

# NISKANEN C E N T E R

*RE: Notice of Public Comments on FY 2017 U.S. Refugee Admissions Program*  
*Submitted: May 19, 2016*

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Mr. Simon Henshaw  
Principal Deputy Assistant Secretary  
Bureau of Population, Refugees, and Migration  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520  
Submitted via: [PRM-Comments@state.gov](mailto:PRM-Comments@state.gov)

Dear Secretary Henshaw,

The Niskanen Center submits the following comments in response to the request for public comment on the Department of State's FY 2017 U.S. Refugee Admissions Program, 81 Fed. Reg., 23544. (April 21, 2016).

The Niskanen Center is a 501(c)(3) nonprofit public interest organization dedicated to advancing a freer society. The Niskanen Center advocates in particular for the rights of Americans to associate more freely with people from the countries. This comment argues that citizens of the United States ought to be allowed to increase the number of refugees admitted to the country by donating money to cover the costs of admission and calls for the creation of a privately funded refugee resettlement pilot program in FY 2017.<sup>1</sup>

We are grateful for the opportunity to comment on the refugee program. We trust the Niskanen Center's unique perspective will be useful to the department as it plans the Refugee Admissions Program for fiscal year 2017.

## **I. Introduction**

In its notice, the Department of State (DoS) invited comments from the public on “the appropriate size and scope of the FY 2017 U.S. Refugee Admissions Program” (USRAP).<sup>2</sup> President Barack Obama and Secretary of State John Kerry have indicated that the refugee target for fiscal year 2017 will be 100,000—an increase of 15,000 over FY 2016's target.<sup>3</sup> The following comments assume DoS will adopt the proposed refugee target of 100,000 for FY 2017 and will refer to it throughout as “DoS's proposed target for FY 2017.”

The Niskanen Center strongly supports expanding the refugee program in 2017. However, there is no compelling legal or practical reason to limit it to 100,000 people.

Since 1991, DoS on average has authorized the admission of 0.25 percent of the worldwide population of refugees. DoS's proposed target for FY 2017 falls far below this average. Historical precedent alone argues for expanding the refugee program significantly. The massive scale and urgency of the current refugee crisis argues for admitting as many refugees as the available funds and personnel can safely support.

The administration has indicated that its determination of the refugee admission cap is constrained by the anticipated level of congressional funding.<sup>4</sup> Congress appropriates funds for benefits and services that refugees receive from DoS as well as from the Department of Health and the Human Services' Office of Refugee Resettlement (ORR). The funds for refugee interviews come from fees on immigrant petitions administered by the Immigration Examinations Fee Account (IEFA) at the Department of Homeland Security's U.S. Citizenship and Immigration Service (USCIS). The availability of funds in this account may also be seen to limit the expansion of USRAP.

However, it is critical to recognize that the administration is free to determine the admissions level independently of the anticipated level of congressional funding for refugees. Moreover, no legal authority requires DoS, ORR, or USCIS to rely exclusively on congressional appropriations or fees to carry out their legal duties under the Immigration and Nationality Act (INA). Private sector resources may lawfully supplement congressional appropriations as long as they are utilized pursuant to congressional statute. In fact, the Refugee Act of 1980 specifically requires ORR to incorporate private resources into its resettlement plans and clearly envisions DoS integrating private resources into its admissions target calculations.

Ideally, the DoS should reevaluate its refugee target for FY 2017 to incorporate any private money that the agencies can raise for the purposes of supporting refugee admissions. However, there is no mechanism by which the private sector can contribute funds to them in a transparent way that DoS can take easily into account when setting admissions targets. In light of this fact, the Niskanen Center recommends DoS create a reserve of refugee numbers that will be used only upon the availability of private sector funds to support those admissions. There is precedent for this approach. DoS created and utilized a privately funded reserve during the 1980s and 1990s to increase refugee admissions, and its relevant authorities under the INA have not changed.

The simplest approach would be for DoS, ORR, and USCIS to create accounts into which philanthropists can donate to fund further resettlement.<sup>5</sup> Each agency would create a threshold amount needed to fund a single admission. If philanthropists—individually or collectively—donate enough to cover all three agencies' thresholds, then a new admission would be triggered for the coming fiscal year. Greater sums of private sector donations would unlock greater number of refugee admissions slots, providing a powerful incentive for generous private sector support. DoS would coordinate this fundraising with the voluntary resettlement agencies that would be responsible for resettling the refugees.

Privately funding refugees does not require any changes to current refugee program procedures or admissions processes. Private funds would simply enable the admission of

additional refugees referred to the United States pursuant to the normal process by the United Nations or a Non-Governmental Organization, or refugees who have applied under the Priority 2 or Priority 3 process. It is important to note that refugees who are privately funded would not receive inequitable treatment in services or benefits upon resettlement. The *only* difference between privately and publicly funded admissions would be the source of the funding.

The Niskanen Center recognizes that DoS has less than six months before the start of FY 2017 to evaluate and implement a private program. In light of the timeline, the Niskanen Center recommends that DoS implement a pilot program with the goal of using private funds to resettle 12 refugee families—one family per month or roughly 60 individuals—in FY 2017. These admissions should be additional to DoS’s publicly funded target, augmenting the size of USRAP rather than helping the department reach its already stated target. A modest pilot program allows the department to demonstrate the viability and potential of the privately funded model as well as implement the procedural and accounting mechanism required for full-scale implementation.

