



## States Would Determine Allocation of Guest Worker Visas Under New Proposal

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State governments would have the authority to adapt temporary work visa programs to local labor market conditions under legislation recently proposed in the U.S. Senate.

Sen. Ron Johnson, R-Wis., introduced a bill that would create a new immigration program for temporary foreign workers, increase the number of guest worker visas available and shift oversight responsibility from the federal government to the states.

"We need to recognize that a one-size-fits-all federal model for visas or guest workers doesn't work," Johnson said. "Let the states manage the visas, allocate them to the industries that need the workers, set prevailing wage rates. I think states would do a better job of protecting their state workers—American workers—as well as making sure their industries have the people they need to be able to grow."

A number of immigrant worker advocacy groups and employer trade associations have endorsed the bill, including FWD.us, ImmigrationWorks USA, the Associated General Contractors of America and the U.S. Chamber of Commerce.

"Participating states would sponsor temporary foreign workers directly and have the authority to supervise and design their own [temporary] worker programs," said Jacqueline Varas, director of immigration and trade policy at the American Action Forum, a centrist policy think tank based in Washington, D.C.

Under the plan, each state would be allocated 5,000 visas annually for temporary foreign workers, foreign investors or entrepreneurs. In addition, 245,000 visas would be divided among the states each year proportional to their populations, amounting to 495,000 new temporary worker visas.

"This type of program would add flexibility to a sclerotic immigration system because states are better able to design visas for changing and varied local conditions, creating positive economic and fiscal benefits for the entire country," said David Bier, an immigration policy analyst at the Cato Institute, a libertarian think tank in Washington, D.C.

The bill outlines some specifics for a pilot program but leaves significant discretion to the states. Varas said that states could determine the number of visas to allot for each industry; the types and skill levels of workers to sponsor; and the types of fees, if any, that employers would be required to pay. They could also set prevailing wage requirements similar to those in existing visa programs.

The federal government would still play a significant role in the program, however. States using the new visas would have to comply with federal immigration rules, register foreign workers with the federal government and submit workers' information for screening by federal agencies. "The state government would submit petitions to the federal government requesting admission for the migrants chosen by the state through a state-designed selection process," Bier said.

The state-sponsored visas would be good for three years with an option to renew. States could decide not to participate in the program or not to use all visas available to them, in which case the unused visas would be added to the pool to be divided among participating states.

The immigrants must work and reside in the state sponsoring them, but would not have to work for a single employer. "This would likely reduce abuses which some argue are common in other foreign worker programs," Varas said. "For example, foreign workers who are allowed to seek new jobs would be less likely to remain at employers that are exploiting or underpaying them." She added that labor mobility would spur competition between employers. "This would likely incentivize them to offer better wages and working conditions to attract foreign workers."

States could also enter into voluntary regional agreements with one another, in which case the states would carry out administration responsibilities for the program while foreign workers would be allowed to seek employment in any of the participating states.

Bier pointed out that Australia and Canada have successful regional visa systems similar to that proposed in Johnson's bill. Australia has four regional residency visas which represented 31 percent of the skills-based immigration to Australia during the 2016 fiscal year. The Canadian Provincial Nominee Program allows provinces to nominate immigrants for permanent residency.

"The growing demand for these visas demonstrates their increasing popularity," Bier said. "Canada's Provincial Nominee Program grew fivefold from 2005 to 2016, while Australia's regional visa programs doubled."