

States should have their own economic visa programs for immigrants

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President Trump said that he wants a merit-based immigration system that “nations around the world, like Canada, Australia, and many others have.”

The good news for the president, then, is that there’s a bill he could get behind to create just such a system. Sen. Ron Johnson (R-Wis.) introduced a new bill earlier this month, S.1040, co-authored by Rep. Ken Buck (R-Colo.) and co-sponsored by Sen. John McCain (R-Ariz.), also known as the “State Sponsored Visa Pilot Program Act of 2017.” Their bill adopts a major component of the Canadian immigration system — visas sponsored by individual states, rather than the federal government.

This bill would create a federal economic visa that states get to regulate. The federal government stays in charge of admissions and security checks, while the state identifies the migrant and regulates their activity within its own state.

Under this bill, states could create visas that don’t exist under the federal system. California might create a state visa for high-tech entrepreneurs while Wisconsin might create one for workers in the dairy industry. Michigan could attract investors for Detroit while Texas may want petroleum engineers. There could be hundreds of different economic visas adapted to local economies rather than just a handful of temporary federal visas for some professions.

How the state makes its own decisions is up to the state, but it would likely include input from stakeholders such as labor unions, businesses, community groups, and others. States would decide how long the visa lasts, how often it would be renewed, and these visas wouldn’t subtract from the number of visas available in other immigration programs.

This isn’t just an idea cooked up in Canada and copied in Washington, D.C.; there is real demand from the states. Colorado passed a bill to expand agricultural visas in 2008 in conjunction with the federal government. Utah passed a bill creating a state-sponsored guest worker visa program in 2011 and immediately asked the federal government for permission to run it. In 2015, Texas and California state legislators introduced numerous bills to create different state-level guest worker programs. The California bill passed its state Assembly and stalled in the Senate.

Many other state legislatures have passed bills, resolution, and introduced legislation to create a state-sponsored visa program. However, even the bills that became law failed to create a new

visa because they had to ask the federal government for permission to run their programs. Permission wasn't granted. Johnson and Buck's state-sponsored visa bill solves that problem by creating a federal legal framework through which states can create their own state-sponsored visa programs under federal oversight.

The success of similar programs in Canada and Australia provide support for the American version. About 96% of the Canadian program's migrants to Manitoba, British Columbia, Alberta, and Saskatchewan were employed within a year. They filled important niches in the labor market that made Canada's program an integral part of its merit-based immigration system. Canadian provinces understand local economic conditions and which immigrants are demanded better than Canada's federal government.

Most importantly, this reform would correct many of the failings and inefficiencies in our current immigration policy.

The current visa system is inflexible. The Johnson-Buck bill fixes that by allowing states to sign compacts with each other to share state-sponsored migrants. For example, the states of Washington, Oregon, and California could all share state-sponsored farmworkers who move with the harvest. Furthermore, any state-sponsored workers cannot be tied to a single employer.

Lastly, the Johnson-Buck bill actually incentivizes states, migrants, and employers to follow the law. If enough state-sponsored migrants break the visa rules then their numbers are automatically cut, migrants or their employers have to pay bonds that they would forfeit if they break the visa rules, and states aren't allowed to participate. But if a state follows the rules, the number of visas allocated to it increases by 10% a year. A carrot-and-stick approach to immigration enforcement will be more effective than merely demanding compliance.

The Johnson-Buck bill is innovative for another two reasons. First, migrants on the state-sponsored visa can earn green cards through the already existing green card system. This bill doesn't create a new path to green cards, but merely allows workers to use existing pathways similar to how H-1B visa workers can sometimes be sponsored for green cards. Second, states can allow current illegal migrant workers to apply for state-sponsored work visas. This is entirely up to state discretion, but it is vital for local economies to have the option to legalize parts of their workforce.

There is little competition between native-born American workers and foreign-born workers. The most negative economy-wide peer-reviewed finding is that American workers with less than a high-school education, who are about 9% of the workforce, saw their wages decline by 1.7% from 1990 to 2010 due to immigration while the wages for workers in other educational groups increased. New immigrant workers compete with other immigrants, not with native-born workers.

Nationwide one-size-fits-all migration laws aren't working, so the federal government should let states try their hand at regulating economic visas. Federalism currently allows states to experiment with education, welfare, and drug policies with great success. The Johnson-Buck bill would allow them to experiment with immigration policy too.

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