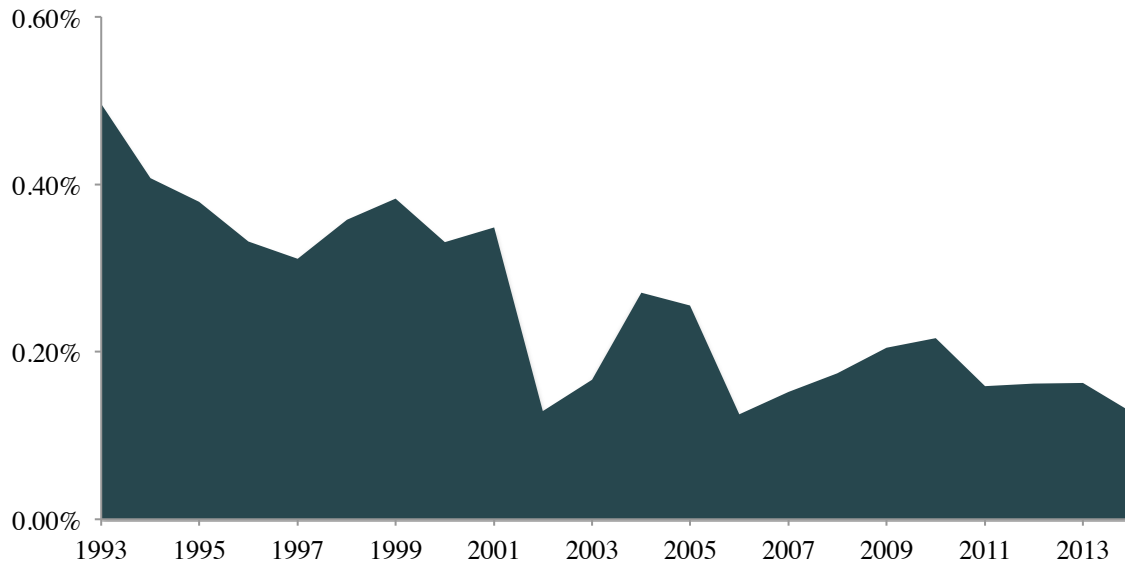
## **II. The Proposed Refugee Target Is Low by Historical Standards and Fails to Reflect the Urgent Need for Refugee Resettlement**

The purpose of USRAP, elucidated in its authorizing legislation the Refugee Act of 1980, is to fulfill “the historic policy of the United States to respond to the urgent needs of persons subject persecution.”<sup>6</sup> Assistant Secretary Ann Richard noted that USRAP expands U.S. influence internationally, “sets an example for others to follow,” and “adds to the diversity and strength of American society.”<sup>7</sup>

A cautious refugee admissions target fails to reflect the scale of the current global refugee crisis violates the spirit of the Refugee Act, suggests relative indifference to an unfolding humanitarian disaster, and sets a poor example on the world stage. It is certainly legally necessary for the President to establish a refugee limit.<sup>8</sup> However, DoS recognizes that the target ought to reflect global need. Secretary Kerry cited “the magnitude and duration of this crisis”—the global need for resettlement—as the primary justification for higher refugee targets in FY 2016 and 2017.<sup>9</sup> Still, the proposed target falls well short of America’s historical acceptance rates as a share of the worldwide refugee population.

The United States has accepted 0.25 percent of the United Nations High Commissioner on Refugees’ (UNHCR) population of concern each year since 1993.<sup>10</sup> As of the end of 2014, UNHCR had recognized a population of nearly 60 million people as under its mandate.<sup>11</sup> If DoS were to conform to the United States’ historical acceptance rate, it would set a target of 138,000 refugees for admission in FY 2017.

### Share of UN High Commissioner for Refugees' Population Accepted by the United States



This extraordinary crisis demands more than an ordinary response. Simply conforming to the historical average would leave the United States with only half the share of UNHCR protected persons that it accepted in 1993.<sup>12</sup> In FY 2017, the 1993 rate would yield approximately 270,000 refugees. In light of the massive scale of the current crisis, DoS should consider returning to this higher rate. UNHCR has estimated that nearly 1.2 million refugees worldwide, including 130,000 refugees from Syria alone, are in need of immediate resettlement—a number that is nearly 370,000 more than it was in 2012.<sup>13</sup> Given these facts, DoS should adopt a target more in line with precedent and up to the maximum number that it can safely resettle in FY 2017.

### III. DoS and ORR Must Consider Private Resources When Estimating Resettlement Capacity

The administration has indicated that congressional appropriations constrain its ability to expand USRAP, stating that “Congress would need to make a significant financial commitment to ramp up” beyond its proposed increases.<sup>14</sup> However, DoS has previously admitted refugees without increases in funding from Congress, as it did in FY 2016, by reprioritization.<sup>15</sup> More significantly, it is open to DoS to use private sector funds rather than congressional appropriations and admit additional refugees only when private funding is available.

