases where sponsorship relationships break down.

Whether or not sponsorship helps integration therefore depends to a large extent on sponsors' preparation and skills, and the support and training they receive.

Under the status quo, providing training courses to and supporting sponsors would be left to individual Member States and community groups, and depend on the extent to which they are able and willing to devote resources to it. The EU-level could use existing AMIF channels to fund sponsor training and support activities, or to share information with Member States via existing peer support networks. But such measures may not be sufficient if programmes increase in

scale or if the needs are particularly great.

There is, however, also a risk that private sponsorship could eventually lead to a reduction in the role of government in the reception and integration of protection beneficiaries. If governments were to transfer all responsibility for elements to sponsors, without sponsorship generating some sort of added value (e.g. leading to additional admissions of beneficiaries or sponsors providing unique services that the government is not able to provide), it could undermine the willingness of sponsors to participate. Delegating too much responsibility to sponsors could also have broader implications for the integration system, if it led to governments lowering their investments in integration measures more generally and outsourcing more of these activities to civil society.

Extent to which the option would increase public engagement

It is in the very nature of sponsorship to draw on, and mobilise, the support of civil society actors and communities in the reception and integration of beneficiaries entering the programme. This is particularly visible when compared to the support structures in place for those who receive international protection via resettlement programmes or via spontaneous arrival. As such, the setup of sponsorship programmes in 10 EU Member States has brought about more than 30,000 sponsorship relationships and has resulted in an increase in public engagement in the protection system.

However, stakeholders consulted for the study have pointed out that the degree of this effect partly depends on the model used.<sup>304</sup> Models that engage individual citizens and local community groups in supporting and welcoming beneficiaries will create opportunities for individual contact between community members and beneficiaries, and potentially build local-level interest and engagement in international protection (e.g. nearly one in three Canadians has sponsored or knows someone who has sponsored a refugee).<sup>305</sup> Meanwhile, models that rely exclusively on established non-profit organisations to sponsor and care for beneficiaries, without also engaging local groups or individuals (e.g. Poland's sponsorship programme, which was primarily operated by a single foundation), may not be as effective in building connections between beneficiaries and local community members who otherwise might not have the opportunity to interact with international protection beneficiaries.

Under the status quo, there will continue to be a diversity of approaches to operating sponsorship programmes, including about community engagement. Depending on the type of sponsorship schemes adopted, which can be supported via peer support activities and/or conditions for accessing AMIF funding, the degree of public engagement as a result of such programmes will vary. An advantage to the persistence of a diversity of approaches, however, is the fact that Member States would be free to choose the model that best fits their civil society context and the level and type of resources and public interest they observe.

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<sup>304</sup> Information collected through consultations with international agencies and Canadian officials.

<sup>305</sup> See: <https://www.theglobeandmail.com/opinion/article-canada-in-2018-is-a-country-of-global-citizens/>

Extent to which there are key drawbacks to the option	<p>There are several potential drawbacks to the status quo. First, as setting up sponsorship programmes is left up to individual Member States, there is a risk that Member States interested in sponsorship but without the resources and knowledge to set up a scheme would not do so because they lack support. While private initiatives might be able to fill some of the knowledge gaps through peer support, setting up a new scheme takes staff and financial resources that some Member States may not have, and it is unlikely private initiatives would be able to fill this particular gap.</p> <p>Second, there is a risk that some Member States that set up sponsorship programmes may not have the resources or knowledge to implement them effectively. In particular, training, support, and oversight for sponsors is one area where there broadly appear to be substantial knowledge gaps and resource needs. If these Member States do not have the knowledge or resources to support sponsors effectively, this would undermine the effectiveness and sustainability of the sponsorship programme as a whole.</p> <p>The fact that AMIF funds can potentially be used to support sponsorship could fill some of the funding gaps that underlie both of these challenges. Without an explicit call for proposals for sponsorship or guidelines on the use of AMIF for sponsorship schemes, Member States may not realise that this is a possibility or may be reluctant to use their funds in this way. There is also a risk that if additional funding is not allocated for sponsorship the use of AMIF funds for this purpose could displace support for existing legal channels (e.g. government-led resettlement).</p> <p>The EASO PSP pilot network may similarly be able to fill some knowledge gaps through peer support. There is, however, a risk that the support provided cannot be sufficiently tailored to the needs of individual countries or settings, and that the duration of the support is too short to impact on effective design and implementation of programmes.<sup>306</sup> Moreover, several stakeholders pointed out that the proliferation of peer support initiatives on sponsorship and legal pathways is a challenge and that it placed a lot of demands on their time. Under the status quo, these initiatives risk remaining uncoordinated, and potentially continue to proliferate.</p>
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Extent to which there are key benefits to the option	<p>Under the status quo, the lack of regulation and coordination can be seen as a benefit because it allows schemes to develop in an 'organic way' that best fits the national context and goals of the key actors involved. This is important because sponsorship schemes rely on the buy-in of community organizations and individual citizens who serve as sponsors for their support and success.</p>
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### **EU added value assessment**

#### **Assessment**

#### **Assessment**

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<sup>306</sup> This has been a challenge with existing resettlement peer support programmes. See, <https://www.migrationpolicy.org/research/scaling-refugee-resettlement-europe-role-institutional-peer-support>

<b>criterion</b>	
Extent to which the option would impact key existing challenges of sponsorship schemes	<p>Under the status quo, Member State sponsorship schemes would primarily receive support via private initiatives and – at EU-level – AMIF and the EASO PSP Pilot Project Network. Private initiatives and the EASO PSP pilot network would have the potential to address some of the information barriers that Member States may face to setting up effective sponsorship programmes. But these peer support projects would remain uncoordinated, with the potential to duplicate efforts and place extra demands on authorities’ limited time. The amount of support available from private initiatives may also be varied and unpredictable (depending on the availability of funding) or may not be accessible to all Member States.</p> <p>Existing AMIF funding could help Member States overcome some financial barriers to sponsorship. But without sponsorship-specific calls or guidelines, Member States may not be aware of this option. And without <i>additional</i> funds devoted to sponsorship, there is a risk that a mere shift in budgets towards sponsorship could displace funding for other existing legal pathways.</p> <p>Finally, allowing sponsorship programmes to remain uncoordinated/unregulated at the EU level would help to preserve the organic nature of the programmes and allow them to be designed and implemented in a way that is tailored to the local context, something that is important for the success of sponsorship programmes.</p>
Extent to which the option would enable achieving the objective of enhancing safe and legal pathways of migration;	<p>Interest in sponsorship programmes has grown substantially since 2013. Depending on how new programmes are set up, they have the potential to enhance safe and legal pathways to the EU for those in need of protection. There is a risk, however, that without additional knowledge or financial resources, sponsorship may not expand to new Member States or may not expand as quickly. Moreover, if Member States do not have the knowledge or resources to properly support their programmes, the programmes may not be effective, possibly undermining public support for expanding or creating such channels in the future.</p>

### **5.2.2 Option 2: Soft measures**

#### ***Legal feasibility assessment***

<b>Assessment criterion</b>	<b>Assessment</b>
Extent to which the option is compatible with the EU legal framework on asylum and migration	<p>The adoption of soft measures to support and coordinate sponsorship schemes across the EU is compatible with the EU legal framework on asylum and migration and would not require changes to EU legislation.</p> <p>The intended impact of soft measures would be to facilitate and expand Member States’ adoption of sponsorship schemes, and to support the effectiveness of such schemes. As the present design and implementation of sponsorship schemes in the EU are compatible with the EU asylum and migration legal framework, the further promotion of those via soft measures would not raise any</p>

	<p>direct legal issues.</p> <p>Furthermore, depending on the focus and format of the soft measures introduced, potential legal issues may be <i>mitigated</i> by e.g. ensuring that Member States are fully aware of how to design and implement programmes that respect the EU legal framework. Similarly, soft measures, if targeted at offering guidance and information to sponsors, could also help to confirm that sponsors are aware of their obligations and equipped to fulfil them, ensuring that beneficiaries have full access to their rights and benefits under the CEAS.</p>
Extent to which the option is compatible with Member States' legal frameworks	<p>The introduction of soft measures, such as the development of toolkits, the provision of training or mentoring programmes, would not present any challenges vis-à-vis Member States' legal frameworks.</p> <p>Participation to those activities would be voluntary and, for those Member States that do participate, it would be left up to them to decide which information, tools, trainings, etc. to test or take on board in their national sponsorship scheme. Member States would remain responsible for designing and implementing their schemes and to do so in line with their own legal frameworks.</p>
Extent to which the option meets the criteria of proportionality and necessity	<p>This option meets proportionality and necessity considerations of an EU action as it does not go beyond EU competence on asylum, migration and integration of third-country nationals and would entail, as a maximum intervention from EU institutions, the adoption of soft-law instruments (i.e. recommendations, guidelines or coordination role of the EU institutions) to support the establishment of private sponsorship schemes across the EU.</p>
Extent to which there are elements that facilitate the establishment of private sponsorship schemes across the EU	<p>The realisation of this option could be facilitated by the coordination role of activities granted to EASO in its founding Regulation (Regulation 439/2010).</p> <p>The implementation of this option will assist state and non-state actors involved in the implementation of sponsorship schemes to clarify uncertainties, including legal considerations, on the extent of sponsors' obligations and responsibilities towards the beneficiary. It would also assist state and non-state actors' in clarifying responsibilities in case of a sponsorship breakdown. Accordingly, they would also have a positive impact on the status and rights granted to beneficiaries.</p>
Extent to which there are legal obstacles to the establishment of sponsorship across the EU	<p>There are no specific legal obstacles to the use of soft measures to facilitate sponsorship. Additional soft measures could, however, have less of an impact in Member States that do not have any of the legal framework necessary to implement a sponsorship scheme, in particular the ability to grant admission to individuals who are in need of protection (e.g. through a humanitarian visa or status assessment in the first asylum country).</p>

### **Operational feasibility assessment**

**Assessment**

**Assessment**



<b>criterion</b>	
Extent to which the option enables the legal admission of groups who would otherwise not have access to it	<p>Soft measures can facilitate the expansion of sponsorship schemes by providing support for the effective implementation of sponsorship programmes and by raising awareness of sponsorship among public and key stakeholders.</p> <p>Soft measures could also help to mitigate the risk that sponsorship places replace existing resettlement places by helping Member States to consider how sponsorship could be used to complement and extend their existing resettlement and humanitarian admission efforts. Soft measures can encourage Member States to adopt sponsorship programmes that are complementary (in some way), thereby facilitating the protection of additional groups.</p>
Extent to which the option has an impact on the integration potential of the beneficiaries	<p>Soft measures may expand the use of sponsorship by supporting Member States' adoption of sponsorship programmes and expanding knowledge and interest in sponsorship among key stakeholders. Sponsorship itself has the potential to facilitate integration, and soft measures could thus help to further integration of beneficiaries by increasing the uptake of sponsorship schemes among Member States.</p> <p>In addition, the tools, training, and knowledge provided through soft measures could better equip sponsors and Member States to support the integration potential of beneficiaries. It may also mitigate the risk of sponsorship failure, which could undermine integration potential.</p>
Extent to which the option would increase public engagement	<p>Soft measures could help to increase public engagement in two ways. First, by raising the profile of sponsorship and offering guidance and support to Member States interested in setting up sponsorship, soft measures could increase the uptake or scale of sponsorship schemes, thereby providing more opportunities for public engagement. The design of sponsorship programmes can also be influenced via soft measures, encouraging Member States to adopt models that are more conducive to public engagement (e.g. community sponsorship models).</p> <p>Second, by offering training, toolkits and opportunities for Member States to exchange knowledge on how to select, support, and monitor sponsors, soft measures can increase Member States' capacity to operate successful programmes that provide sponsors with a positive experience, ensuring their continued engagement. Soft measures that offer information, training, and support directly to sponsors themselves or to CSOs working with sponsors could have the same effect.</p>
Extent to which there are drawbacks to the option	<p>As existing peer support and soft measures in the area of resettlement have demonstrated, soft measures can run the risk of being ill-defined and ill-explained, thereby greatly limiting its potential. At the same time, in view of the large variety in sponsorship programmes between Member States, not all participants will recognise themselves in training, peer support and toolkit information. If too generic and not tailored enough,</p>

participants lose interest, will not follow through and not buy in to the opportunities offered by such measures.<sup>307</sup>

Given the proliferation of network and peer support initiatives in the area of sponsorship, and resettlement and legal pathways more broadly, there is also a risk that new soft measures might duplicate existing efforts or place too many additional demands on stakeholders' time. This risk could be mitigated by ensuring that soft measures included a platform for communication and coordination among existing initiatives and key stakeholders. Targeting new EU-level soft measures at unaddressed needs (such as training programmes for sponsors or supporting the set-up of national-level coordination platforms) could also help to reduce the potential for duplication.

Extent to which there are benefits to the option

Soft measures could support the greater use of sponsorship programmes by giving Member States the tools they need to adopt or expand their programmes, while keeping the flexible and modular nature of private sponsorship. It would also help to ensure the success of sponsorship efforts and mitigate the risk of sponsorship failures by ensuring that sponsors have the tools they need to fulfil their responsibilities effectively. Soft measures that are targeted effectively could fill very real knowledge gaps among Member States and sponsors, such as the need for sponsor training or platforms for information-sharing between stakeholders at the national level.

If soft measures included a coordination platform element, they could also help to reduce the potential for duplication of peer support efforts or stakeholder fatigue.

