Private Sponsorship: Revolution in Immigration Policy

The Biden administration recently launched ambitious private sponsorship programs for Ukrainians, Cubans, Haitians, Nicaraguans, and Venezuelans, which could be the largest expansion of legal migration in decades. These initiatives create new legal opportunities for Americans to sponsor foreigners from these troubled countries for legal entry and residence in the United States. **David Bier**, Cato's associate director of immigration studies, was joined by **Ilya Somin**, B. Kenneth Simon Chair in Constitutional Studies; **Kit Taintor**, vice president of policy and practice at Welcome.US; and **Adam Cox**, professor of law at New York University, to discuss what the sponsorship experience is like and how the government can improve on these policies.

David Bier: The idea of private sponsorship in the immigration context is pretty simple. An individual American or group of Americans takes some financial responsibility for someone who's trying to come to the United States. This is already how most of our immigration system works. It's U.S. citizens sponsoring their relatives or employers sponsoring employees. But these systems are highly restrictive and extremely difficult for people who have been displaced from their homes or who face conflict or political turmoil in their home countries.

The idea behind what we're calling the private sponsorship revolution in immigration policy is expanding our current system of sponsorship to allow Americans to sponsor people in these humanitarian contexts.

There are two types of sponsorship. Parole sponsorship is through the Department of Homeland Security. It's a temporary status that possibly could be renewable. Refugee sponsorship is under the Welcome Corps and the State Department. Refugees receive a permanent status with an eventual path to citizenship. The most important difference is the scale of these two programs. We have about 35,000 immigrants coming under these parole sponsorship programs per month, whereas the State Department's refugee goal for sponsorship is just 5,000 for this year.

There are over a million applications pending from Haiti, Cuba, Nicaragua, and Venezuela. This is actually promising. We have this huge backlog, but it's a huge opportunity. This is why we think it can be a revolution in immigration policy because this represents hundreds of thousands of Americans stepping up and being willing to sponsor people to come into the United States. If this continues, it truly will be a revolution in immigration policy.

Ilya Somin: This issue is extremely important in terms of its scale and the issues involved in the long run.

The first of these programs, Uniting for Ukraine, arose from the Russian invasion of Ukraine. This invasion generated a refugee crisis with some seven million people fleeing Ukraine after Vladimir Putin's brutal assault. A Ukrainian refugee needs to have a U.S. citizen sponsor to provide some financial support. If a sponsor is secured, the Ukrainian individual can enter the United States and stay for two years and have work authorization.

In January of this year, this program was extended to people fleeing four Latin American countries—Cuba, Haiti, Nicaragua, and Venezuela (CHNV). All four of these countries either have very oppressive regimes or have violence and severe economic crises, or some combination of both. There is also the Welcome Corps program. While it applies to migrants or refugees from all over the world, as opposed to just five countries, the only people eligible for it will be people who meet the very restrictive legal definition of "refugee," which is much narrower than the ordinary language definition of that word. Those who are able to enter the Welcome Corps program get permanent residency, indefinitely—they're not limited to just two years.

I'm a sponsor in the Uniting for Ukraine program. It took me about two or three hours to fill out the forms, which is not great—but it is much better than many other immigration-related forms. Even more impressively, I got a favorable response from the USCIS [U.S. Citizenship and Immigration Services] within nine days. When I sponsored a second time, it took about 20 days to get a response. This speed is part of what has enabled over 250,000 people to come to the United States through these sponsorship programs within only a year's time.

The scale could be larger because the CHNV extension with the four Latin American countries has been in place for only a few months. When fully in place, it can allow the entry of some 360,000 people per year. If this

continues, it will be a very large part of our total amount of legal immigration. It can rescue hundreds of thousands of people from oppression, war, violence, and poverty. It benefits them, but it also benefits us because these people can make important economic and social contributions.

Though these programs are good in many ways, they do have some significant limitations. The most obvious and most significant is that people entering under them are given residency and work permits for only two years. When that runs out, there will be a very serious problem—they will be eligible for deportation; they won't be able to work legally; so at best, they'll end up in the black market like our current population of undocumented immigrants. People can be much more productive and can contribute more to society if they're able to work legally in the open. We want people out of the shadows both for their own sake and for the sake of the American economy.

The second big problem is that this policy was created by the president using his parole authority under the Immigration and Nationality Act. Obviously, if he can create it, he can take it away. Either Biden or a future president could potentially do that at almost any time. The clear solution to this is to pass an adjustment act. That is what in fact has been done in the past when the parole power was used to allow the entry of Hungarians fleeing the Soviet invasion and Cubans fleeing communism. Congress can pass an adjustment act that gives these people permanent status for both residency and work.