The Refugee Act requires that ORR “make a periodic assessment, based on refugee population and other relevant factors, of the relative needs of refugees for assistance and services ... *and the resources available to meet such needs.*”<sup>16</sup> The statute specifically requires that ORR’s “policies and strategies for the placement and resettlement of

refugees ... take into account the availability of ... public and *private* resources ... for refugees.”<sup>17</sup> State coordinators are required to “insur[e] coordination of public and private resources in refugee resettlement ....”<sup>18</sup>

DoS and ORR have not, in their annual reports to Congress, explained how they incorporate this assessment of private sector resources into the refugee target calculation, although they may partially fulfill this requirement through resettlement plans submitted by the voluntary resettlement agencies (VolAgs).<sup>19</sup> Secretary Kerry has stated that DoS “will target 100,000, and if it’s possible to do more, we’ll do more” in FY 2017.<sup>20</sup> However, DoS cannot determine whether it is “possible to do more” absent a public evaluation of private sector resources. ORR and DoS should provide evidence of compliance with the Refugee Act by demonstrating that it has duly considered the availability of private resources when setting target allocations.

#### **IV. DoS Has the Legal Authority to Admit Refugees Based on the Availability of Private Funds**

The required evaluation of available of private resources must inform the President’s refugee allocation for the coming fiscal year.<sup>21</sup> Again, the allocation authority is not limited by the funds Congress appropriates for the purposes of refugee resettlement. Rather, the only requirement is that the allocation reflects the number of “refugees of special humanitarian concern to the United States.” This number is to be based on “a determination made by the President after appropriate consultation” with Congress.<sup>22</sup> DoS, through authority granted to the President in the Refugee Act, may lawfully use this authority to deem “of special humanitarian concern to the United States” those refugees for whom private philanthropy has provided funds for resettlement.

DoS, through authority granted to the President in the Refugee Act, may also formalize this process through the establishment of an allotment of refugee numbers set aside for use only when private resources are available. DoS utilized such a set-aside in fiscal years 1987 through 1995 under the Private Sector Initiative (PSI). Presidential Determination No. 87-1, which established the overall refugee target FY 1987, also created PSI—a “reserve” of refugee visas that would be used only “upon the availability of private sector funding sufficient to cover the essential and reasonable costs of such admissions.”<sup>23</sup> DoS determined the essential and reasonable costs through memoranda of understanding with organizations that sponsored the refugees.<sup>24</sup>

#### **V. DoS, USCIS, and ORR Have the Legal Authority to Accept Private Money to Fund Refugee Resettlement**

The Department of the Treasury may accept unconditioned gifts from any person in the United States.<sup>25</sup> The Internal Revenue Code also envisions that people will give to the federal government, and such donations are tax-deductible if they are made for “public purposes.”<sup>26</sup> DoS and ORR specifically “may accept on behalf of the United States gifts unconditionally by will or otherwise for the benefit of the Department of State (including the foreign service) or for the carry out of any of its functions.”<sup>27</sup> This authorization is

only conditioned by the requirement that the agencies use the funding for purposes Congress has authorized, which includes refugee resettlement.

DoS has used this authority this before. In 2010, Secretary of State Hillary Clinton created the Pakistan Relief Fund to provide assistance following catastrophic flooding in that country. It raised over \$600,000 through a crowdfunding campaign. The first \$500,000 of this was matched by Procter and Gamble, and then the U.S. government matched the total amount.<sup>28</sup> ORR has created a sample gift letter that requires donors to state that “this is a bona-fide gift, and there is no obligation... to repay,” though whether it has actually received gifts is unknown.<sup>29</sup> Under the PSI program, sponsors were required to “reimburse the federal, state, and local governments for any assistance the refugee may receive,” which implies the authority to accept the private money.<sup>30</sup>

Although USCIS generally cannot accept gifts, it accepts private money through fees on applications.<sup>31</sup> All funds currently spent in support of USCIS refugee processing and interviews are raised by fees on immigrant petitions from non-refugees, which are collected in the Immigration Examination Fee Account.<sup>32</sup> The agency can, unless specifically prohibited, create new fees to support its current programs or new programs at any time, subject only to the normal regulatory process under the Administrative Procedures Act.<sup>33</sup>

USCIS should use this authority to create a fee for the sponsorship of a refugee that covers the cost of the refugee’s interview and processing abroad. On per-person basis, USCIS spent roughly \$460 per refugee admitted under the USRAP in FY 2015.<sup>34</sup> The fee would be required for donors to participate in the program and financially sponsor a refugee’s admission to the United States.

## **VI. DoS Can Estimate the Cost of a Refugee Admission in Consultation with USCIS, ORR, and the Voluntary Agencies**

The cost of resettling a refugee is highly dependent on the circumstances of the individual refugee, and the costs are dispersed across multiple departments. This makes it difficult to estimate that resettlement costs for any particular individual. However, DoS can easily estimate the average cost of resettling a refugee by dividing the total expenditures on USRAP at DoS, ORR, and USCIS by the number of refugees resettled. This method is not precise, but is not less precise than the methods that Congress currently employs to calculate the necessary appropriations for USRAP.

In FY 2016, DoS planned to spend \$502.7 million on 85,000 refugees. USCIS planned to spend \$36.5 million on their processing and interviews, and ORR budgeted roughly \$652.6 million on those admissions plus roughly 60,000 asylees, Cuban entrants, special immigrants from Iraq and Afghanistan, and trafficking victims. Overall, the three departments budgeted roughly \$10,930 per refugee.<sup>35</sup> In order to avoid potential cost overruns, DoS should adopt a slightly higher estimate to allow flexibility for the departments.