Finally, a key benefit of soft measures is the fact that a variety of different activities (i.e. training, supporting information, peer review services) can be offered, thus meeting the needs of stakeholders coming from different contexts and with different needs. It would also allow Member States to maintain a diversity of approaches to sponsorship that are tailored to their unique capacities and contexts.

### **EU added value assessment**

<b>Assessment criterion</b>	<b>Assessment</b>
Extent to which the option would impact on key existing challenges of sponsorship schemes	<p>Soft measures implemented at the EU level have the potential to remove barriers to the adoption of sponsorship schemes or approaches, including:</p> <ul style="list-style-type: none"> <li>• a lack of knowledge or tools to design sponsorship schemes among Member State authorities;</li> <li>• a lack of knowledge of or interest in sponsorship among key stakeholders;</li> <li>• a lack of capacity to effectively implement sponsorship schemes (e.g. training and monitoring sponsors).</li> </ul>

<sup>307</sup> See also: Beirens, H, and A. Ahad (2018) *Scaling up refugee resettlement in Europe: The role of institutional peer support* P.7-8.

	<p>Soft measures may also help to mitigate some of the possible risks of sponsorship, including:</p> <ul style="list-style-type: none"> <li>• the risk that sponsorship relationships fail because sponsors are not sufficiently trained or supported (e.g. by creating training tools for sponsors);</li> <li>• the risk that sponsorship beneficiaries are not aware of their rights under EU asylum legislation and are thus unable to access them (e.g. by providing tools/guidance for sharing information with beneficiaries);</li> <li>• the risk that sponsorship could replace other legal channels (e.g. by helping Member States to consider how sponsorship could be used in a complementary way).</li> </ul>
Extent to which the option would enable achieving the objective of enhancing safe and legal pathways to protection	<p>Compared to the status quo, soft measures could contribute to the further opening up of safe and legal pathways to protection, provided these:</p> <ol style="list-style-type: none"> <li>1) Result in more Member States setting up sponsorship schemes or expanding existing ones, due to, for example, the knowhow they acquired via the peer support activities; and/or</li> <li>2) Successfully promote the adoption of models of sponsorship schemes that have additionality embedded in its goals.</li> </ol>

### **5.2.3 Option 3: Funding of sponsorship schemes**

#### ***Legal feasibility assessment***

<b>Assessment criterion</b>	<b>Assessment</b>
Extent to which the option is compatible with the EU legal framework on asylum and migration	Both the current AMIF and the future AMF already allow for support to private sponsorship schemes. A more targeted funding would require the European Commission to include support for sponsorship programmes as a specific priority in its annual or multiannual programmes and/or changes in the current proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund, adopted on 12 June 2018.
Extent to which the option is compatible with Member States' legal frameworks	This option is compatible with Member States legal frameworks, as it falls under the normal procedure on EU funding.
Extent to which the option meets the criteria of proportionality and necessity	The AMF proposal meets proportionality and necessity criteria. The amendments proposed to the AMF proposal are in line with the objectives and principle set by the Commission in its proposal. A lack of targeted support to private sponsorship schemes would have negative consequences in terms of actions for beneficiaries of international protection, to the detriment of international obligations and to the application of the principle of solidarity and burden-sharing.
Extent to which there are elements that	The realisation of this option would be facilitated by an amendment to the current Proposal for a Regulation establishing

<p>facilitate the establishment of private sponsorship schemes across the EU</p>	<p>the AMF to target support to private sponsorship specifically. Without a specific mention of sponsorship, the funding structure would neither encourage nor discourage the set up and implementation of sponsorship programmes. Member State could not be aware of the possibility to use the AMF to support sponsorship. Moreover, the European Commission could further target support for designing, implementing and/or monitoring and evaluating a sponsorship programme as a specific priority in its annual or multiannual programmes, adopted by Commission Implementing Decision.</p>
<p>Extent to which there are legal considerations that represent an obstacle to the establishment of private sponsorship schemes across the EU</p>	<p>None identified.</p>

**Operational feasibility assessment**

<p><b>Assessment criterion</b></p>	<p><b>Assessment</b></p>
<p>Extent to which the option enables the legal admission of groups who would otherwise not have access to it</p>	<p>Private sponsorship in itself inherently enables resettlement of groups who would otherwise not have access to it (see assessment of the status quo). Funding for resettlement via AMIF has contributed to greater engagement in resettlement, as Member States who might not otherwise have considered setting up a resettlement programme have done so because of the availability of EU funding to support their actions. A similar trend can be expected for private sponsorship under the future AMF. If sponsorship schemes were set up to admit additional numbers of beneficiaries, e.g. to extend the capacity of government-run resettlement and humanitarian admission programmes, then this option would enable the types of sponsorship schemes not covered by the Resettlement Framework to receive funding support. Funding could also be used to promote sponsorship programmes designed with these goals in mind, by introducing requirements on what types of sponsorship could be eligible for funding.</p>
<p>Extent to which the option has an impact on the integration potential of the beneficiaries</p>	<p>Sponsorship itself has the potential to facilitate integration, and funding could thereby help to further facilitate integration of beneficiaries by increasing the uptake of sponsorship schemes among Member States. Funding for sponsorship schemes would expand the use of sponsorship by supporting Member States' management and coordination of sponsorship programmes, networking and training activities in relation to sponsorship schemes. It could also push sponsors in playing a new or bigger role in the area and help generate further interest in sponsorship among key stakeholders. Setting up new programmes can be costly, and Member States who would otherwise be interested in adopting sponsorship models may face financial barriers to doing so. Providing funding via the future AMF for setting up sponsorship</p>

schemes could help to remove these barriers, and increase the incentives for Member States to adopt sponsorship models, although the EU contribution might be limited compared to the overall cost of the programmes. Especially when seen in comparison with the status quo, funding has a positive impact – certainly in the long run. It extends the beneficial impact of sponsorship on the integration of those legally admitted (provided, of course, it results in more persons being admitted through this channel).

At the same time, funding could enable sponsors to perform their duties better vis-à-vis the sponsored refugees, in turn fostering their integration. This would especially be the case if funding were directed to activities that provided information, training, or oversight to sponsors (such as financing a platform that supports sponsorship, akin to the Sponsorship Agreement Holders council operating in Canada).

Similarly, funding could also be used to encourage Member States to incorporate practices in their sponsorship programmes that promote the integration benefits of sponsorship (and mitigate any potential risks). For example, funding could be made conditional on having arrangements in place to monitor sponsoring relationships (as in the UK) or on stipulating certain requirements for sponsors (such as experience working with vulnerable groups or participating in a pre-sponsorship training), measures that could help to prevent sponsorship failure.

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Extent to which the option would increase public engagement

Funding helps to increase public engagement in several ways. Like soft measures, funding can also help raising the profile of sponsorship, and increase the uptake or scale of sponsorship schemes, thereby providing more opportunities for public engagement. Funding can also enable sponsorship programmes to be better designed. More effective programmes will lead to better sponsorship experiences and interest in sponsorship, thus boosting public engagement.

Funding for resettlement via the new AMF could generate a better understanding and interest in sponsorship, much as can currently be measured by Member States engaged in resettlement. A similar trend is expected for private sponsorship. The extent to which public engagement increases depends on how funding would be allocated under this option, particularly whether distributed as a lump sum to the Member State or rather as a scheme incentivising activity by sponsors.

Under shared management, funding possibilities at national level can help to attract sponsors in that Member States, thereby generating further interest in sponsorship among civil society. Under direct management, whereby funding is not made available to Member States but rather disbursed directly to applicants (such as via Union actions) this option can generate more EU-wide interest when prospective applicants for funding are also invited to participate in a joint workshop. This helps to improve knowledge and awareness of this type of funding. A process whereby civil society applies for funding directly in a competitive call can thus ensure more buy-in from civil society.

Finally, in line with the risks of sponsorship breakdown (as explained in section 4.6.3.) funding as a safety net for sponsorships is more

	likely to generate more interest in acting as a sponsor, thus resulting in greater public engagement.
Extent to which there are drawbacks the option	<p>A key drawback to the option is that it inherently defines and thus, by nature, limits the activities that would qualify for funding. This might reduce the willingness or ability of Member States to tailor their programmes as needed to their national contexts.</p> <p>Funding can run the risk of not being spent well if the criteria for disbursing funding are not well-defined. The impact of funding via different funding channels (shared management, direct/shared management) is also different and the cost-effectiveness of funding would need to be assessed ex-ante in order to maximise its potential.</p> <p>There is also a risk that new funding activities might duplicate existing possibilities for financial support or rather that they only focus on specific types of activities. Before funding programmes or calls are devised it should therefore be established where specific financing gaps and needs are most appropriate, and effective. Similarly, funding without clear guidance and (technical) assistance has limitations in its incentive for Member States that are new to the concept.</p>
Extent to which there are benefits to the option	<p>A key benefit of funding, whether via direct or shared management, is that it supports a sector that typically has less access to support structures than for public resettlement activities. Financial support therefore boosts sponsor/civil society access to sponsorship, creating a more level playing field between government-supported resettlement and sponsorship schemes.</p> <p>Finally, a key benefit of funding is the fact that a variety of different criteria can be devised, allowing financial support to be targeted and appropriate. It would also broadly allow Member States to maintain a diversity of approaches to sponsorship that are tailored to their unique capacities and contexts.</p>

**EU added value assessment**

<b>Assessment criterion</b>	<b>Assessment</b>
Extent to which the option would impact on key existing challenges of sponsorship schemes	<p>Additional key goals, such as boosting integration potential and ensuring overall public engagement, can be positively addressed with funding.</p> <p>New AMF funding could support Member States and sponsors on tackling existing financial barriers to sponsorship or becoming involved as sponsors. Without sponsorship-specific calls or guidelines, Member States may not be aware of this option. And without <i>additional</i> funds devoted to sponsorship, there is a risk that a mere shift in budgets towards sponsorship could displace funding for other existing legal pathways.</p> <p>Finally, funding would need to be carefully accompanied by a needs assessment of where financial support is most needed, otherwise running the risk of not being properly spent.</p>

<p>Extent to which the option would enable achieving the objective of enhancing safe and legal pathways of migration</p>	<p>The option has a rather significant impact on enabling the objective of enhancing safe and legal pathways as funding provides a clear incentive for admitting persons through such channels. It also allows Member States to reach persons in need of international protection, that would otherwise not have access to it</p> <p>There is a risk, however, that without (further) financial resources, sponsorship may not expand to new Member States or may not expand as quickly. Moreover, if Member States do not have the resources to properly support their schemes, these may be less effective, possibly undermining public support for expanding or creating such channels in the future.</p> <p>In addition, funding eligibility criteria will inevitably mean that some sponsorship models will be promoted over others. If access to funding based on definitions of sponsorship that are too narrow, funding may have a limited impact on sponsorship programmes and thus on admissions, as some schemes or sponsors may not meet the criteria. Though most of the current schemes are currently covered by the support under the AMF proposal, the current wording of the AMF does not exclude funding to other channels of entry developed by Member States (Article 2(f) Annex III).</p>
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## 5.2.4 Legislative action

### *Legal feasibility assessment*

<b>Assessment criterion</b>	<b>Assessment</b>
<p>Extent to which the option is compatible with the EU legal framework on asylum and migration</p>	<p>The EU legislative action would require the adoption of a new legislative instrument (either in the form of a Regulation or a Directive). It would be compatible with EU's competencies in asylum and migration as set in Chapter V of the TFEU as it might be based on Article 78(2)(d) TFEU that concerns the establishment of common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status.</p> <p>The compatibility/coherence of this legislative action with other instruments part of the EU asylum acquis is safeguarded by referring to the standards and rights guaranteed in the CEAS.</p> <p>However, issues of compatibility/coherence might appear about the scope of the instrument in relation to the current proposal on a Union Resettlement Framework – should the latter come into force. A potential proposal of the European Commission on a separate instrument establishing private sponsorship schemes would need to ensure compatibility and coherence with definitions and procedures set in the Union Resettlement Framework, for example regarding referral channels, eligibility criteria and refusal grounds, and status granted to beneficiaries.</p>
<p>Extent to which the option is compatible with Member States' legal frameworks</p>	<p>Depending on the type of instrument that could be proposed (Directive or Regulation), an implementation or a transposition phase will have to follow at Member State level.</p> <p>This scenario would not raise compatibility issues with Member</p>

States' existing legislation on asylum to the extent it refers to standards on protection and procedures already included in national legislation via the transposition of the EU asylum acquis. EU institutions should however consider that in some Member States, legislation on sponsorship schemes already exists (e.g. in Germany).

In this scenario, Member States are left with the option to choose which referral mechanisms and stakeholders to involve in the identification of beneficiaries. Including in separate EU legislation on private sponsorship a (possible) outline of sponsors' obligations (e.g. in terms of their duration) will be a novelty compared to the provisions included in the Union Resettlement Framework. Adopting provisions on sponsors' obligations at EU level should, however, consider the diversity of Member States' social welfare systems and EU's limited competence in intervening with a legislative proposal in this policy area.

Legislative action envisaged under this option would thus need to refer to Member States' obligations towards applicants for international protection and beneficiaries of international protection as set in EU's asylum acquis. As Member States remain ultimately responsible for the access to rights of beneficiaries, where the implementation of such obligations is 'delegated' via an agreement to non-state actors (as it is the case in sponsorship schemes), provisions on monitoring and evaluation in EU legislation would be necessary for the Member State to mitigate any shortcomings in the fulfilment of sponsors' obligations and access to rights by beneficiaries.