We should not view this as a burden that the United States takes on. They contribute to our society and economy, and they strengthen the U.S. position in the war of ideas. If people are fleeing their regime to come here, that's a very powerful sign. It also sends a powerful message that we do not oppose the people of these countries—our opposition is to their governments.

Kit Taintor: Welcome.US is a relatively new national initiative built to inspire, mobilize, and empower Americans to participate in welcoming efforts across the nation. We began our work during Operation Allies Welcome because we knew that the existing government infrastructure wasn't enough to really welcome our Afghan allies.


ILYA SOMIN

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The Welcome Corps program is looking at 5,000 refugees this year. We're also looking at the recently released UNHCR [United Nations High Commissioner for Refugees] numbers, which show that there are 100 million refugees or internally displaced people in the world. We know that these programs are good, but we also need to do more.

Welcome.US focuses on bringing diverse organizations and the private sector into the work of welcoming. We look to harness their members that really want to be involved by offering them easy pathways to participate.

We're also invested in creating those pathways, and sponsorship is one of those. We're invested in how to make sure that folks are engaged and helping with the things that need the power of the American people to drive forward.

Finally, we share stories of Americans from all walks of life, participating in sponsorship to inspire others to help us build an enduring capacity in the United States to welcome.

There is a relatively large backlog for the CHNV program. You can look at that as a backlog or as 1.5 million Americans who have stood up and said, "I want to help."

Under the Operation Allies Welcome in August 2021, there was a small sponsorship program that was piloted, and it showed how sponsorship can complement the other government pipelines and systems. We were overwhelmed with interest, and it sparked us to think about the power of sponsorship.

Uniting for Ukraine, the CHNV process, and Welcome Corps offer us as a nation a whole lot. First, they offer us the ability to act quickly when there is a humanitarian challenge. The Ukraine war started at the end of February, and by May we were welcoming folks into the United States. That is so fast. I have friends and colleagues who fled war and the Democratic Republic of the Congo, and they are still in refugee camps 5, 10, 15, 20 years later. The speed with which we can respond as a nation through these pathways is really key.

We have a very complex immigration system in the United States. It is not clear how you get here, how you find a path to safety. But these programs add value both to our refugee resettlement program for humanitarian purposes and to the greater programs

that we have to welcome those fleeing persecution and violence.

We have been so inspired by the number of Americans raising their hands to welcome people from all over the world. We did a survey with More in Common earlier this year, and it indicated that 50 million people in the United States are interested in sponsorship. Imagine the 100 million people fleeing violence. Fifty million people in the United States want to be the answer to that. Our website receives up to 60,000 visits a day. Our guide, tools, and resources include everything from how you do that I-134A form, to how to be a sponsor, to how to set up an apartment. Those resources have seen almost a million downloads.

In 2020, the refugee resettlement system welcomed 11,000 refugees. Every one of them has the opportunity in the United States to give back. But that's very small. The number of children born in refugee camps is more than that in any given month. That we are able to welcome not only refugees through the refugee process but also parolees through the humanitarian processes gives me great hope that eventually we will have a system that's able to be responsive to the national need.

Sponsors do a lot of things for newcomers. They provide support: financial support, temporary housing, help with filling out necessary government forms to help people get health insurance. But more importantly, sponsors are friends. They teach you things that anybody moving to a new community would need to know—how to ride the subway, where to buy fresh vegetables, how to get kids enrolled in school. Sponsors also help integrate newcomers.

Colorado did a five-year longitudinal study of what factors contribute most to refugee integration. People who feel like they belong in our communities are more likely to give back in the ways that really propel our economy forward. We found that there were two factors that were the leading causes of integration. One was English proficiency. But just as important was social bridging. What that means is you've got a friend outside your own community that can help guide you. And that's what sponsorship is. It's providing that friendship and that guide to a newcomer that really helps them thrive. Just by being a friend, by being a guide, you can help that person integrate.


KIT TAINTOR

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Recently, 26 businesses sent a letter to President Biden indicating that they needed new pools of talent to come into our nation to help propel our economy. When we're thinking about these folks coming in, it's about humanitarianism, it's about giving people opportunity, but opportunity often looks like good work and good work helps us all.

I think about the 100 million folks that are displaced worldwide. That number of displaced people keeps growing, and it's going to keep on growing. We need these revolutions in our immigration policy today for the current challenges, but we definitely need them for tomorrow.