The Organization for Economic Cooperation and Development (OECD) estimates the average cost in 2014 at \$14,196 per refugee resettled in the United States for the first year.<sup>36</sup> The OECD includes outlays on behalf of refugees from the Supplemental Nutrition Assistance Program (SNAP) under the U.S. Department of Agriculture (i.e. food stamps). Because expenditures under SNAP are considered mandatory, they are not subject to annual congressional limits on spending.<sup>37</sup> DoS may wish to consider these costs, but SNAP, like other mandatory spending programs (e.g. Medicare, Medicaid, and Social Security), does not restrict its ability to increase its refugee target.

One possible constraint on the expansion of admissions is the availability of additional private sector resources on which the nine voluntary resettlement agencies (VolAgs) currently rely. While the U.S. government covers most financial costs, the VolAgs also rely on in-kind donations and volunteers in order to resettle refugees. DoS could estimate the availability of these resources through consultation with the VolAgs.

DoS already requires each VolAg, as part of its cooperative agreements, to report how it “coordinates volunteers or develops private resources for Reception and Placement activities.” The VolAgs, as represented by Refugee Council USA, have requested DoS set a target of 200,000 — 115,000 refugees above the federal ceiling on refugees for 2016.<sup>38</sup> This suggests that the VolAgs believe that they have, or could have, the private sector resources and volunteers needed to cover more than a doubling of the current refugee cap.

## **VII. DoS Can Establish a Mechanism through which Donations to a Private Resettlement Account Trigger Openings for Refugee Admissions**

Although the VolAgs currently accept gifts for USRAP activities, those donations do not directly impact the “size and scope” of the program. Thus, there are no incentives for philanthropists who are specifically interested in increasing U.S. resettlement to donate to the program. DoS should provide such an incentive by creating a mechanism that ties additional admissions to donations. It would establish a separate quota for privately funded refugees and an amount necessary to “sponsor” a refugee under this quota, based on its estimate of the average costs of an admission. Admissions under the privately funded quota would occur only after each department received the sponsorship funds.

The Niskanen Center suggests that DoS coordinate the receipt of donations with the VolAgs through their advocacy coalition, RCUSA.<sup>39</sup> RCUSA is not incorporated, so one of the coalition members would need to be responsible for accepting the funds on its behalf. DoS should encourage the VolAgs to create a jointly held account that triggers new admission each time it passes the sponsorship threshold. The VolAgs, as a term of their cooperative agreement with DoS, would be required to contribute all funds received into the private resettlement account prior to the fiscal year, so that DoS could incorporate the funds into its target calculation.

A privately held resettlement account would allow philanthropists who prefer to donate to non-governmental entities the opportunity to do so, while creating a single location for

the receipt of funds. DoS could direct donations into this account, much as the White House did following the Haiti earthquake in 2010 for the Clinton-Bush Haiti Fund, which is a 501(c)(3) nonprofit.<sup>40</sup> The White House has already created a page on its website to encourage volunteers and donors to engage with the VolAgs on the local level.<sup>41</sup> Last year, the White House promoted a Kickstarter crowdfunding campaign to help fund the United Nations' refugee relief efforts abroad.<sup>42</sup> DoS could do the same for the private resettlement account.

### **VIII. Alternative Private Sponsorship Mechanisms**

DoS has several options available to create a private refugee sponsorship program. Here are four different models:

1. Upfront Funding Model: This comment outlines how DoS, ORR, and USCIS can create a program to increase refugee admission by allowing the private sector—VolAgs or other sponsors—to provide upfront funding for the average cost of an additional admission. The payment would be received in full prior to the start of the new fiscal year and would rely on the federal government and the states to continue to provide the normal services that all other refugees receive.
2. Reimbursement Model: DoS could alternatively allow the VolAgs or other sponsors to reimburse it and ORR for the costs of the benefits that refugees receive. Under the PSI program, sponsors were required to reimburse “governments for any assistance the refugee may receive.”<sup>43</sup> This model, like the upfront funding approach, would also not entail major changes to the refugee program and so could be easily implemented.
3. Services Model: This model would require VolAgs or other sponsors to submit a plan prior to admission that details how they would provide services for refugees in lieu of federal assistance. It would require the sponsor to submit evidence of the financial resources to implement the plan. DoS currently relies on such plans from the VolAgs under USRAP today and did under PSI as well. Under this model, no funds would need to be transferred to the federal government.

While this model would require additional oversight, ORR's matching grant program already enlists private partners to aid refugee integration under similar circumstances. Refugees who agree to participate in the program forego public cash assistance in order to participate in an intensive program to obtain self-sufficiency. Private partners raise roughly a third of the costs of the program through donations and in-kind contributions, which are spent on behalf of the refugees without transfer to the federal government. The partners submit a plan in which they detail how they will provide services that include housing, childcare, job training, and cash support, while aiding the refugee toward self-sufficiency.<sup>44</sup>

Under a private sponsorship program, DoS could obtain the agreement of refugees to participate in a private sponsorship program prior to admission to the United



States. It could require that VolAgs or other sponsors to submit a similar plan along with evidence of the financial means to implement the plan, without providing funding, before triggering a new admission.