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Extent to which the option meets the criteria of proportionality and necessity/subsidiarity

The legislative action option aims to frame more clearly the role of the sponsor in referrals of beneficiaries of sponsorship schemes, the nature of sponsor's obligations towards beneficiaries and a maximum duration of the sponsors' obligations, as well as provisions on the monitoring and evaluation the schemes throughout their implementation.

The assessment of the proportionality and necessity/subsidiarity of this option needs to consider the diversity of schemes set up by Member States. More specifically, the European Commission would have to bring proof that harmonising several features and procedures of sponsorship schemes at EU level would better achieve the goal of increasing legal channels of protection than individual actions of Member States.

Given the number of persons admitted via sponsorship schemes in certain Member States with little intervention of the EU (e.g. humanitarian admission programmes in Germany), and the fact that existing sponsorship schemes proliferated in the absence of EU legislative intervention on the matter, the necessary character of this option could be seriously challenged.

Additionally, proportionality of legislative option needs to be assessed against existing legislative and policy options adopted in the same policy area, namely the current proposal of the Union Resettlement Framework. As the latter covers the main types of sponsorship schemes currently implemented in the EU, it may be considered that the adoption of an additional instrument with almost a similar objective would not meet proportionality threshold.

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<p>Extent to which there are elements that facilitate the establishment of private sponsorship schemes across the EU</p>	<p>While the current proposal for a Union Resettlement Framework Regulation covers most forms of private sponsorship schemes implemented by Member States, not all aspects of private-sponsorship-specific features are included.</p> <p>The EU legislative option would assist governments and non-state actors involved in the implementation of sponsorship schemes to clarify uncertainties on the extent of sponsors' involvement in referrals, the exact nature and duration of their obligations and responsibilities towards beneficiaries admitted through private sponsorship schemes, in particular in case of a sponsorship breakdown.</p> <p>All important aspects of sponsorship schemes currently run or being designed in Member States would thus be provided with a legal framework at EU level in which to operate in, while at the same time providing stakeholders at national level with sufficient legal flexibility to adopt tailor-made schemes adapted to the context at national level.</p>
<p>Extent to which there are legal considerations that represent obstacles to the establishment of private sponsorship schemes across the EU</p>	<p>The current proposal for a Regulation for a Union Resettlement Framework does not explicitly mention private sponsorship schemes and foresees a rather limited role of private actors that are confined to assisting with pre-departure and post-arrival practical issues.<sup>308</sup></p> <p>The admission and selection process set out in the Framework does not appear to give a role to sponsors (in particular civil society organisations or private individuals) to refer beneficiaries as the proposal indicates that, in case of resettlement, this could be endorsed by the UNHCR. Under humanitarian admission, this could be endorsed either by UNHCR, the (future) EU Asylum Agency, other relevant international bodies or by Member States' authorities. This could be a potential barrier in the future to "named" sponsorship programmes that operate under resettlement or humanitarian admission programmes.</p> <p>The EU legislative action proposed has the objective to fill in such a gap and make the role of private actors more visible. However, the parallel co-existence of two EU instruments with a similar scope could lead to additional legal uncertainties. This could be avoided by ensuring that the two instruments have a coherent approach (e.g. in relation to definitions and procedures).</p>

### **Operational feasibility assessment**

<b>Assessment criterion</b>	<b>Assessment</b>
<p>Extent to which the option enables the</p>	<p>The legislative action option aims to provide for a clearer framework and guidance to Member States willing to set up a private</p>

<sup>308</sup> See the explanatory memorandum of the proposal that states that NGOs could be involved 'to implement practical arrangements, and in particular to conduct pre-departure orientation programmes, fit-to-travel medical checks, and travel and other practical arrangements, Member States may also request other partners such as IOM or civil society organisations to assist them', p. 15, COM(2016)468.

legal admission of groups who would otherwise not have access to it	sponsorship scheme, while at the same time providing sufficient flexibility to adapt these features to the national context and priorities. One key feature of this legislative instrument on private sponsorship would foresee the option (for Member States to implement or not) for sponsors to have a more active role in referrals. Sponsors could, for example, be more actively involved in referral procedures by 'naming' (e.g. extended family members). This would directly have an impact on the admission of persons in need of international protection that would otherwise not have access to protection via other established channels such as resettlement.
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Extent to which the option has an impact on the integration potential of the beneficiaries	Sponsorship, due to the nature of support by the sponsor, generally enables better prospects for integration of those beneficiaries admitted.
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The legislative option will ensure compatibility with the provisions of the Resettlement Framework, thus ensuring that minimum standards of rights and protection are guaranteed for beneficiaries, in line with existing (and future) asylum acquis, with better integration prospects for beneficiaries. The option also contains a clearer role for sponsors in the operation of sponsorship schemes than current provisions on the Union Resettlement Framework, thus opening the door for civil society organisations and private individuals to be more involved in referral process. A demarcation of what constitutes sponsorship by framing the duration of sponsors' obligations and recalling Member States' responsibilities under the asylum acquis towards beneficiaries of international protection, could contribute to improving the conditions for authorities and sponsors to operate and carry out their responsibilities, and thereby create conditions that better allow for maximising the chances of beneficiaries to be on a path to integration.

However, the impact of this option on the integration of beneficiaries may be limited since EU legislation on private sponsorship could create more obstacles for stakeholders at Member State level to set up schemes that are tailored to their needs and national context. Creating a too rigid legislative framework in which sponsorship schemes should operate or placing specific requirements on national stakeholders for the setup of sponsorship schemes may reduce their willingness to initiate such schemes, and eventually limit the possibilities to establish cooperation channels with civil society organisations or other non-state actors that play a key role in the integration of beneficiaries in the sponsorship model. This could happen if EU legislation included requirements on sponsors or governments that are not applicable or relevant in national context. For example, if EU-legislation prescribed that governments needed to keep certain responsibilities themselves (e.g. accommodation), this would limit the value of sponsorship programmes certain Member States (e.g. Ireland), where a crucial added value of sponsorship is the ability of sponsors to provide services and benefits that the State has struggled to provide effectively (such as housing). Indeed, the fact that certain standards for beneficiaries of international protection are (loosely) harmonised across the EU (such as accommodation standards) represents a challenge in any harmonisation attempt at EU level of private sponsorship schemes (though at a minimum).

<p>Extent to which the option would increase public engagement</p>	<p>One of the aims of the legislative action is to address one of the identified gaps in the current proposal for a Union Resettlement Framework, namely the absence of a clearer role of private individuals and civil society organisations in pre-departure, reception and integration of beneficiaries. Additional legal certainty around their role, duration of obligations and an outline of sponsors and national authorities' responsibilities could have a positive effect on incentivising private actors and civil society to take part in the implementation of sponsorship schemes and engaging with sponsored beneficiaries. Finally, a monitoring system would limit the risk of disengagement from the State.</p> <p>However, as analysed in the status quo, the extent to which public engagement could be increased would depend ultimately on the type of sponsorship scheme implemented, the type of stakeholders involved and the extent to which they would engage with local groups and individuals.</p>
<p>Extent to which there are drawbacks the option</p>	<p>A drawback to a EU legislative instrument on private sponsorship is that it tries to include the variety of existing private sponsorship schemes under a common frame that may either not be adapted to current context and needs at national level or not flexible enough to adapt to new forms of sponsorship.</p> <p>Another drawback is that it may constrain civil society and sponsors from exploring or implementing tailor-made local solutions and cooperation channels that would be relevant at national and local levels (e.g. integration courses, accommodation solutions, general support with integration and administrative procedures). Adding an additional layer of decision-making above the ones already existing at national level can also create additional constraints on both civil society organisations and national authorities alike.</p> <p>Furthermore, the fact that an EU instrument on private sponsorship schemes would be implemented alongside the Union Resettlement Framework would lead to an overload of legislative frameworks and create uncertainties among stakeholders at national level of which instrument to use when designing sponsorship schemes.</p> <p>A 'top down' approach of the EU would run the risk of undermining existing initiatives and willingness to operate sponsorship schemes at national level, and fuel political tensions between the EU and national level. Thus, legislative process would be a very lengthy and time-consuming process due to existing legislation at EU level and the necessity for a coherent approach.</p> <p>Moreover, legislative action has particularly limited support among stakeholders (Member States and civil society alike), as this study has found. Limited public support makes it more difficult to reach a satisfactory compromise on the legislative text and also erodes support for sponsorship or even resettlement and other legal channels to migration.</p>
<p>Extent to which there are benefits to the option</p>	<p>The main benefit of EU legislative action is that it lends an official status to the various activities deployed under the banner of sponsorship, allowing sponsors and Member States to work within a framework recognised across the EU. Benefits are thereby that it would clarify the potential role of civil society organisations and</p>

private individuals in the implementation of a sponsorship scheme (e.g. via referrals and pre-departure activities) and that it would clarify the nature and duration of sponsors' obligations. Additionally, it could improve monitoring and evaluation activities (given its then official character at EU-level) by making national stakeholders more accountable.

### **EU added value assessment**

#### **Assessment criterion Assessment**

Extent to which option would impact on key existing challenges of sponsorship schemes

EU legislative action regulating sponsorship touches upon a key challenge of sponsorship schemes, i.e. their vastly different nature and characteristics. The risk of EU legislative action is to create a new challenge by limiting the variety of different schemes currently in operation.

Indeed, while existing sponsorship activities fall within certain definitions, concepts or typologies laid down, new types of sponsorship will emerge that do not fit within the frameworks established. Though the legislative framework could be adapted to such changing circumstances, it would take years for such amendments to be made and would have the unintended consequence of creating new two-tier sponsorship schemes: those recognised and those not (yet) recognised.

Extent to which the option would enable achieving the objective of enhancing safe and legal pathways of protection

The adoption of a legislative instrument on private sponsorship undoubtedly enhances safe and legal pathways as a new legal migration channel is put into place. This in turns lead to a higher number of persons legally admitted (whether via a public or private scheme) and strengthening the application of common standards of protection and procedure in all schemes implemented.

The downside, however, is that a narrow scope of the instrument, not including *future* or new types of sponsorship, risks to bring about some form of a two-tier system where certain activities fall outside its scope and continue to operate in an ad-hoc and less regulated manner – which is contrary to the same very aim of such an instrument.

Stakeholders consulted expressed strong doubts about the EU-added value of an EU legislative intervention in addition to the current Union Resettlement Framework proposal, as well as in the context of the implementation of the CEAS acquis throughout all Member States. It was argued that the success of such legislative action is also dependent on the extent to which existing frameworks on international protection in a State are implemented and whether a given State has already experience with resettlement programmes.

## 6 Conclusions

The period from 2013 onwards has seen a rapid growth in the interest in, and experimentation with, safe and legal entry channels for those in need of protection, both in Europe and globally. The European Commission's 2015 Agenda on Migration identified the greater uptake of resettlement as a major priority, and the 2016 proposal for a Union Resettlement Framework aims to create a framework for a common approach to resettlement across the EU. Subsequent Commission Communications, including the 2016 "Communication towards a reform of the Common European Asylum System and legal avenues to Europe" and the 2017 "Communication on the Delivery of the European Agenda on Migration", also encouraged Member States to pursue additional legal pathways of admission for persons in need of protection, such as humanitarian visas and private sponsorship. In EU Member States, both traditional resettlement programmes and new humanitarian admission initiatives have proliferated, and many of these new schemes incorporated an element of private sponsorship. Since 2013, Member States operated 11 private sponsorship programmes as part of their resettlement, humanitarian admission, or relocation efforts.

This feasibility study examined how these sponsorship schemes operate across the EU, how current sponsorship align with EU asylum and migration legal frameworks, and the potential added value and feasibility of action at the EU level in the area of private sponsorship. The study drew on consultations with stakeholders across 12 Member States,<sup>309</sup> Switzerland, Australia and Canada to examine experiences with sponsorship programmes that have operated to date, and stakeholders' views on EU-level action.

The study identified a highly diverse range of approaches to private sponsorship among Member States (and internationally), both in terms of how programmes are designed and implemented as well as the goals they are intended to serve. While some programmes were created primarily to admit additional persons (e.g. the Italian, French, and Belgian Humanitarian Corridors programmes) or different groups of persons than those entering via resettlement schemes (e.g. extended family members in the German and Irish humanitarian admission programmes), others aimed at improving the integration of beneficiaries or at fostering public engagement in humanitarian protection (e.g. the UK programme). Most programmes had multiple goals but differed in the way these goals were prioritised. Programme design and implementation was highly informed by the primary goals of the scheme, as well as the Member State's legal context, service infrastructure, and civil society culture.

The diversity of approaches to sponsorship means that it is difficult to identify a single definition of what sponsorship is. Stakeholders consulted for the study differed in how they drew the lines on what qualified as sponsorship and what did not, depending on their priorities and interests. Though sponsorship is often described as an additional legal pathway to protection, sponsorship programmes may or may not actually admit additional number of protection beneficiaries. While admissions through the Humanitarian Corridors programmes in Italy, France, and Belgium are additional to resettlement, the UK Community Sponsorship Programme and the planned Irish sponsorship programme are not, though they are intended to harness *additional resources* that communities can offer, in support of government-led resettlement efforts.

