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## **The Federal Government Can't Centrally Plan Immigration Any More Than It Can Centrally Plan Society**

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Immigration has featured prominently in the news ever since Donald Trump first announced his presidential candidacy and inveighed against Mexican immigrants and the crime they supposedly brought with them.

However, with the recent revelation that the federal government has separated over 2,300 children from their parents, immigration has again dominated the news, and with good reason: these actions were arbitrarily cruel and unnecessary.

Reasonable people can disagree about immigration policy, and the issue as a whole is not as simple as either side would like to portray. Specifically, concerns about the impact of immigration on American culture are often not given enough consideration by many people in favor of a more open immigration system.

However, conservatives favoring restrictions because of concerns about cultural change must then explain why they are willing to abandon core conservative principles like voluntary community, and why they believe that the U.S. government should centrally plan the culture of our society.

One of the core conservative insights stressed by both Edmund Burke and Friedrich Hayek is, in the words of political theorist Linda Raeder, that “social order appears as a product of the interplay of historically evolved institutions, habit and custom, objective law, and impersonal social forces.” In their time, both Burke and Hayek opposed efforts to reengineer society through central planning, whether by French Jacobins, Russian communists, or American and European democratic socialists, precisely because such efforts necessarily suffered from an inability to take into account the vast amount of local knowledge required for successful planning.

Hayek called this the knowledge problem, and wrote that

this is not a dispute about whether planning is to be done or not. It is a dispute as to whether planning is to be done centrally, by one authority for the whole economic system, or is to be divided among many individuals.

A core component of conservatism is the rejection of central planning. As conservative luminary Russell Kirk's eighth principle of conservatism says "conservatives uphold voluntary community, quite as they oppose involuntary collectivism." Conservatives, especially those concerned with the cultural effects of immigration, should explore and embrace ways of decentralizing the power of immigration away from the federal government to the state, or, even more ideally, the county level.

With over 320 million people in the U.S., it is nonsensical to think that one uniform immigration policy is sufficient to address the circumstances and needs of everyone in every place. Decentralizing the issue allows for every state to experiment to see what works best for them.

While such a radical idea may seem untenable in our current political climate, it is not infeasible in the long run, and it provides a ripe opportunity for conservative scholarship on the issue on many fronts.

On the judicial front, some legal scholars contest the idea that the federal government even has any legitimate authority over immigration at all. This is a view, which, if widely adopted, would certainly make implementing plans for decentralization much easier. Fox News' Andrew Napolitano, the network's senior judicial analyst, has said that "the Constitution itself—from which all federal powers derive—does not delegate to the federal government power over immigration, only over naturalization."

Similarly, George Mason law professor Ilya Somin has argued that "the Naturalization Clause does not create a power to prevent foreigners from entering the country. It merely allows Congress to set conditions for the grant of citizenship." Elsewhere he has contested the idea that Article I, Section 8, Clause 10 of the Constitution permits federal regulation of immigration under the auspices of the concept of The Laws of Nations. While such views are not currently widespread, merely discussing them helps to move the ball forward.

On the level of practical implementation, the Cato Institute has a white paper exploring the possibility of establishing a state-based visa system modeled on similar systems currently in place in both Canada and Australia. The proposed system would have the benefit of allowing labor to flow into those parts of the countries where it is needed and kept away from parts without a labor shortage or that don't desire immigrants, as well as allowing for states to implement their own policies concerning welfare eligibility. This system would also create incentives so that immigrants stay in their sponsoring states by making it part of their legal residency requirements, which would alleviate fears that immigrants in New York would immediately start to flood into Pennsylvania, or vice versa.

It is my own view that some kind of sponsorship system, in which citizens post a bond or surety and are liable for the good conduct of the immigrants they sponsor, is a good way of aligning incentives for all parties concerned. As writer Chris Calton has pointed out, blanket immigration restrictions not only affect foreigners, but also affect American citizens who wish to interact in both economic and social ways with these potential immigrants. If people want more

immigrants, then it makes sense that they should be willing to internalize any potential externalities, whether it be potential welfare dependence or crime.

Such an incentive structure offers a compromise between those who are enthusiastic about immigration and those opposed. Sponsorship programs in one form or another have been suggested by people across the political spectrum, such as Matthew La Corte and David Bier at the Niskanen Center, law professor Eric Posner and economist Glen Weyl, and *Arc* contributor and Mises Institute writer Tho Bishop.

Developing a decentralized framework should be a starting point for any view of immigration policy that takes essential conservative views about the fundamental nature of society seriously. Any true conservative would be up in arms over the idea that the government can somehow centrally plan widget production, yet many are willing to cede the idea that the government can somehow successfully centrally plan the makeup of society itself, which is much more complex than any industry.

It is time to take conservative principles seriously and begin the development of a truly decentralized approach to immigration.