4. Hybrid Models: These three models could be combined in various ways. Some services could be provided privately without federal funding, while others would be provided federally with private reimbursement or upfront funding. For example, VolAgs could provide cash assistance raised from the account proposed above without a transfer to the government, while medical assistance could be pre-funded to the government, based on the average cost estimate outlined above. DoS's PSI program was a hybrid model in that sponsors were responsible for providing services, but if they failed to, they were required to reimburse the federal government for the cost of any benefits that they accessed.<sup>45</sup>

#### **IX. Processing Delays Are Not a Reason to Delay Implementation of a Privately Funded Program<sup>46</sup>**

DoS has raised the concern that security vetting could prevent the department from reaching its refugee targets.<sup>47</sup> In each of the past two years, DoS has met its refugee ceiling of 70,000. It is true that, despite this year's higher goal of 85,000, it has actually brought in 1,155 fewer refugees in the first seven months of FY 2016 than in the first seven months of FY 2015.<sup>48</sup> As of May 2, 2015, it had reached 51 percent of its FY 2015 target, ramping up slightly during the remainder of the year, but as May 2, 2016, it had only reached 41 percent of its FY 2016 target.

The main reason for the slow admission rate was DoS's late announcement of its FY 2016 target. Throughout the year, federal agencies were planning for 75,000, but DoS increased the number to 85,000 in October, giving the agencies and Congress little time to prepare.<sup>49</sup> Until late September, USCIS was prepared for only 75,000,<sup>50</sup> but Secretary Kerry announced an increase of an additional 10,000 just 10 days before the official presidential determination of the FY 2016 refugee ceiling.<sup>51</sup>

A privately funded program would not suffer this problem. Private funding would be required at a consistent level per refugee under the proposal laid out in this comment, so agencies would not undergo sudden shortfalls. Security agencies will still need to streamline their vetting procedures, but the other agencies would receive the private funding well in advance of the annual fiscal year cap determination, giving them sufficient notice of new admissions.

The second major reason for this year's delays is that the security process has become backlogged with more refugees than can be interviewed in a timely fashion. USCIS is trying to hire more refugee officers, but the process for training and clearing new officers is also backlogged. To rectify the interviewer shortage in the short-term, USCIS has sent asylum officers from the United States to Jordan to conduct refugee interviews, and it hopes to process its promised 10,000 Syrian refugees by the end of March.<sup>52</sup>

The refugee interview surge demonstrates that investments in new officers could make a serious impact on delays. If USCIS wants to head off future delays, it could invest funds from the private resettlement fund in hiring and training enough refugee officers to efficiently and effectively interview and refer prospective admissions. DoS should incorporate these estimated costs into the threshold that is needed to trigger a new admission under the privately funded program. USCIS spends relatively little on per refugee basis (about \$460 last year), which means that the private sector could easily ramp up the amount that USCIS could spend on refugee processing. This would pair new processing capacity with the new resettlement capacity that private funding would provide to ORR and DoS.

Even if private sector support has no effect on processing times, and other efforts to reduce them fail, a private program will still have positive benefits on the overall program. DoS will still need greater resettlement capacity once the lengthy vetting process is complete, and private “sponsors” who have invested in greater admissions would create a constituency to push Congress to fund vetting and program administration. To some extent, the SIV program for Iraqi and Afghan interpreters played out this way. After the program suffered disastrous and deadly processing delays, U.S. servicemen and other U.S. officials who the interpreters had served became advocates for faster processing and larger numbers.<sup>53</sup> This effort led directly to SIV reforms.<sup>54</sup>

#### **X. A Privately Funded Refugee Program Supports DoS’s Stated Goals for Refugee Relief Efforts**

The creation of a privately funded refugee program accords with the aim of DoS to incentivize greater private sector aid for refugees. As Secretary Kerry noted in his announcement of the higher target, DoS has already encouraged “additional financial contributions to the humanitarian effort not only from our government but from the American people.”<sup>55</sup> At the World Economic Forum in January 2016, he reiterated this point, but focused on the resettlement side, saying that “the private sector, civil society, religious organizations will also be called on to help integrate refugees.”<sup>56</sup>

Similarly, Assistant Secretary Ann Richard, the head of Bureau of Population, Refugees, and Migration, has articulated the same goals. “We also would like to see more private sector involvement,” she said at the United Nations last September. She said that she wanted to see “more foundation, private giving; more public involvement,” and concluded that “a very complex crisis like we’re seeing right now *requires* sort of an all-hands-on-deck.”<sup>57</sup> A privately funded program that grows USRAP with donations is one of the few ways to incentivize private sector giving and accomplish DoS’s objectives.

#### **XI. DoS Must Evaluate Whether a Privately Funded Program Can Increase Resettlement**

Since a privately funded refugee program would be lawful, DoS must, as part of its mandate from Congress, evaluate whether a privately funded program would make more overall resources available for USRAP. There could be some concern that private money

could crowd out public money, but this has not been the case in Canada, which has operated a privately funded program since 1979.<sup>58</sup> Historically, public and private refugee numbers rise and fall together in response to refugee crises. This is exactly what DoS needs a private refugee program to do: supplement public admissions as part of America's response to humanitarian emergencies.

The Reagan-era PSI program also raised concerns of a substitution effect.<sup>59</sup> However, as in Canada, the PSI and federal numbers consistently moved in the same direction, both peaking in fiscal year 1990. Even some of the traditional VolAgs, anxious to protect their funding levels, believed that PSI increased overall admissions. Richard Ryscavage, USCCB Executive Director of Migration and Refugee Services, told Congress in 1991 that PSI “work[s] for more well-established ethnic communities and *can* incrementally increase admissions.”<sup>60</sup>

A new private sector initiative would bring more overall funds into USRAP. The White House-promoted Kickstarter crowdfunding campaign for UNHCR raised \$1.8 million in two weeks,<sup>61</sup> despite the fact that it lacked the incentive a privately funded refugee program would provide to donors who wanted to directly impact the scale of refugee resettlement.