Sponsorship may best be described as a way of doing resettlement and humanitarian admission. Indeed, the most common element to all of the sponsorship programmes reviewed for the study was that they delegated some level of responsibility from governments to private actors for some portion of the identification, pre-departure

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<sup>309</sup> Belgium, Czech Republic, France, Germany, Ireland, Italy, the Netherlands, Poland, Portugal, Republic of Slovakia, Sweden, and the United Kingdom.

support, reception, or integration processes for beneficiaries. Programmes differed extensively in the types of responsibilities that were delegated, and the extent of the obligations sponsors were given, though all programmes gave sponsors some level of responsibility for the reception and integration of beneficiaries. In all programmes, the State ultimately retained responsibility for ensuring that beneficiaries had access to the rights and benefits they are entitled to under national and EU law, with beneficiaries able to access mainstream reception and integration services if their sponsorship relationship fell through.

In addition to examining current approaches to sponsorship, the study also considered the extent to which sponsorship activities promote EU migration and asylum policy goals and are in line with EU legislation, as well as the feasibility of action at the EU level. The study found that sponsorship activities have the potential to facilitate the admission of protection beneficiaries who might not otherwise have access to resettlement or humanitarian admission, either by allowing for the admission of greater numbers of beneficiaries or of groups who might not otherwise be considered for resettlement (e.g. extended family members). Sponsorship also has the potential to facilitate the integration of beneficiaries by tapping into additional resources at individual and community level, particularly sponsors' time, attention, and social networks. Several stakeholders indicated that this was one of the primary ways in which sponsorship adds value to their resettlement, humanitarian admission, and protection systems – by drawing in additional resources, which the government alone would not be able to access. In addition, sponsorship may increase public engagement by creating opportunities for individuals and communities to be personally involved in protection and to interact with beneficiaries at an individual level.

While at present the range of approaches is diverse, the study found that this diversity neither presented significant challenges vis-à-vis the EU asylum acquis, nor obstructed the policy goals that the EU level has vis-à-vis private sponsorship and, more broadly, opening up legal channels to protection. The results of the study show numerous potential benefits of allowing this diversity of sponsorship practices in two ways. First, Member States can tailor their programmes to their unique contexts. Sponsorship schemes rely heavily on having an actively engaged civil society sector or deep interest in assisting protection beneficiaries at the community level. Without willing and able sponsors, sponsorship cannot succeed. Sponsorship schemes should be designed in a way that taps into the unique motivations and capabilities of potential sponsors in each Member State, requiring programme design to be highly tailored. The same is true of each country's framework for service provision and humanitarian entry; while the study did not generally identify any legal obstacles to sponsorship at Member State level, schemes will need to be designed in a way that is sensitive to and fits with these systems. In schemes in France and the United Kingdom, for example, the government continues to provide some level of social assistance and housing benefits –something that is not done in the Canadian sponsorship programme –in part because it would be viewed as inappropriate in these contexts for the government not to provide this support.

Second, the diversity of sponsorship programmes allows Member States to select the approach that best meets not only their existing capacities but also their *needs*. Member States may face a variety of barriers to establishing resettlement programmes or other legal pathways, as well as running well-functioning asylum systems, that the assistance of sponsors can help them to overcome. In Ireland, for example, the study found that the government has had significant difficulties finding housing for refugees admitted through the country's resettlement programme, and authorities count on sponsors in supporting them to more readily connect refugees with housing, thereby gradually improve the functioning of their resettlement programme. France and Italy have similarly reported that sponsorship has helped them to overcome significant barriers in their housing markets to admitting more protection beneficiaries through legal pathways. The study found that in the

Netherlands, the increased arrival of (spontaneous) asylum seekers in 2015-2016 concerned authorities on how to integrate people who have already arrived, rather than admitting additional persons in need of protection. Sponsorship is considered a way to meet their existing integration challenges more effectively. The flexibility of the concept of sponsorship at present allows it to be deployed in ways best suited to each Member State's unique needs and context.

The findings of the study show that there are several potential options at EU-level to support the further development of sponsorship schemes within the EU. At present, EU-level action in this area primarily consists of the commissioning of two research reports on sponsorship and legal pathways (including this study); funding provided through AMIF National Programmes on resettlement, Union Actions in support of integration activities, AMIF lump sum funding for resettlement; and the setup and convening of the EASO PSP Pilot Network. EU activities could further support Member States in introducing and expanding their sponsorship schemes, and ensure these are effective and are operated in line with their policy goals and respective of national and EU laws. The study explored the potential for new EU-level action in three areas: soft measures (i.e. training and peer support), funding, and legislative action.

The study found potential needs and EU-added value in the areas of soft measures and funding. Stakeholders consulted indicated that there is a need for more information among policymakers on how to design and implement sponsorship programmes. At the civil society and community level, there is also great need for better information on sponsorship, and in particular, for training and support networks for sponsors to ensure they are able to effectively fulfil their responsibilities. Providing such support directly to sponsors is time-consuming and often not something that Member State authorities are well-equipped to provide. Finally, stakeholder consultations pointed to a potential role for the EU in coordinating the proliferating peer-support initiatives in the area of sponsorship, to avoid duplication and mitigate the demands on stakeholders' time.

In the area of funding, setting up a new sponsorship programme is costly in terms of the required human and financial resource inputs. Financial support for designing, implementing and/or monitoring and evaluating a sponsorship programme stands to benefit sponsors and Member States. While it may be possible to support sponsorship activities under the present AMIF (and future AMF) budget lines, without a specific call or dedicated funding, Member States may not be aware of the possibility to use EU funds to support their programmes. Under the AMF, the European Commission could target support of private sponsorship schemes as a specific priority in its annual or multiannual programmes or the current AMF Proposal could be amended to target support to private sponsorship specifically.

Finally, the stakeholders consulted pointed out that there is no pressing need for new EU legislation in the area of sponsorship. The study findings indicate that sponsorship is possible under the current EU migration and asylum legal frameworks and the diversity of approaches to sponsorship across Member States appears to be strength rather than a weakness. Any new EU legislation should not reduce the ability of Member States to deploy sponsorship programmes that are sufficiently tailored to their capacities, needs and interests. In case new legislation is to be considered, it would complement the (future) Union Resettlement Framework and would aim at harmonising some of the private-sponsorship specific features of such schemes in Member States that would decide to establish one (e.g. the role of the sponsor and the relationship between the sponsor and the State). Such EU legislative instrument might be based on Article 78(2)(d) TFEU. The option for EU legislative action, however, was not perceived favourably by most stakeholders consulted, both by civil society and national authorities' representatives alike and appeared to be the least feasible option for EU action.

As the EU continues to search for ways to support and reinforce safe channels to access protection in Europe, the results of the feasibility assessment suggest that private sponsorship could contribute to meeting this goal. Any action at the EU-level to encourage or support (a greater uptake of) sponsorship, however, will need to be taken with an eye to preserving the flexibility of sponsorship as a tool and the ability of Member States to design such programmes in a way that fits their capabilities and needs.



## Annexes

### Annex 1 Consolidated overview of sponsorship schemes across the EU

Table 2. Overview of established private sponsorship schemes' general characteristics

Member State	Type of sponsorship scheme	Timeframe	Nr of persons admitted	Objective of sponsorship scheme	Relation to resettlement programmes (additional, contributing to existing resettlement quotas)
<b>Czech Republic</b>	Ad-hoc scheme for specific religious group	January-March 2016 <sup>310</sup>	89 admitted	Bring Christian refugees to protect them from the Islamic state.	Additional
<b>France</b>	Humanitarian corridor	March 2017 – December 2018	129 admitted to date	Establish a safe and legal pathway.	Additional
<b>Germany (HAP)</b>	Family reunification	2013-present	23 500 visas issued <sup>311</sup>	Increase family reunification channels; Strengthen integration process through the link between family members who already underwent integration process in Germany.  Strengthen civil commitment in refugee admission.	Additional
<b>Ireland (SHAP)</b>	Family reunification "Syrian Humanitarian Admission Programme" (SHAP)	14 March–30 April 2014	119 admitted. <sup>312</sup>	Focus on preserving family unity	Additional;  Future sponsorship scheme to be within existing resettlement programme

<sup>310</sup> The programme was suspended in April 2016 after approx. 25 had left the Czech Republic in order to seek asylum in Germany, while approx. 20 other beneficiaries decided to return to Iraq. Overall, in June 2016, there were 40 beneficiaries still residing in the Czech Republic which had been sponsored.

<sup>311</sup> Information collected through consultation with a representative of the German Ministry of Interior.

<sup>312</sup> However, a civil society representative in Ireland stated that there were 310 applicants under the SHAP programme and 111 permissions were granted to beneficiaries, while the exact number of arrivals was never released.

*Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement*

Member State	Type of sponsorship scheme	Timeframe	Nr of persons admitted	Objective of sponsorship scheme	Relation to resettlement programmes (additional, contributing to existing resettlement quotas)
<b>Italy</b>	Humanitarian corridor	January 2016–December 2017;	528 (2016) 529 (2017)	Increase admission spots; Countering illegal trafficking	Additional
		January 2018–December 2019	229 (2018) <sup>313</sup>		
<b>Poland</b>	Ad-hoc scheme for specific religious group "Reception of Christians from Syria"	January 2015	158	Bringing Christian Syrian families to Poland	Additional
<b>Portugal</b>	Community-based sponsorship EU Emergency Relocation Scheme	September 2015 – March 2018	1 534 <sup>314</sup>	Meet government's relocation targets	Contributing to existing relocation efforts
<b>Slovak Republic</b>	Ad-hoc scheme for specific religious group "Humanitarian Admissions Programme"	September –December 2015	149	Increase number of admission spots; Improve conditions in host country; Save a group of persecuted Iraqi Christians; Release the pressures on overcrowded refugee camps.	Slovak Republic does not have an operating resettlement programme
<b>Switzerland ('Syria I')</b>	Family reunification <sup>315</sup>	September – November 2013 <sup>316</sup>	4 673 visas issued <sup>317</sup>	Facilitated procedure for the issuance of visitor visa for	Additional

<sup>313</sup> Up until March 2018. Information collected through consultation with a civil society representative in Italy.

<sup>314</sup> As of March 2018, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_relocation\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf).

<sup>315</sup> "Facilitated procedure for the issuance of visitor visa for relations of Syrian nationals living in Switzerland" (also "Syria I").

<sup>316</sup> The programme was terminated in November 2013 due in part to high levels of applications, which were deemed to be unsustainable.

<sup>317</sup> Information extracted on 30 March 2018 from Information Platform Human rights website, <https://www.humanrights.ch/en/switzerland/internal-affairs/asylum/miscellaneous/humanitarian-visas-a-bottleneck>.

Member State	Type of sponsorship scheme	Timeframe	Nr of persons admitted	Objective of sponsorship scheme	Relation to resettlement programmes (additional, contributing to existing resettlement quotas)
				relations of Syrian nationals living in Switzerland	
<b>United Kingdom</b>	Community-based sponsorship "Syrian Vulnerable Persons Resettlement Scheme (VPRS)"	July 2016 – Present	53	Better engage local communities in the reception and integration of resettled refugees;  Positive integration outcomes for refugees and increase civil society's capacity to support vulnerable people more broadly <sup>318</sup>	Contributing to existing resettlement efforts

<sup>318</sup> Information collected through an interview with a UK Home Office representative.

Table 3. Eligibility criteria of the sponsor

Criteria	Type of sponsor	Legal residence in the destination country	Proof of sufficient financial means	Other
<b>Czech Republic</b>	Organisation <sup>319</sup>	No	No	-
<b>France</b>	Organisations as 'initial' sponsors <sup>320</sup> and sponsor groups of volunteers as 'subsidiary' sponsors	Yes	No	Having previous experience with vulnerable groups may be taken into account but not a formal requirement
<b>Germany (HAP)</b>	Individuals and organisations, depending on the State <sup>321</sup>	Yes (depending on the State) <sup>322</sup>	Yes (depending on the State) <sup>323</sup>	Nationality criterion (depending on the State); Family links with the beneficiary (depending on the State);
<b>Ireland (SHAP)</b>	Individuals	Yes	Yes	Nationality criterion (depending on the State); Family links with the beneficiary (depending on the State); Declare the housing situation of the sponsor and any other housing options available to them; Declaration that beneficiaries are of good character and do not present a security risk to Ireland or other EU countries

<sup>319</sup> Generation 21 Foundation acts as a sponsoring organisation and contact point for individuals and parishes across the Czech Republic who are interested in supporting beneficiaries.

<sup>320</sup> Sponsorship by the Community of Sant'Egidio, the Protestant Federation of France, the French Bishops' Conference, Entraide Protestant, and Secours Catholique.

<sup>321</sup> Several Land governments chose to allow third parties to take on the financial sponsorship requirements on behalf of the refugees' families, and in Berlin and Thuringia, private organisations have emerged to coordinate between would-be sponsors and refugees in need. Regarding the future programme, it still remains to be decided which entities will be eligible to sponsor beneficiaries.

<sup>322</sup> Sponsors need to be German national or Syrian citizens related to the sponsored beneficiary holding limited or unlimited residence title in Federal Republic since Jan 2013. Some States amended this and provided instead that the relative in Germany holding a limited or unlimited residence title has to have stayed at least one year in the Federal Republic of Germany (e. g. Saxony-Anhalt) and at least six months in the respective federal Land (e. g. Schleswig-Holstein). For some Laender programmes, e.g. Berlin, sponsors do not need to be residents of the federal states as long as the reference family member and beneficiary reside in Berlin.

<sup>323</sup> Sponsors are required to prove they have sufficient financial resources to support the individual or family to be sponsored.

