Let's leave immigration fixes to states

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May 25, 2017

Recently, Senate Homeland Security Committee Chairman Ron Johnson, R-Wisconsin, introduced a new bill that would allow states to sponsor foreign workers to live and work in their states. The idea is a brand new one for the United States, but it has merit.

The federal government has had a total monopoly over legal immigration for years, and the consequence has been substantial illegal immigration and massive wait times for high-skilled foreign workers. America should try something new.

The United States has a relatively restrictive immigration system for economic immigrants-far below the per-capita rate of immigration in many other developed countries. This bill would allow America to compete for foreign workers in the same way other countries already do. As my new Cato Institute analysis of the bill notes, the legislation's 500,000 visas would increase the annual flow of foreign workers to the United States by about 80 percent.

In this context, it makes sense to increase legal immigration, but why should the increase come from state-sponsorship? One reason is that markets need to adjust quickly to changes in order to fulfill the needs of consumers. Yet the federal immigration monopoly has simply demonstrated itself to be so inflexible to changing conditions that, despite widespread agreement that it needs changes, none are made.

Congress has left the system unreformed since 1990. In that time, total employment doubled; agricultural employment fell in half; manufacturing ended its reign as the leading employer in most states; the service sector took its place; and unauthorized immigrants moved from seasonal industries to year-round employment. Despite all of these shifts, Congress has done nothing.

In a way, it's understandable why. Congress has an impossible job. It is trying to design an immigration system that fits the needs of Silicon Valley, the Great Plains, and the Rust Belt. Some states have economic growth several times the national average. Growth in other states is negative. It's just not possible to have a one-size-fits-all approach in a country as diverse as the United States.

If states had greater control, the system would naturally adjust at the state-level without a need for national consensus. Under the current system, reforms only happen after small, local problems build into a big, national one, and even then, Congress often fails to act.

One reason that proponents of reform have yet to break through is that a national reform requires a national consensus on the problems and the solutions. But the problems are different in Alaska

or Louisiana than they are in Michigan or Texas. State-sponsored visas would allow legislators with disagreements over these issues to agree to disagree and fix the system without total consensus.

State-sponsored visas also accord with both America's tradition of federalism and the Constitution. The Supreme Court has held that states are limited only insofar as the federal government chooses to limit them. Moreover, under the proposal, states would simply be "sponsoring" workers, not admitting them into the country. States already sponsor workers for federal visas in their capacity as employers or students in their capacity as universities. Procedurally, this would be no different.

This bill poses no new enforcement challenges either. Guest workers under the current system are already required to work for a single employer, which is a much more difficult challenge than simply allowing them to live in a single state. Yet the overstay rate for the current guest workers is less than three percent because the ability to come again legally is such a powerful incentive to follow the rules. This bill would build in the same incentive, allowing renewals only to workers who followed the rules.

Regional visas have already been successfully implemented in two other geographically diverse, former-British colonies-Australia and Canada. Both countries have programs that let provinces or states sponsor workers directly. Local control has helped this system keep political support, and the number of regional visas has more than doubled in both countries since the early 2000s.

The United States needs to reform the legal immigration system, but finding agreement is difficult. A new approach that distributes power more locally could be just the thing to change the debate.

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