Several major philanthropists have expressed interest in funding additional refugee resettlement. For example, Hamdi Ulukaya, the billionaire founder of the Chobani Greek yogurt company, has said that the private sector “can move faster, think bigger, and modernize approaches to relief and resettlement that haven't changed since the 1940s.” Mr. Ulukaya has promised to donate \$700 million to aid refugees.<sup>62</sup> George Soros has spoken favorably about private resettlement. Richard Branson, Bill Gates, and others have all called to resettle more refugees.<sup>63</sup> Glenn Beck, the conservative commentator, has raised millions for the resettlement of Christian refugees.<sup>64</sup>

This strongly suggests that a privately funded program would be feasible and sustainable. Canada has had a privately funded refugee program that requires sponsors to raise roughly 20,000 USD in order to resettle a family of four.<sup>65</sup> It also requires extensive post-resettlement involvement from sponsors. Despite these hurdles, Canada has sustained a private program since 1979, averaging a consistent flow of around 5,000 refugees each year.<sup>66</sup> Considering that Canada's population is a tenth the size of the United States', the long-term success of its private program suggests that a similar program could be equally successful for its larger, wealthier neighbor to south.

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<sup>1</sup> This comment expands on this paper: David Bier and Matthew La Corte. “Privately Funded Refugee Resettlement: How to Leverage American Charity to Resettle Refugees.” Niskanen Center. March 22, 2016. <https://niskanencenter.org/blog/news/privately-funded-refugee-resettlement-how-to-leverage-american-charity-to-resettle-refugees/>

<sup>2</sup> Department of State. “Notice of Public Comments on FY 2017 U.S. Refugee Admissions Program.” April 21, 2016. <https://www.federalregister.gov/articles/2016/04/21/2016-09267/notice-of-public-comments-on-fy-2017-us-refugee-admissions-program>

<sup>3</sup> Dipnote Bloggers. "Secretary Kerry Announces U.S. Will Increase Refugee Resettlement Numbers." Department of State. September 20, 2015. <https://blogs.state.gov/stories/2015/09/20/secretary-kerry-announces-us-will-increase-refugee-resettlement-numbers>

Glenn Kessler. "Repeat after me: Obama is not admitting 100,000, 200,000 or 250,000 Syrian refugees." Washington Post. November 18, 2015.

<https://www.washingtonpost.com/news/fact-checker/wp/2015/11/18/repeat-after-me-obama-is-not-admitting-100000-200000-or-250000-syrian-refugees/>

<sup>4</sup> State Department: "At the State Department, in terms of resources, we know it will take more to bring in 85,000. We are looking across our programs to see where we can gain efficiencies."

DHS: "Having spoken to our chief financial officer, he has informed us that there is sufficient funding in what is called our Immigration Examination Fee Account to cover 85,000 anticipated admissions in FY 2016 by reprioritizing between programs."

<http://www.c-span.org/video/?328475-1/hearing-fiscal-year-2016-refugee-resettlement-program>

<sup>5</sup> This approach is elaborated in: David Bier and Matthew La Corte. "Privately Funded Refugee Resettlement: How to Leverage American Charity to Resettle Refugees." Niskanen Center. March 22, 2016. Available at: <https://niskanencenter.org/wp-content/uploads/2016/03/NiskanenPrivateRefugee.pdf>.

<sup>6</sup> GPO. "Public Law 96-212." March 17, 1980.

<https://www.gpo.gov/fdsys/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf>

<sup>7</sup> Anne C. Richard. "Senate Committee on Homeland Security and Governmental Affairs Hearing on 'The Impact of ISIS on the Homeland and Refugee Resettlement.'" November 19, 2015.

<http://www.hsgac.senate.gov/hearings/lessons-from-the-paris-terrorist-attacks-ramifications-for-the-homeland-and-refugee-resettlement>

<sup>8</sup> 8 U.S. Code § 1157. "Annual admission of refugees and admission of emergency situation refugees."

<https://www.law.cornell.edu/uscode/text/8/1157>

<sup>9</sup> John Kerry. "Joint Press Availability with German Foreign Minister Frank-Walter Steinmeier."

Department of State. September 20, 2015. <http://www.state.gov/secretary/remarks/2016/01/251177.htm>

<sup>10</sup> Reports for each year since 1993 are available here: UNHCR. "UNHCR Statistical Yearbooks: Trends in Displacement, Protection and Solutions." Accessed April 25, 2016.

<http://www.unhcr.org/pages/4a02afce6.html>

<sup>11</sup> UNHCR. "UNHCR Statistical Yearbook 2014, 14th edition." 8 December 2015.