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Criteria	Type of sponsor	Legal residence in the destination country	Proof of sufficient financial means	Other
<b>Italy</b>	Organisations <sup>324</sup>	Yes	No	-
<b>Poland</b>	Organisations <sup>325</sup>	No	No	-
<b>Portugal</b>	Organisations	Yes	No	Sponsors must have capacity to provide accommodation and support.
<b>Slovak Republic</b>	Organisation <sup>326</sup>	No	No	-
<b>Switzerland ('Syria I')</b>	Individuals	Yes	No	Family links with the beneficiary;
<b>United Kingdom</b>	Organisations (communities) <sup>327</sup>	No	Yes <sup>328</sup>	The prospective sponsor should not represent a risk to the resettled family; Experience working with vulnerable groups.

<sup>324</sup> Sponsorship by three faith organisations: Community of Sant'Egidio, the Federation of Evangelical Churches, and Waldensian Table.

<sup>325</sup> Sponsorship by the Estera Foundation, with support by local organisations, churches, and individuals.

<sup>326</sup> The NGO (Pokoj a Drobohe) had a special agreement with the Ministry of the Interior Migration Office.

<sup>327</sup> The sponsor must have status as either: 1) a charity, registered with the Charities Commission in England and Wales, the Office of the Scottish Charity Regulator (OSCR) in Scotland, or the Charities Commission for Northern Ireland; 2) an individual or body falling within section 10(2)(a) of the Charities Act 2011; or 3) a Community Interest Company, registered with Companies House. The Church of England and Caritas were among the first organisations to become sponsors under the Community Sponsorship programme.

<sup>328</sup> The prospective sponsor must have sufficient resources (must provide evidence that funding of £9,000 is available. If the organisation has an annual income of £100,000 or more, it should provide a letter from the chief finance officer for the organisation explaining that at least £9,000 has been ring-fenced for the purposes of sponsorship and will be available to use if necessary / If the organisation's annual income is less than £100,000, it should provide a letter from the chief finance officer of the organisation explaining that at least £9,000 has been ring-fenced for the purposes of sponsorship and will be available to use if necessary, and evidence of the funds in the form of a bank statement) and a credible plan for supporting a resettled family (backed by relevant experience).

Table 4. Eligibility criteria for beneficiaries

Criteria	Country of origin/'residence'	Prima facie need for international protection	Vulnerability	Pre-existing ties to destination country	Religious affiliation	Other
<b>Czech Republic</b>	Iraqis and Syrians	No	Not expressly required, however the focus was on families and individuals with children.	Not required	Yes, Christian	Recent converts were required to have a written baptism certificate to prove their faith, as well as a confirmation from a person within ecclesiastical institutions on the ground confirming their faith.  Security vetting (before departure)  Medical checks (before and after arrival)
<b>France</b>	Iraqis and Syrians residing in Lebanon	Yes <sup>329</sup>	It is one element but not necessarily exclusionary	Not required	Not required	Security vetting (before departure)
<b>Germany (HAP)</b>	Syrians living in Syria, neighbouring countries, and Egypt (depending on the State);  Iraqi Kurds;  Stateless persons	No	Not required	Yes (family ties)	Not required	Clean criminal record  Security vetting
<b>Ireland (SHAP)</b>	Syrians	No	Key criterion	Yes (family ties)	Not required	Priority granted to elderly parents, children, unaccompanied mothers and children, single women and girls at risk, disabled persons

<sup>329</sup> Assessed to a certain extent at pre-departure phase, when the application for a visa is submitted at consulates.

Criteria	Country of origin/'residence'	Prima facie need for international protection	Vulnerability	Pre-existing ties to destination country	Religious affiliation	Other
						Security vetting Health checks
<b>Italy</b>	Syrians and those affected by the conflict in Syria.  Individuals residing in Ethiopia, Lebanon and Morocco (transit countries with a high concentration of asylum seekers)	Yes	Key criterion <sup>330</sup>	Not required <sup>331</sup>	Not required <sup>332</sup>	Security checks Beneficiary must commit to stay in Italy
<b>Poland</b>	Syrians	No	Not required	Not required	Yes, Christians	-
<b>Portugal</b>	Eligible for EU relocation programme in Italy and Greece.	Yes	Not required	Not required	Not required	-
<b>Slovak Republic</b>	Iraqis	No	Not required <sup>333</sup>	Not required	Yes, Christians	Security vetting; Clean criminal record

<sup>330</sup> Particular but not exclusive focus on single mothers, female victims of trafficking, unaccompanied minors, elderly persons with disabilities.

<sup>331</sup> However, the presence of an existing link to people/a network in Italy is taken into consideration.

<sup>332</sup> However, beneficiaries are informed beforehand that they will be hosted by Christian organisations though.

<sup>333</sup> However, the non-profit organisation obtained sponsorship for setting up a fund for senior people, as persons granted asylum are unable to prove the number of years worked in their country of origin or in another country and do not have any years worked in Slovak Republic, as a result of which they are not entitled to a pension.

Criteria	Country of origin/'residence'	Prima facie need for international protection	Vulnerability	Pre-existing ties to destination country	Religious affiliation	Other
						Signature of an information document <sup>334</sup>
<b>Switzerland ('Syria I')</b>	Syrians	No	Not required	Yes (family ties)	No	Security check (in SIS)
<b>United Kingdom</b>	Syrians	Yes	Key criterion	Not required	Not required	Security vetting

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<sup>334</sup> The selected candidates had to sign before their arrival a document confirming that they were familiar with the processes after entering Slovak Republic. This information concerned, in particular, the asylum procedure, the integration process and basic information about Slovak Republic. By signature they also confirmed their decision to be transferred to Slovak Republic. This "contract" was rather informal and served for the MoI SR as a confirmation of having been acquainted with the provided information.



Table 5. Responsibilities of the sponsor

Responsibilities	Type of agreement	Duration of responsibilities	Obligations of the sponsor
<b>Czech Rep.</b>	Contract with national authorities	Minimum 1 year <sup>335</sup>	Travel costs Accommodation Financial assistance (if needed) during for at least the first six months Support with social assistance and integration during for at least the first six months Clothes and material assistance
<b>France</b>	Memorandum of Understanding <sup>336</sup>	1 year, extendable to 18 months (accommodation)	Travel costs Accommodation Financial assistance Guidance in asylum application and registration process; Mentoring
<b>Germany (HAP)</b>	Declaration of commitment <sup>337</sup>	Maximum 5 years <sup>338</sup>	Travel costs Visa fees <sup>339</sup>

<sup>335</sup> Beneficiaries will receive support for their first 12 months in the Czech Republic. In individual cases, if support needs to be granted longer, this can be decided on a case-by-case basis with the Generation 21 Foundation and sponsors.

<sup>336</sup> An MoU was signed between the Ministry of Interior and Foreign Affairs on one side, and the Federation of Protestant Mutual Aid (FEP), the Protestant Federation of France, Secours Catholique, the Sant'Egidio community and the Conference of Bishops of France.

<sup>337</sup> Declaration of Commitment may differ between different Laender programmes. Fee for each declaration of commitment is 25 EUR. A new declaration is to be filled out for each individual beneficiary. The federal States are free to provide for a temporal limitation of, or fully waive the declarations of commitment.

<sup>338</sup> Federal States limit sponsorship to 5 years in general; the duration of commitment used to be unlimited and was later limited to five years in the framework of the 2016 Integration Act. Some federal States (e. g. Hamburg) limited the period of liability to five years as of its second admission order. Indeed, with the adoption of the 2016 Integration Act, article 68 para 1 of the Residence Act was amended and sponsors' liability within the declaration of commitment was limited to five years after beneficiaries' arrival. Moreover, the Integration Act provides for the newly created Section 68a of the Residence Act for legacy cases stipulating that declarations of commitment given before the law entered into force will expire after three years. Recent case law ruled that sponsors' commitment does not end even if beneficiaries have applied for and have been granted asylum.

Responsibilities	Type of agreement	Duration of responsibilities	Obligations of the sponsor
			Accommodation Financial assistance Health care costs <sup>340</sup> Integration courses (of beneficiary cannot pay) Support finding employment; Departure costs in case of deportation
<b>Ireland (SHAP)</b>	Declaration of commitment <sup>341</sup>	Two years (renewable)	Visa fees <sup>342</sup> Travel costs Registration fees <sup>343</sup> Accommodation
<b>Italy</b>	Memorandum of Understanding <sup>344</sup>	Duration not set <sup>345</sup>	Travel costs <sup>346</sup>

<sup>339</sup> If they are not waived for humanitarian admissions.

<sup>340</sup> However, most federal States have started to cover medical expenses to decrease the financial burden on the sponsor. In Nordrhein-Westphalia, already the first admission order excluded the costs of sickness, pregnancy, birth, long-term care and disability within the meaning of Sections 4 and 6 of the Asylum Seekers' Benefits Act from the declaration of commitment. On 12 June 2014, the Conference of the Ministers of the Interior adopted a common regulation for health care costs at the suggestion of the Minister of the Interior, to the effect that "from 1 July 2014 the costs in cases of sickness [shall be] borne by the federal States in all of the Federal States that are implementing an admission programme" and access to health care should be based on the Asylum Seekers' Benefits Act. This regulation has been adopted by almost all federal States. Sponsors are only exempted from bearing these costs if they are not able to provide them.

<sup>341</sup> Sponsors of SHAP beneficiaries had to take full responsibility and make a declaration of commitment to organise and cover the costs of travel of family members to be admitted to the State in making their application.

<sup>342</sup> Sponsors pay a €60 visa fee.

<sup>343</sup> Additionally, sponsors pay a €300 fee for registration with the Garda National Immigration Bureau (GNIB).

<sup>344</sup> An MoU was signed by the Ministry of Interior, Ministry of Foreign Affairs and three sponsoring organisations

<sup>345</sup> Support is foreseen to be provided until beneficiaries have reached full autonomy. For future humanitarian programmes, a time limit may be put in place based on the experiences from this pilot project with regard to how long it takes beneficiaries to reach full autonomy.

<sup>346</sup> Airfare costs are covered by Alitalia.

Responsibilities	Type of agreement	Duration of responsibilities	Obligations of the sponsor
			Visa costs <sup>347</sup> Accommodation Any other administrative costs Medical costs <sup>348</sup> Social and cultural integration
<b>Poland</b>	No agreement signed	90 days – 1 year <sup>349</sup>	Travel costs Support for integration upon arrival (90 days) Accommodation (up to 1 year) Financial assistance <sup>350</sup> Additional health care insurance coverage <sup>351</sup>
<b>Portugal</b>	Yes	Minimum 18 months <sup>352</sup>	Accommodation; Food and clothing; Support in accessing healthcare services; Support accessing the labour market; Support accessing education; Language classes

<sup>347</sup> Visa costs covered by voluntary contributions

<sup>348</sup> Note: Sponsoring organizations have medical staff in the departure countries and already assist medical cases there before departure.

<sup>349</sup> Estera Foundation committed to provide 90 days of support (integration support) and accommodation for up to 1 year.

<sup>350</sup> Sponsors must guarantee a fixed support of 400 PLN (100 EUR) per beneficiary per month.

<sup>351</sup> Government covered primary health care costs.

<sup>352</sup> In general, the sponsors are responsible for the reception and integration beneficiaries for a minimum period of 18 months except for PAR's (Refugee Support Platform) partners that are required to sign an agreement for the provision of services for at least 24 months (during the second year, the allowance will be reduced according to the beneficiaries' financial situation).

Responsibilities	Type of agreement	Duration of responsibilities	Obligations of the sponsor
<b>Slovak Republic</b>	Contract	3 years	Travel costs Accommodation and related expenses Financial assistance <sup>353</sup> Providing assistance to access services
<b>Switzerland ('Syria I')</b>	No <sup>354</sup>	90 days	Accommodation
<b>United Kingdom</b>	Resettlement plan <sup>355</sup>	1 – 2 years <sup>356</sup>	Financial support <sup>357</sup> Community sponsors are responsible for providing financial support. Accommodation <sup>358</sup> Meeting beneficiaries at the airport upon arrival Guidance on how to access health care and social services Mentorship and guidance Keep records of key documents <sup>359</sup> The sponsor must not issue anything that identifies the resettled family externally as refugees and get informed consent from the resettled family

<sup>353</sup> Monthly allowance of 100 EUR. This allowance is gradually reduced over the course of three years after arrival.

<sup>354</sup> However the visa application had to include information on the sponsor's financial standing and possibility to adequately accommodate beneficiaries.

<sup>355</sup> There must be a named individual with responsibility for the sponsorship arrangement, the 'lead sponsor'. The lead sponsor should hold a permanent and senior position within the organisation. Typically, they will be a member of the board of the charity or community interest company or hold the position of Chief Executive or director or equivalent. There must be a clear line of accountability between the lead sponsor and the personnel delivering the resettlement plan.

<sup>356</sup> The formal responsibility to support the resettled family will last for one year, with the exception of housing, for which the responsibility lasts for two years.

<sup>357</sup> Community group is required to provide initial cash on arrival and extra cash while beneficiaries wait for their benefits application to be approved as beneficiaries receive the same financial benefits as any other holder of refugee status.

<sup>358</sup> If not provided by the municipality.

<sup>359</sup> The sponsor must keep records and copies of the resettled family's key documents, including their UNHCR registration, Entry clearance document, their Biometric Residence Permit, National Insurance number and NHS number. It must ensure that data is held securely, in accordance with the Data Protection Act (DPA).

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<b>Responsibilities</b>	<b>Type of agreement</b>	<b>Duration of responsibilities</b>	<b>Obligations of the sponsor</b>
			in relation to any proposed media exposure, requests or interest.