Adam Cox: I want to—as the person who's written a lot about the history of American immigration policy and presidential control over it—step back and put each of those developments in historical context.

Let me start with the expansion of humanitarian protection, which Congress gave the president in 1952 to parole people into the country who are otherwise inadmissible. The use of that as the backbone of humanitarian protection is an important development in the Biden administration, but it has deep historical roots. Ever since Congress gave the president this power, presidents have used it to construct our system of refugee protection. Long before Congress passed the Refugee Act, long before we actually had a system by which people could come to this country to seek asylum, we had presidents like Eisenhower in the 1950s granting some 30,000 Hungarian students refuge in the United States pursuant to this parole power. Later presidential administrations used parole widely to allow the entry of hundreds of thousands of migrants fleeing places like Cuba. The Biden administration is reaching back to those roots and deploying this power today to protect folks coming from Afghanistan, from Ukraine, and from many places in Latin America.

I want to note that the Biden administration is using at least some of these programs not as pure expansions of humanitarian protection but instead as a kind of substitute for preexisting forms of humanitarian protection. Even as the administration has opened up these channels where a person who's sitting in Venezuela can seek parole in the United States if they're sponsored by someone here, the administration is simultaneously rolling out policies that make it much more difficult for a person who actually

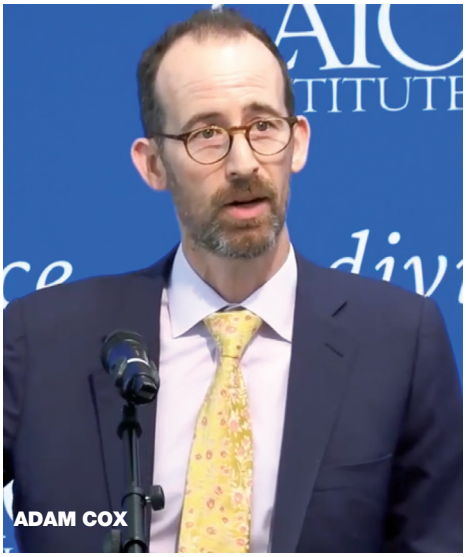
arrives at the U.S.-Mexico border and seeks asylum to obtain refugee protection.

Broadly speaking, we should see the CHNV program transforming refugee protection by saying, first, we'll provide protection for some, but instead of coming to the border to seek protection, and instead of having us evaluate your asylum applications on an individual basis, don't come to the United States if you want protection. Apply from abroad. Second, we're going to pick countries in advance who will be in a preferred position for refugee protection. And third, maybe most important, it doesn't require that people qualify as a "refugee," as that term is defined under U.S. law, to receive protection. That's important because the Refugee Act of 1980 is built on a model that imagines the person who needs protection as an ideological dissident of a communist regime. It doesn't match the crises that are taking place, certainly within our hemisphere.

Those are big changes in our refugee policies, and there are obviously some big advantages to them. It helps regularize the process of people coming; it reduces the processing crisis that was taking place in some parts of the border where the government simply couldn't process people quickly enough.

It comes with challenges as well. We should see this not as purely an expansion, but as a transformation—almost a new model. The sponsorship piece is new in the refugee context. Other countries like Canada have adopted similar programs. But a foundational element that distinguished our refugee protection system historically from other parts of American immigration law was that you didn't need a connection to someone in this country to receive our protection.

The sponsorship requirement in these programs creates lots of opportunities, but it is also an additional restriction that didn't previously exist. What we need to recognize is that it will shape who gets to come because it will depend on people developing those sponsorship connections. It's so important that there are intermediary organizations stepping up to help folks who don't have connections to this country. That's not a role that's being taken on by the government, but it's going to be a hugely important role.



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I'll end on a note of hope. One effect of the administration's substitution for processing people seeking protection at the border for this new system where people who want protection need to get processed abroad is that it reduces the kind of salience of the processing challenges that have taken place at the border. You're less likely to have overcrowded facilities where people are stuck in terrible conditions and detention centers for prolonged periods of time.

That's been part of the obstacle to immigration reform efforts on the Hill for so long, and one thing that these policies have the potential promise to do is turn down the temperature on that. In the run-up to the expiration of the emergency authorities that had blocked access to asylum at the southern border, there was a slew of coverage about how the government expected a massive increase in the arrival of people at the U.S.-Mexico border. And that hasn't happened. Part of the reason that hasn't happened is because of the existence of these programs. That might just create a little political space for more change along these lines. ■