<http://www.unhcr.org/566584fc9.html>

<sup>12</sup> UNHCR. "Populations of Concern to UNHCR: A Statistical Overview (1994)." Office of the United Nations High Commissioner for Refugees. 1995. <http://www.unhcr.org/3bfa33154.html>

<sup>13</sup> UNHCR. "Projected Global Resettlement Needs." Accessed May 4, 2016. [www.unhcr.org/cgi-bin/texis/vtx/search?page=home&cid=49aea9390&scid=49aea939c&comid=4c31e3ec6&keywords=pgrn&skip=0&querysi=&searchin=title&display=20&sort=date](http://www.unhcr.org/cgi-bin/texis/vtx/search?page=home&cid=49aea9390&scid=49aea939c&comid=4c31e3ec6&keywords=pgrn&skip=0&querysi=&searchin=title&display=20&sort=date)

<sup>14</sup> "To scale up to a degree that some members of Congress may have in mind would have some significant fiscal consequences. The kind of – the background check process that I described before is work-intensive and requires a lot of trained manpower. And so Congress would need to make a significant financial commitment to ramp up along those lines." White House. "Press Briefing by Press Secretary Josh Earnest." September 10, 2015. <https://www.whitehouse.gov/the-press-office/2015/09/11/press-briefing-press-secretary-josh-earnest-91015>

<sup>15</sup> State Department: "At the State Department, in terms of resources, we know it will take more to bring in 85,000. We are looking across our programs to see where we can gain efficiencies."

DHS: "Having spoken to our chief financial officer, he has informed us that there is sufficient funding in what is called our Immigration Examination Fee Account to cover 85,000 anticipated admissions in FY 2016 by reprioritizing between programs."

<http://www.c-span.org/video/?328475-1/hearing-fiscal-year-2016-refugee-resettlement-program>

<sup>16</sup> 8 U.S.C. 1522(a)(3) *emphasis added*. <https://www.law.cornell.edu/uscode/text/8/1522>

<sup>17</sup> 8 U.S.C. 1522(a)(2)(C)(iii) *emphasis added*. <https://www.law.cornell.edu/uscode/text/8/1522>

<sup>18</sup> 8 U.S.C. 1522(a)(6)(A)(iii). <https://www.law.cornell.edu/uscode/text/8/1522>

<sup>19</sup> See, for examples:

Department of Health and Human Services; Department of Homeland Security; and Department of State. "Proposed Refugee Admissions for Fiscal Year 2016." October 1, 2015.

[www.state.gov/documents/organization/247982.pdf](http://www.state.gov/documents/organization/247982.pdf)

Office of Refugee Resettlement. "Annual Report to Congress FY 2014." Department of Health and Human Services. Accessed May 4, 2016.

[https://www.acf.hhs.gov/sites/default/files/orr/orr\\_annual\\_report\\_to\\_congress\\_fy\\_2014\\_signed.pdf](https://www.acf.hhs.gov/sites/default/files/orr/orr_annual_report_to_congress_fy_2014_signed.pdf)

<sup>20</sup> John Kerry. "Joint Press Availability with German Foreign Minister Frank-Walter Steinmeier."

Department of State. September 20, 2015. <http://www.state.gov/secretary/remarks/2016/01/251177.htm>

<sup>21</sup> 8 U.S.C. 1157

<sup>22</sup> 8 U.S.C. 1157(a)(3)

<sup>23</sup> Ronald Reagan. "Presidential Determination No. 87—1" in *The Code of Federal Regulations of the United States of America*. Office of the Federal Register. January 1, 1987. P. 273.

<sup>24</sup> George Bush. "Presidential Determination No. 92-2" in *The Code of Federal Regulations of the United States of America*. October 9, 1991.

<sup>25</sup> 31 U.S.C. 3113 – Accepting gifts

<sup>26</sup> 26 U.S.C. 170(c)(1) - Charitable, etc., contributions and gifts

<sup>27</sup> DoS: 22 U.S.C. 2697 – Acceptance of gifts on behalf of United States

ORR: 41 U.S.C. 238 – Gifts for benefit of service

<sup>28</sup> U.S. Department of State. "Donate to the Pakistan Relief Fund." August 18, 2010.

<http://www.state.gov/pakistanrelief/>

<sup>29</sup> Office of Refugee Resettlement. "Sample Gift Letter." March 11, 2014.

<http://www.acf.hhs.gov/programs/orr/resource/sample-gift-letter>

<sup>30</sup> David Bier and Matthew La Corte. "Private Refugee Resettlement in U.S. History: America's private sector has shown it can support refugees." Niskanen Center. April 26, 2016.

<https://niskanencenter.org/wp-content/uploads/2016/04/PrivateRefugeeHistory.pdf>

<sup>31</sup> DHS gift authority is limited at: 6 U.S.C. 453 - Use of appropriated funds

<https://www.law.cornell.edu/uscode/text/6/453>

<sup>32</sup> DHS: "Having spoken to our chief financial officer, he has informed us that there is sufficient funding in what is called our Immigration Examination Fee Account to cover 85,000 anticipated admissions in FY 2016 by reprioritizing between programs."

<http://www.c-span.org/video/?328475-1/hearing-fiscal-year-2016-refugee-resettlement-program>

<sup>33</sup> See for example here: <https://www.federalregister.gov/articles/2012/08/16/2012-20247/agency-information-collection-activities-consideration-of-deferred-action-for-childhood-arrivals>

<sup>34</sup> U.S. Department of State; U.S. Department of Homeland Security; U.S. Department of Health and Human Services. "Proposed Refugee Admissions for Fiscal Year 2016: Report to Congress." October 1, 2015. <http://www.state.gov/documents/organization/247982.pdf>

<sup>35</sup> U.S. Department of State; U.S. Department of Homeland Security; U.S. Department of Health and Human Services. "Proposed Refugee Admissions for Fiscal Year 2016: Report to Congress." October 1, 2015. <http://www.state.gov/documents/organization/247982.pdf>

<sup>36</sup> OECD. "ODA Reporting of In-Donor Country Refugee Costs." Accessed February 29, 2016.