Table 6. Legal status granted and associated rights

Status and rights	Legal entry and status granted upon arrival	Application for international protection	Associated rights
<b>Czech Rep.</b>	National visa and travel documents (if needed) issued by national authorities	Application is <i>expected</i> upon arrival	Same as holders of international protection status
<b>France</b>	Humanitarian visa (national "Visa D" – long stay visa)	Application is expected upon arrival <sup>360</sup>	Same as holders of international protection status
<b>Germany (HAP)</b>	Entry on humanitarian grounds and two-year residence permit.	Not intended	<p>Access to the labour market (not self-employment)</p> <p>No access to integration facilities (unless paying the costs and if there are available places)</p> <p>Medical costs borne by the sponsor (unless otherwise specified in the declaration of commitment); access to health care and social assistance at the same level as an asylum seeker</p> <p>Limited right to family reunification</p>
<b>Ireland (SHAP)</b>	Special humanitarian status <sup>361</sup>	Not intended.	Same as refugees, however no access to social welfare, nor access to refugee-specific services

<sup>360</sup> Within 15 days after arrival in France, beneficiaries obtain a permit to stay and register for asylum with the nearest prefecture after which they can lodge their asylum claims with the French Office for the Protection of Refugees and Stateless Persons (OFPRA). However, beneficiaries are also interviewed at pre-departure stage to ensure that success is highly likely.

<sup>361</sup> 2-year renewable residence permit (requirements for renewal are not specified).

Status and rights	Legal entry and status granted upon arrival	Application for international protection	Associated rights
<b>Italy</b>	Visa for Limited Territorial Validity on humanitarian grounds (LTV C visa) <sup>362</sup>	Required upon arrival <sup>363</sup>	Same as holders of an international protection status
<b>Poland</b>	Humanitarian visa	Required upon arrival	Same as holders of an international protection status
<b>Portugal</b>	Temporary permit that grants admissibility to the asylum procedure <sup>364</sup>	Automatically admitted to the asylum procedure upon arrival. Granted refugee status or subsidiary protection after asylum procedure.	With this temporary permit they have access to almost the same as refugees with a final decision. After final decision, same rights as those holding international protection status.
<b>Slovak Republic</b>	National visa	Asylum is claimed upon arrival	National protection status (equivalent to refugee protection)
<b>Switzerland ('Syria I')</b>	Visitor visa on humanitarian grounds (LTV visa)	Possible within 90 days	N/A
<b>United Kingdom</b>	Temporary 6-month visa (Leave Outside the Rules) and Humanitarian protection for 5 years	After the 5 years they may apply for Indefinite Leave to Remain	Same rights as those holding refugee status

<sup>362</sup> As per Article 25 of Regulation 810/2009 establishing a Community Code on Visas, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R0810&from=EN>.

<sup>363</sup> Applicants must apply for asylum within 3 months.

<sup>364</sup> 'Yellow' temporary permit valid for 6 months.

## **Annex 2 List of abbreviations**

ACM	Alto Comissariado para as Migrações <sup>365</sup> (Portugal)
ACTR	Annual Tripartite Consultations on Resettlement
BVOR	Blended Visa Office-Referred (Canada)
CEAS	Common European Asylum System
COM	European Commission
CSO	Civil Society Organisation
DG HOME	Directorate General for Migration and Home Affairs
ECRE	European Council on Refugees and Exiles
ERN	European Resettlement Network
EU	European Union
EU-FRANK	European Union Action Facilitating Resettlement and Refugee Admission through New Knowledge
EASO	European Asylum Support Office
HAP	Humanitarian Admission Programme
ICMC	International Catholic Migration Commission
IOM	International Organisation for Migration
IRCC	Immigration, Refugees and Citizenship Canada
MEP	Member of the European Parliament
MPI	Migration Policy Institute
NGO	Non-Governmental Organisation
PSRP	Private Refugee Sponsorship Programme (Canada)
RSTP	Refugee Sponsorship Training Program (Canada)
SAH	Sponsorship Agreement Holders (Canada)
SEF	Serviço de Estrangeiros e Fronteiras de Sines <sup>366</sup> (Portugal)
SHAP	Syrian Humanitarian Admission Programme (Ireland)
TBC	To Be Confirmed
UNHCR	United Nations High Commissioner for Refugees
VPRS	Vulnerable Persons Resettlement Scheme (UK)

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<sup>365</sup> High Commission for Migration

<sup>366</sup> Foreigners and Borders Service



### **Annex 3 List of stakeholders**

Stakeholders consulted via interviews and within the frame of case studies

*Table 1. MEPs and international organisations*

<b>Stakeholder</b>	<b>Interview date</b>
European Parliament, MEP	7 March 2018
ECRE	2 March 2018
ICMC Europe	13 March 2018
IOM Regional Office	26 March 2018
UNHCR	2 March 2018
EU-FRANK Project Secretariat	23 April 2018
Amnesty International, Office in Brussels	27 April 2018

*Table 2. Member States and other countries*

<b>Country</b>	<b>National authority</b>	<b>Interview date</b>
Australia	Immigration and Citizenship Policy Division, Department of Home Affairs	21 March 2018
Belgium	Fedasil	25 April 2018
Canada	Immigration, Refugees and Citizenship Canada (IRCC)	18 April 2018
France	Ministry of Interior (Asylum Directorate)	22 March 2018
Germany	Ministry of Interior (Unit for Immigration Law and Humanitarian Admission)	8 March 2018
Ireland	Ministry of Justice (Irish Refugee Protection Programme)	20 April 2018
Italy	Ministry of Interior (Immigration and Civil Liberties Department)	24 April 2018
Netherlands	Ministry of Justice and Security (Migration Policy Department)	15 March 2018
Netherlands	Ministry of Social Affairs and Welfare	10 April 2018
Portugal	High Commissioner for refugees	28 March 2018
Slovakia	Ministry of the Interior (Migration Office)	17 April 2018
Sweden	Ministry of Justice	23 April 2018
UK	Home Office (Syrian Refugee Resettlement Programme)	22 March 2018

*Table 3. Sub-national level government representatives*

<b>Member State</b>	<b>Sub-national authority</b>	<b>Interview date</b>
Germany	Hamburg City Council	6 April 2018
Germany	Thuringia Ministry for Migration, Justice, and Consumer Protection	Part of desk research

<b>Member State</b>	<b>Sub-national authority</b>	<b>Interview date</b>
Italy	Migration Commission, National Association of Municipalities	18 April 2018
Netherlands	Association of Dutch Municipalities (VNG)	23 May 2018
United Kingdom	Manchester City Council	27 April 2018

*Table 4. Civil society organisations*

<b>Member State</b>	<b>Civil society organisations</b>	<b>Interview date</b>
Czech Republic	Sant'Egidio Community	April 2018
Czech Republic	Burma Centre	April 2018
Czech Republic	UNHCR	April 2018
France	Secours Catholique – Caritas	5 April 2018
France	Ordre de Malte	17 April 2018
Germany	Caritas	19 March 2018
Germany	Flüchtlingspaten-Syrien	Part of desk research
Ireland	Irish Red Cross	16 March 2018
Ireland	Amnesty International Ireland	13 April 2018
Ireland	NASC (Irish Immigration Support Centre)	Part of desk research
Italy	Confederation of Evangelical Churches	23 March 2018
Italy	Sant'Egidio Community	30 April 2018
Netherlands	Dutch Refugee Council	29 March 2018
Poland	Fundacja Ocalenie	Part of desk research
Poland	Refugee.pl Foundation	25 April 2018
UK	Caritas	13 April 2018
Canada	Refugee Training Sponsorship Program	23 March 2018
Canada	Mennonite Central Committee (MCC) and Sponsorship Agreement Holders (SAH) Council	8 March 2018

*Table 5. Experts*

<b>Stakeholder</b>	<b>Affiliation</b>	<b>Interview date</b>
Matthieu Tardis	IFRI	6 March 2018
Craig Damian Smith	Global Migration Lab, University of Toronto	26 March 2018
Jennifer Bond	Global Refugee Sponsorship Initiative (GRSI), University of Ottawa	14 April 2018

## **Annex 4 Glossary of terms**

**Applicant for international protection:** a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.

**Beneficiary of international protection:** a person who has been granted refugee status or subsidiary protection status.

**Beneficiary of a sponsorship scheme:** a person who has been admitted into the private sponsorship scheme. The eligibility criteria by which to identify a beneficiary of a sponsorship scheme can range include nationality from and/or residence in a certain third country; prima facie need of international protection; the satisfaction of vulnerability criteria; or pre-existing ties with the destination country (mostly family ties).

**Durable solutions:** Any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives.<sup>367</sup> UNHCR traditionally pursues the durable solutions of voluntary repatriation, local integration and resettlement.<sup>368</sup>

**Family member:** In the context of the Family Reunification Directive (Directive 2003/86(EC), a third-country national, as specified in Article 4 of this Directive (normally members of the nuclear family – i.e. the spouse and the minor children), who has entered the territory of the European Union for the purpose of family reunification. In the context of the Free Movement Directive (Directive 2004/38 EC): (a) the spouse; (b) the partner with whom the union citizen has contracted a registered partnership, on the basis of the legislation of a EU Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State; (c) the direct descendants who are under the age of 21 or are dependants and those of the spouse or partner as defined in point (b); (d) the dependent direct relatives in the ascending line and those of the spouse or partner as defined in point (b). In the context of asylum, and in particular Regulation (EU) No 604/2013 (Dublin III Regulation), this means insofar as the family already existed in the country of origin, the following members of the applicant's family who are present on the territory of the EU Member States: a) the spouse of the applicant or their unmarried partner in a stable relationship, where the law or practice of the EU Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country national b) the minor children of couples referred to in the first indent or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law; c) when the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present; d) when the beneficiary of international protection is a minor and unmarried, the father, mother or another adult responsible for them whether by law or by the practice of the Member State where the beneficiary is present.

**Humanitarian admission:** The term "admission" is defined as "the lawful entry of an alien onto the territory of a State after inspection and authorisation by an immigration officer". The term "humanitarian admission" is however not defined. In the context of this study, humanitarian admission refers to schemes which are similar to resettlement but for varying reasons do not fully match the definition of resettlement. For example, resettlement may be a permanent solution for the people benefiting from

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<sup>367</sup> UN High Commissioner for Refugees (UNHCR), UNHCR Master Glossary of Terms, June 2006, Rev.1, available at: <http://www.refworld.org/docid/42ce7d444.html> [accessed 24 January 2018].

<sup>368</sup> UN High Commissioner for Refugees (UNHCR), UNHCR Master Glossary of Terms, *op. cit.*

it, while humanitarian admission may be temporary. A refugee status determination (by the UNHCR) could be a precondition for resettlement while humanitarian admission could be available to a wider range of potential beneficiaries.

**Humanitarian protection:** a person covered by a decision granting authorisation to stay for humanitarian reasons under national law concerning international protection by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the Qualifications Directive (Directive 2011/95/EU) but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or based on principles flowing from such instruments. [...] persons granted a permission to stay for humanitarian reasons but who have not previously applied for international protection are not included under this concept.”

**Global Refugee Sponsorship Initiative (GRSI):** a joint initiative led by the Government of Canada, the United Nations High Commissioner for Refugees (UNHCR), the Open Society Foundations, the Radcliffe Foundation and the University of Ottawa, which aims to provide guidance and technical support to governments interested in setting up sponsorship programmes.

**International protection:** In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.

**Pre-departure orientation courses:** Courses that provide factual information about the country of destination but may also aim to foster positive attitudes for successful adaptation in the long run. These could include opportunities for migrants to gain (and practice) the necessary skills needed to facilitate their integration and to develop helpful attitudes including pro-activity, self-sufficiency and resourcefulness (knowing how to find the information they are seeking); skills include knowing how to conduct oneself in certain situations, time management and goalsetting, as well as being able to navigate complex systems including banking, social, health and emergency services, transportation etc.<sup>369</sup>

**Quota of resettled/admitted persons:** target number of persons that the Member State plans to resettle/admit in its territory, under its national scheme(s). The quota can be defined either on an annual or multiannual basis.

**Non-harmonised (protection) status:** national protection status falling outside the scope of application of the Qualification Directive.

**Relocation:** the transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined. In the context of the EU emergency relocation programme, the transfer of persons in clear need of international protection, as defined in Council Decisions 2015/1601 and 2016/1754, having applied for international protection from the EU Member State, Switzerland or Norway, where their application for international protection will be examined.

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<sup>369</sup> International Organisation for Migration, Best Practices IOM's migrant training and pre-departure orientation programmes available at: <https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Best-Practices-in-Migrant-Training.pdf>;

**Resettlement:** In the global context, it is the selection and transfer of refugees from a state in which they have sought protection to a third country 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 dependants with access to rights similar to those enjoyed by nationals. For this reason, resettlement is a durable solution as well as a tool for the protection of refugees.<sup>370</sup> In the EU context, resettlement refers to the process whereby, on a request on a request from UNHCR based a person's need for international protection, third-country nationals are transferred from a third country and established in a Member State, where they are permitted to reside with one of the following statuses: (i) refugee status within the meaning of Article 2(d) of Directive 2011/95/EU; (ii) 'subsidiary protection status' within the meaning of point (g) of Article 2 of Directive 2011/95/EU; or (iii) any other status which offers similar rights and benefits under national and Union law as those referred to the previous points.<sup>371</sup>

**Refugee:** *In the global context*, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. Are excluded from this definition any person with respect to whom there are serious reasons for considering that s/he has committed a crime against peace, a war crime or a crime against humanity, has committed a serious non-political crime or has been guilty of acts contrary to the purposes and principles of the United Nations (as enumerated in Article 1F of the 1951 UNHCR Refugee Convention). *In the EU context*, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 (Exclusion) of Directive 2011/95/EU does not apply.

**Sponsor:** A person or entity which undertakes a (legal, financial or personal) engagement, promise or pledge, on behalf of another. In the context of EU family reunification, it is a third-country national residing lawfully in an EU Member State and applying, or whose family members apply, for family reunification to be joined with them.

**Subsidiary protection status:** Recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection. TBD

**Private sponsorship scheme:** There is no common and agreed definition of private sponsorship scheme. A key element of private sponsorship is that a person, group or organisation assumes partial responsibility for providing financial and/or social support to a resettled person or family, for a predetermined period of time (usually one year or more) or until the person or family becomes self-sufficient.<sup>372</sup>

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<sup>370</sup> United Nations High Commissioner for Refugees, UNHCR Resettlement Handbook, 2011.

<sup>371</sup> Article 2(a) of Regulation 516/2014 of 16 April 2014 establishing the Asylum, Migration and Integration Fund (AMIF).

<sup>372</sup> Judith Kumin, Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union (Brussels: MPI Europe, 2015), <http://www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european>, p.3.

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## Annex 6 Synthesis of stakeholder consultations

Table 6. Overview of key discussion points per stakeholder group on typical features of private sponsorship schemes, their added value, and policy options

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
Objective of sponsorship scheme	National authorities	<p><u>Private sponsorship schemes within national legal pathways</u></p> <ul style="list-style-type: none"> <li>• Only a couple of interviewees spoke about the additionality of private sponsorship schemes, in the form of pilot or ad-hoc programmes.</li> <li>• Private sponsorship schemes exist mainly as facilitating mechanisms within other legal pathways (resettlement programmes, family reunification, Humanitarian Assistance Programmes).</li> <li>• The political and economic climate, as well as the social welfare system, greatly influence the implementation of private sponsorship.</li> </ul> <p><u>Role of national authorities of civil society organisations (CSO) in the implementation of private sponsorship schemes</u></p> <ul style="list-style-type: none"> <li>• CSOs occupy a central role in private sponsorship schemes because private individuals are unable to act as sponsors so CSOs have filled the gap.</li> <li>• CSOs responsibilities varied according to the MS, ranging from identifying potential beneficiaries, to organizing their arrival and then being responsible for their material conditions and integration services.</li> <li>• While most of the authorities interviewed welcomed the shared responsibilities (and shared financial burden), a small number questioned whether these responsibilities should not lie solely with the authorities.</li> </ul> <p><u>Source of funding</u></p> <ul style="list-style-type: none"> <li>• AMIF was cited consistently as being a core source of the funding for these projects.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
		<p><u>Overall objectives of private sponsorship schemes cited</u></p> <ul style="list-style-type: none"> <li>• Resettlement or family reunification facilitation.</li> <li>• Long term integration of beneficiaries.</li> <li>• Alleviate pressure from first asylum countries.</li> </ul>
	Local government and municipalities	<ul style="list-style-type: none"> <li>• Views of one stakeholder found that the overall (positive) expectations from the (initial) objectives of private sponsorship schemes could be mitigated as</li> <li>• Private sponsorship schemes do not necessarily alleviate costs (e.g. integration costs, pre-arrival preparations, reception costs).</li> <li>• Private sponsorship schemes do not necessarily facilitate integration if there are no members of the same community already present in the country where the programme is implemented.</li> <li>• Private sponsorship schemes do not necessarily stem the flow of migrants or alleviate pressure on first asylum countries.</li> <li>• The main point made was that the programme was not substantial enough to have an impact on the situation yet, but there is potential.</li> </ul>
	National and local civil society organisations	<p><u>Increasing secure and legal pathways</u></p> <ul style="list-style-type: none"> <li>• Private sponsorship schemes are usually complementary to other legal pathways, including resettlement schemes, education and family reunification pathways.</li> <li>• They depend on the pre-existing legal pathway (resettlement, family reunification, education).</li> <li>• Private sponsorship schemes generally increase the number of admissions as they widen the pool of beneficiaries, depending on the national system for family reunification or resettlement.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
		<p><u>Perception</u></p> <ul style="list-style-type: none"> <li>All interviewees in this stakeholder group found that private sponsorship schemes would improve the perception of migration in general, as well as the specific narrative for resettlement and family reunification.</li> </ul> <p><u>Integration</u></p> <ul style="list-style-type: none"> <li>Most of the interviewees believe that private sponsorship will improve the long-term integration of beneficiaries of such schemes.</li> <li>One interviewee was sceptical about the impact the integration of beneficiaries of private sponsorship schemes as the national integration context was already difficult for beneficiaries of international protection (no language or integration classes obligations provided in the national legislation).</li> </ul>
	Third countries	<ul style="list-style-type: none"> <li>Added value of private sponsorship schemes:</li> <li>All the third countries interviewed have established permanent private sponsorship schemes.</li> <li>In their view, private sponsorship brought clear added value in terms of (alleviated) financial burden (on national authorities), integration of beneficiaries and perception from the general public. The financial burden was discussed by all interviewees and seen as a major objective of private sponsorship schemes.</li> <li>Beneficiaries are selected extremely carefully: one interviewee stated that the selection of the beneficiaries was based on the vulnerability of the individual as well as their employment and language skills, which were seen as essential conditions of their integration.</li> </ul> <p><u>Integration of beneficiaries</u></p> <ul style="list-style-type: none"> <li>Integration was the main priority for all the interviewees, especially through employment.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
		<ul style="list-style-type: none"> <li>One especially focused on long-term employment of beneficiaries, while another found that community-based sponsorships yielded higher integration results.</li> </ul>
		<p><u>Public perception</u></p> <ul style="list-style-type: none"> <li>Private sponsorship schemes were discussed as being beneficial for the public perception of refugees; one interviewee citing that this was the opportunity for the community to get directly involved in resolving the refugee crisis, while another stated that this was a positive by-product of the schemes.</li> </ul>
	International organisations	<ul style="list-style-type: none"> <li>Private sponsorship schemes were found to be a necessary complement to EU resettlement programmes as Member States need to fulfil and increase their resettlement obligations</li> <li>Reception conditions, integration and public perception of migrants were found to benefit from private sponsorship schemes as they lessen the burden on States and widen the pool of beneficiaries as well as opening new countries to resettlement schemes because sponsorship schemes may act as 'gateway' paths for resettlement schemes.</li> </ul>
	EU relevant organisations	<ul style="list-style-type: none"> <li>One stakeholder found that the objectives were in line with the points raised by other representatives of international organisations above, namely that the sponsorship scheme would alleviate the burden on public institutions, facilitate integration and increase the number of individuals benefiting from this form of protection and improve public perception on migration. Another interviewee found that the objectives were unclear, extremely dependent on the national political climate, lacked transparency and tended to confuse migrants and refugees.</li> </ul>
	Research organisations	N/A
Eligibility criteria	National	<u>Vulnerability</u>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
of beneficiaries	authorities	<ul style="list-style-type: none"> <li>All the authorities found that the need for international protection in the beneficiary was a requirement, except one stakeholder that only insisted on the internally displaced person (IDP) status of the potential beneficiary.</li> <li>The degree of the vulnerability varied from State to State: the majority insisted on the UNHCR vulnerability criteria being applied, another stated that the beneficiary should qualify as refugee or at least as an asylum seeker.</li> </ul> <p><u>Family reunification ties</u></p> <ul style="list-style-type: none"> <li>Two interviewees cited that family ties were necessary to benefit from the scheme, while the rest did not cite the family ties in their requirements.</li> </ul> <p><u>Country of origin</u></p> <ul style="list-style-type: none"> <li>Two interviewees cited that the beneficiaries needed to be from a specific country or region to benefit from the programme established in their country.</li> </ul> <p><u>Referral mechanisms</u></p> <ul style="list-style-type: none"> <li>These varied according to the scheme implemented: one Member State insisted that UNHCR should act as referral, others that the family should identify the beneficiary and the others did not proceed by referral.</li> </ul> <p><u>EU relocation scheme</u></p> <ul style="list-style-type: none"> <li>This was cited by one interviewee as the only requirement for beneficiaries to be part of the scheme: that s/he should be a beneficiary of the EU relocation scheme.</li> </ul> <p><u>Exclusion</u></p> <ul style="list-style-type: none"> <li>All interviewees cited that there would be no other exclusion requirements beyond the usual exclusion criteria, except for one interviewee who indicated that the beneficiary had to pass additional security checks to participate in the programme.</li> </ul>
	Local	<ul style="list-style-type: none"> <li>The country of origin and/or the status of the individual qualified them to benefit from</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
	government and municipalities	private sponsorship scheme.
	National and local civil society organisations	<p><u>Vulnerability</u></p> <ul style="list-style-type: none"> <li>The condition of vulnerability was stated by all stakeholders in this category, but they did not require the same degree of vulnerability (varying from simply being an applicant for international protection, to having refugee status, to having refugee status, being a family and being from Syria)</li> <li>The majority insisted that the beneficiary have refugee status as determined by UNHCR and are reluctant to include asylum seekers (one accepts that the criteria can be flexible there).</li> <li>One insists that the beneficiary must have refugee status and also fulfil the national criteria (displaced because of armed conflict in a specific region). Another interviewee found that vulnerability, as well as religion and integrability were necessary conditions.</li> </ul> <p><u>Family reunification</u></p> <ul style="list-style-type: none"> <li>One interviewee insisted that if the sponsorship scheme took place within a family reunification pathway, then the selection criteria for beneficiaries was applied more flexibly by the authorities.</li> </ul> <p><u>Referrals</u></p> <ul style="list-style-type: none"> <li>All interviewees cited difficulties about referrals, either from the bureaucratic burden, to the tension created by the shared burden of identifying beneficiaries between the government and CSOs.</li> <li>Referrals were found to be essential for one interviewee as that was the only way for them to benefit from the scheme in their country.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
	Third countries	<ul style="list-style-type: none"> <li>• Language, education and employment requirements were discussed; one country was adamant that both the vulnerability and the employment of the beneficiary were requirements, but the other only insisted on the language requirement.</li> </ul>
	International organisations	<ul style="list-style-type: none"> <li>• Key points raised were that:</li> <li>• The criteria should be applied to support the resettlement effort.</li> <li>• Vulnerability should be the priority when selecting beneficiaries.</li> <li>• One interviewee was sceptical about the referral system as it could undermine the vulnerability criteria, because other criteria such as family relations belonging to a faith or an ethnic group should not override the vulnerability condition.</li> </ul>
	EU relevant organisations	<ul style="list-style-type: none"> <li>• Interviews revealed disagreement between stakeholders on the vulnerability criteria to be applied for the selection of beneficiaries: some questioned whether the beneficiary should qualify for refugee status or whether the individual only had to be accepted within the resettlement program.</li> <li>• The necessity for the eligibility criteria to be flexible was reiterated by all interviewees in this stakeholder group.</li> <li>• Another key point raised was that the eligibility criteria should contribute to broadening the (national or EU) resettlement schemes.</li> <li>• There were also differences of opinion on whether private sponsorship schemes should be specific to a specific community, whether there should be previous families ties in the country of destination and on whether certain categories of individuals should be excluded from the scheme (individuals suffering from medical conditions, needing emergency resettlement or unaccompanied minors).</li> </ul>
	Research organisations	<ul style="list-style-type: none"> <li>• No strong discussion points regarding eligibility criteria were mentioned, except to find that Iraqi beneficiaries were often sponsored by family members. The vulnerability</li> </ul>



Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
		criteria were found to be loosely respected.
Eligibility criteria of sponsor	National authorities	<ul style="list-style-type: none"> <li>• A small number of national authorities stated that they required basic income and housing situations, while others stated that the requirements were quite flexible.</li> <li>• Depending on the permanence of the programme, the criteria to choose the sponsor were quite flexible throughout Member States.</li> <li>• One interviewee stated that previous work experience with vulnerable communities was a requirement.</li> <li>• Other conditions identified and required by a few interviewees were employment opportunities and language training.</li> </ul>
	Local government and municipalities	<ul style="list-style-type: none"> <li>• Sponsors are not limited to nationals of the country where the scheme is implemented, especially within the context of family reunification.</li> <li>• In a few Member States, sponsors cannot be individuals, but need to be a group of individuals, or CSO, for instance.</li> <li>• Minimum income can be requirement in a few Member States.</li> <li>• They need to demonstrate the ability to provide education (and language training) to beneficiaries.</li> </ul>
	National and local civil society organisations	<ul style="list-style-type: none"> <li>• The interviewees all agreed that the eligibility criteria were flexible, different interviewees emphasised different characteristics (previous experience with vulnerable groups, housing, providing assistance with finding employment opportunities; sufficient financial capacity).</li> <li>• Regarding the financial burden on sponsors, it was found twice that individuals should group together to shoulder the heavy financial burden of sponsorship.</li> </ul>
	Third	<ul style="list-style-type: none"> <li>• Because the interviewees are countries that have permanent private sponsorship programmes, the requirements are quite well identified and strict.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
	countries	<ul style="list-style-type: none"> <li>The discussion focused on these requirements (financial, reception packages, employment opportunities, etc.).</li> <li>In each case, the screening and selection process was said to be quite heavy.</li> </ul>
	International organisations	<ul style="list-style-type: none"> <li>Sponsors should always be selected in the interest of the beneficiary.</li> <li>Interviewees highlighted two main requirements: the residency and financial standing of sponsors.</li> </ul>
	EU relevant organisations	<ul style="list-style-type: none"> <li>Interviewees agreed that the requirements depended entirely on the type of scheme implemented and especially on the type of sponsor: if the sponsor is a family member, then the income requirement would be quite flexible.</li> <li>Overall, it was agreed that while the criteria should be flexible, it should also respect the minimum requirements for housing, financial stability and criminal history.</li> </ul>
	Research organisations	<ul style="list-style-type: none"> <li>One interviewee pointed out that the criteria will depend on the scheme and its permanence; if a temporary pilot sponsorship scheme is implemented, then the criteria will be adapted to its needs/objectives. and thus be more flexible.</li> </ul>
Responsibilities of sponsors	National authorities	<ul style="list-style-type: none"> <li>Pre-arrival responsibilities of sponsors vary: housing and basic reception conditions are usually considered, but it then depends on the type of scheme (duration of schemes, their permanency, their objective – to facilitate family reunification, etc).</li> <li>The type of sponsorship agreement depends on the type of scheme put in place.</li> <li>Training was generally cited as being necessary to inform the sponsor on their responsibilities, although sometimes CSOs are made responsible for this rather than national authorities.</li> <li>Basic conditions are usually expected to be provided to beneficiaries, but depending on the welfare system in place, healthcare is not always the sponsor’s obligation.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
	Local government and municipalities	<ul style="list-style-type: none"> <li>Sponsors cover housing costs, pre-arrival orientation and integration responsibilities, but local authorities cover other services, such as healthcare and language services.</li> <li>The separation between the responsibilities of the authorities and the responsibilities of the CSOs has been unclear and continues to be a source of tension.</li> </ul>
	National and local civil society organisations	<ul style="list-style-type: none"> <li>National authorities were found by most of the interviewees to be the main actor in terms of training, integration classes, access to health services, etc. CSOs and sponsors would intervene if/when the authorities were unable to fulfil their obligations. Overall, in most sponsorship schemes, the sponsor was responsible for providing housing.</li> <li>One interviewee found that, depending on the programme, the sponsor, if it is a CSO, would be held responsible for most of the services provided, with the State only involved in the security checks and visas.</li> <li>Providing training to CSOs was deemed essential, although this was not always covered by the State, depending, again, on the type of sponsorship scheme.</li> <li>Tensions between national authorities and the CSOs was cited when the subject of the division of responsibilities was brought up.</li> </ul>
	Third countries	<ul style="list-style-type: none"> <li>There was a mixed view on the responsibility shared between sponsors and authorities: for one interviewee, the sponsors, in cooperation with the authorities, take on the biggest share of responsibility (mostly for financial and organisational reasons) while for another, the government took a leading role in implementing the schemes and providing the training, courses, and necessities.</li> </ul>
	International organisations	<ul style="list-style-type: none"> <li>It was highlighted that the more the sponsor is involved, the better the services provided will be, although this will depend on the social and economic context of the Member State. The authorities should always act as an overseer to make sure that the services proposed meet the required standards.</li> </ul>
	EU relevant	<ul style="list-style-type: none"> <li>According to one interviewee, if the authorities do not facilitate beneficiaries' access to</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
	organisations	<p>different services (housing, healthcare, employment), they should at the very least not create additional challenges for them to access these services. If the authorities can be more involved, that would be better, and this may depend on the private sponsorship scheme.</p> <ul style="list-style-type: none"> <li>National authorities considered that they should always be responsible for security checks and visas.</li> </ul>
	Research organisations	<ul style="list-style-type: none"> <li>There is tension on the division of responsibility between CSOs and the authorities as CSOs fear that private sponsorship schemes will allow the authorities to 'evade' their obligations regarding resettlement.</li> <li>Two interviewees cited that national authorities should provide more support to sponsors if they do not take on certain responsibilities, such as providing training and access to health services, for instance.</li> </ul>
Status granted and associated rights	National authorities	<p><u>Access to rights</u></p> <ul style="list-style-type: none"> <li>Overall, beneficiaries admitted via private sponsorship schemes benefit from same rights as those benefitting from international protection (to varying degrees depending on the scheme implemented)</li> <li>Priority to enjoy certain services (education, integration classes, etc.) is usually given to regular beneficiaries of international protection if there is a strain on resources.</li> </ul> <p><u>Residence permits</u></p> <ul style="list-style-type: none"> <li>Whether beneficiaries are granted a temporary or a permanent residence permit is dependent on the permanence of the scheme. Overall, beneficiaries are entitled to temporary residence permits, the renewal of which will depend on the type of sponsorship scheme and whether the beneficiary wishes to apply for international protection.</li> </ul>
	Local government	<ul style="list-style-type: none"> <li>In one Member State, interviewee indicated that beneficiaries receive a refugee status (visa then transformed into long-term residency permits), and that all of the paperwork is</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
	and municipalities	done at pre-arrival stage.
	National and local civil society organisations	<ul style="list-style-type: none"> <li>The discussion focused on refugee status granted to beneficiaries of sponsorship schemes. It was found that vulnerability and the acquisition of the status was a requirement in all schemes, but that the rights attached to it were quite limited (temporary residence permits, limited travel rights and limited right to family reunification). The opinions were equally divided on this matter.</li> </ul>
	Third countries	<ul style="list-style-type: none"> <li>Discussion focused briefly on the residency permits received by the beneficiaries and the government services that become available to them.</li> </ul>
	International organisations	<ul style="list-style-type: none"> <li>One interviewee mentioned that beneficiaries should be granted refugee status, while another one found that this could depend on the scheme. Both agreed that the beneficiaries should have access to the same services as individuals granted a refugee status.</li> </ul>
	EU relevant organisations	<ul style="list-style-type: none"> <li>Key points raised were that:</li> <li>Beneficiaries of international protection should be given refugee status, enjoy the same rights and there should be harmonisation to avoid negative perceptions (“deserving versus not deserving refugees”).</li> <li>Beneficiaries of private sponsorship schemes should always have access to the asylum system.</li> </ul>
	Research organisations	<ul style="list-style-type: none"> <li>A key point raised was that beneficiaries of private sponsorship schemes should have the same status as same rights as refugees, including a financial allowance.</li> </ul>
Monitoring and evaluation	National authorities	<ul style="list-style-type: none"> <li>Very different monitoring practices across Member States, depending on the scheme implemented (pilot or incorporated into other legal pathways). For some, there is no formal monitoring system (only informal phone calls for instance) while others have a mix</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
		<p>of both formal and informal methods.</p> <ul style="list-style-type: none"> <li>Risks that may arise from a lack of monitoring are, as mentioned: excessive financial burden on sponsors, too many responsibilities on the sponsor, lack of transparency and the government 'overusing' private sponsorship programmes and not fulfilling other obligations like resettlement.</li> </ul>
	Local government and municipalities	<ul style="list-style-type: none"> <li>Stakeholders overall considered that the implementation of the private sponsorship scheme is flawed due to the involvement too many actors are, and it therefore needs simplification.</li> <li>One stakeholder stated that it is too early and too small of a scale (in terms of number of beneficiaries and sponsors, localisation, financial means put into the scheme) to have conclusive results and views on the evaluation.</li> </ul>
	National and local civil society organisations	<ul style="list-style-type: none"> <li>Depending on the private sponsorship scheme implemented, the sponsor may not be legally held accountable for failing to fulfil his/her obligations as the monitoring is not consistently applied throughout the countries.</li> <li>One interviewee found that better communication, coordination and transparency with the authorities would greatly improve the quality of the schemes.</li> </ul>
	Third countries	<ul style="list-style-type: none"> <li>Training is provided to sponsors and formal/informal monitoring is carried out throughout the operation of the scheme, although not all interviewees confirmed the existence of monitoring systems.</li> </ul>
	International organisations	<ul style="list-style-type: none"> <li>Stakeholders interviewed considered there should be a common standard to make sure that the accountability of the sponsors is harmonised.</li> <li>Mentioned risks that may arise due to a lack of monitoring or evaluation include: private sponsorship taking over regular family reunification and resettlement pathways and that beneficiaries are not selected according to their level of vulnerability.</li> </ul>
	EU relevant	<ul style="list-style-type: none"> <li>Stakeholders interviewed found that major risks were the lack of coordination in practice</li> </ul>

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	organisations	<p>and a lack of harmonisation of standards across MS.</p> <ul style="list-style-type: none"> <li>One interviewee found that they should be more involved in the monitoring and evaluation of the schemes as they could provide effective guidance on implementing the schemes and prevent private sponsorship schemes from undermining resettlement programmes.</li> </ul>
	Research organisations	<ul style="list-style-type: none"> <li>Necessity to have close monitoring of sponsors as the relation may become tense between beneficiary and sponsor, which could have negative consequences on the individuals and on the implementation of the scheme itself.</li> </ul>
Views on action at EU level and recommendations	National authorities	<p><u>Recommendations from stakeholders</u></p> <ul style="list-style-type: none"> <li>Overall, increasing capacity and financial support to expand the schemes was cited by several stakeholders.</li> <li>One interviewee stated that individuals should be able to sponsor individuals and thus expand the scheme.</li> <li>Another stated that the EU should not be involved in the schemes as it would be unmanageable.</li> </ul> <p><u>Options</u></p> <ul style="list-style-type: none"> <li>The lead on the setting-up and implementing private sponsorship schemes should be taken by Member States and not the EU.</li> <li>Sharing information and good/bad practices amongst States.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>A key point raised was that the programmes should be implemented at the national level rather than at the local level, this could simplify procedures, increase funding and improve means with which to implement the schemes at the local level.</li> </ul>
	Local government and municipalities	

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	National and local civil society organisations	<p><u>Recommendations from stakeholders consulted</u></p> <p><u>More financial assistance (State or EU funds)</u></p> <ul style="list-style-type: none"> <li>• Better infrastructure in which beneficiaries are received, housed and occasionally receive training and medical care.</li> <li>• Better information-sharing between actors.</li> <li>• Simplify procedures for selection of beneficiary, pre-arrival preparations and reception.</li> </ul> <p><u>Options</u></p> <ul style="list-style-type: none"> <li>• Better flexibility in how to implement the schemes (pre-arrival preparation, housing, integration training, etc.).</li> <li>• Better information-sharing.</li> <li>• Re-direct EU focus toward the resettlement obligations, not private sponsorship schemes.</li> </ul>
	Third countries	<p><u>Recommendations from stakeholders</u></p> <ul style="list-style-type: none"> <li>• Better information-sharing between actors involved.</li> <li>• Training support for sponsors especially, but also for beneficiaries (integration courses and languages classes).</li> <li>• Better communication channels between State-level authorities and sponsors.</li> </ul>
	International organisations	<p><u>Recommendations from stakeholders:</u></p> <ul style="list-style-type: none"> <li>• Improve perception/ communications strategy to expand the private sponsorship schemes across Member States, this is mostly addressed at the public.</li> <li>• Share best practices on private sponsorship schemes.</li> <li>• Improve EU-level financing because this is what the EU is most effective in.</li> </ul>



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		<ul style="list-style-type: none"> <li>• Improve communication channels between the actors involved in the implementation of the scheme: CSO, local and national authorities, sponsors.</li> </ul> <p><u>Options</u></p> <ul style="list-style-type: none"> <li>• The general point raised was that the EU should not take a legal approach to expand private sponsorship schemes as a legislative initiative would not be accepted in current political climate; instead, funding should be the priority, as well as promoting information-sharing between relevant actors.</li> </ul>
	EU relevant organisations	<p><u>Recommendations from stakeholders</u></p> <ul style="list-style-type: none"> <li>• No need to review the legal framework.</li> <li>• Increase the funding, as well as technical and operational support.</li> <li>• Improve communication and perception of programmes.</li> <li>• One interviewee found that the EU should take a leadership role to expand private sponsorship schemes across EU Member States, although it should be more political than legal; if a legal instrument were to be adopted, it should take the form of a Directive but not a Regulation.</li> </ul> <p><u>Options</u></p> <ul style="list-style-type: none"> <li>• Disagreement was noted on the use of AMIF to support private sponsorship schemes: one interviewee stated that Member States should not use AMIF as private sponsorship schemes should be an alternative pathway and not be part of Member States' resettlement obligations or quotas; another found that Member States could use AMIF so long as a significant part of the funding was dedicated to resettlement.</li> <li>• It might be counterproductive to have an EU-wide programme at the moment as such option would take off flexibility in the design of private sponsorship schemes and may discourage Member States.</li> </ul>

Key aspect/element of private sponsorship schemes	Group of stakeholders	Discussion points/key results
		<ul style="list-style-type: none"> <li>Additional coordination between the actors involved in the scheme (Sponsor, authorities, CSOS involved) would be welcome.</li> </ul>
	Research organisations	<p><u>Recommendations from stakeholders</u></p> <ul style="list-style-type: none"> <li>Better support (funding, training) for sponsors and CSO involved in the scheme.</li> <li>Improve communication channels between the different actors of the scheme.</li> <li>Simplify procedures for selection of beneficiary, pre-arrival preparations and reception.</li> <li>Better coordination with CSOs.</li> <li>EU's role should consist mainly of funding.</li> </ul> <p><u>Options</u></p> <ul style="list-style-type: none"> <li>Strengthen resettlement programmes.</li> <li>No need for new EU legislation on private sponsorship schemes.</li> </ul>

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