<http://www.oecd.org/dac/stats/RefugeeCostsMethodologicalNote.pdf>

<sup>37</sup> Andrew Austin and Jeffrey Stupak. "Mandatory Spending Since 1962." Congressional Research Service. March 18, 2015. [http://www.senate.gov/CRSReports/crs-publish.cfm?pid=%270E%2C\\*P%3C%5B%3C%23P%20%20%0A](http://www.senate.gov/CRSReports/crs-publish.cfm?pid=%270E%2C*P%3C%5B%3C%23P%20%20%0A)

<sup>38</sup> Melanie Nezer, "Letter to President Obama." Refugee Council USA. September 9, 2015.

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<sup>39</sup> David Bier and Matthew La Corte. "Privately Funded Refugee Resettlement: How to Leverage American Charity to Resettle Refugees." Niskanen Center. March 22, 2016.

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<sup>40</sup> WhiteHouse.org. "Haiti Earthquake Relief." 2010. <https://www.whitehouse.gov/haitiearthquake/>

<sup>41</sup> White House, "Aid Refugees." <https://www.whitehouse.gov/campaign/aidrefugees>

<sup>42</sup> Michael Pizzi, "White House Turns to Crowdfunding Campaign for Syrian Refugee Crisis." October 7, 2015. <http://america.aljazeera.com/articles/2015/10/7/white-house-launches-crowdfunding-campaign-for-syrian-crisis.html>

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<sup>43</sup> David Bier and Matthew La Corte. "Private Refugee Resettlement in U.S. History: America's private sector has shown it can support refugees." Niskanen Center. April 26, 2016. <https://niskanencenter.org/wp-content/uploads/2016/04/PrivateRefugeeHistory.pdf>

<sup>44</sup> Office of Refugee Resettlement. "Voluntary Agencies Matching Grant Program: FY 2014 Program Guidelines." Accessed May 17, 2016. [https://www.acf.hhs.gov/sites/default/files/ort/fy\\_2014\\_matching\\_grant\\_mg\\_program\\_guidelines\\_for\\_grantees.pdf](https://www.acf.hhs.gov/sites/default/files/ort/fy_2014_matching_grant_mg_program_guidelines_for_grantees.pdf)

<sup>45</sup> David Bier and Matthew La Corte. "Private Refugee Resettlement in U.S. History: America's private sector has shown it can support refugees." Niskanen Center. April 26, 2016. <https://niskanencenter.org/wp-content/uploads/2016/04/PrivateRefugeeHistory.pdf>

<sup>46</sup> A previous version of this section appeared in: David Bier and Matthew La Corte. "Privately Funded Refugee Resettlement: How to Leverage American Charity to Resettle Refugees." Niskanen Center. March 22, 2016. <https://niskanencenter.org/blog/news/privately-funded-refugee-resettlement-how-to-leverage-american-charity-to-resettle-refugees/>

<sup>47</sup> "One of the reasons it's difficult is that post-9/11, we have new laws and new requirements with respect to security background checks and vetting, so it takes longer than one would like." John Kerry. "Joint Press Availability with German Foreign Minister Frank-Walter Steinmeier." Department of State. September 20, 2015. <http://www.state.gov/secretary/remarks/2016/01/251177.htm>

<sup>48</sup> Refugee Processing Center. "Admissions and Arrivals." State Department. May 2, 2016. [http://www.wrapsnet.org/Reports/InteractiveReporting/tabid/393/EnumType/Report/Default.aspx?ItemPath=/rpt\\_WebArrivalsReports/Map%20-%20Arrivals%20by%20State%20and%20Nationality](http://www.wrapsnet.org/Reports/InteractiveReporting/tabid/393/EnumType/Report/Default.aspx?ItemPath=/rpt_WebArrivalsReports/Map%20-%20Arrivals%20by%20State%20and%20Nationality)

<sup>49</sup> Felicia Schwartz. "U.S. to Take In at Least 5,000 More Refugees Next Year, Kerry Says." *Wall Street Journal*. September 9, 2015. <http://www.wsj.com/articles/u-s-to-accept-more-refugees-next-year-kerry-says-1441830311>

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<sup>53</sup> Spencer Hsu and Robin Wright. "Crocker Blasts Refugee Process." *Washington Post*. September 17, 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/16/AR2007091601698.html>

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<sup>55</sup> John Kerry. "Joint Press Availability with German Foreign Minister Frank-Walter Steinmeier." Department of State. September 20, 2015. <http://www.state.gov/secretary/remarks/2016/01/251177.htm>

<sup>56</sup> John Kerry. "Remarks at the World Economic Forum." U.S. Department of State. January 22, 2016. [www.state.gov/secretary/remarks/2016/01/251663.htm](http://www.state.gov/secretary/remarks/2016/01/251663.htm)

<sup>57</sup> Ann Richard. "Global Refugee and Migration Crises." U.S. Department of State. September 29, 2015. <http://fpc.state.gov/247447.htm>

<sup>58</sup> Voegeli, Sarah. "Canadian Sponsorship of Refugees Program Reform: A Limit on Canadians' Generosity." Graduate School of Public and International Affairs. June 2014. <https://www.ruor.uottawa.ca/bitstream/10393/31570/1/VOEGELI,%20Sarah%2020145.pdf>

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