2A Evidence: State Based Visas

By "Coach Vance" Trefethen

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

This plan enacts State Sponsored Visa Pilot Program Act of 2017. SSPPVA was proposed by Sen. Ron Johnson (R-Wisc.) in 2017 but never enacted. In the Status Quo, the federal government makes all decisions about quotas, quantities and qualifications of immigrants. The one size fits all approach doesn't work and creates controversy because some parts of the country want and need more immigrants (due to labor shortages), while others don't (areas of high unemployment or political opposition). Numerous states have asked the federal government to remove its restrictions on state participation in immigration, and SSPPVA is the answer. SSPPVA allocates visas to the states (some to all states and some based on population) that States can then choose to use to sponsor guest workers who can work and reside only in their state. States that don't want more immigrants will simply decline to use any visas, others may use some but not all of their visas, while some States will use their entire allocation. Labor shortages in affected states will be solved and economic growth will be promoted by directing immigrant labor to areas that need it most.

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DEFINITIONS & BACKGROUND

Text of the bill

<https://www.congress.gov/bill/115th-congress/senate-bill/1040/text>

Text of the bill is at this link. Print it out and bring it with you to the debate round.

Details on how SSVPPA 2017 works

Shikha Dalmia 2017 (senior analyst at Reason Foundation) 4 Aug 2017 USA TODAY "On immigration, let the states decide for themselves" <https://www.usatoday.com/story/opinion/2017/08/04/immigration-let-states-decide-themselves-shikha-dalmia-column/536049001/>

Under it, every state will get a little over [5,000 annual visa](https://www.google.com/search?q=state+sponsored+visa+act+5,000+visas+per+state&ie=&oe=)allotment to hire foreigners as it sees fit. States confronting a tight labor market can give their companies free rein to hire whomever — high-skilled, low-skilled or a mix — they want at whatever wages. Others facing a labor surplus can completely forego their quota or impose onerous wage requirements on employers hiring foreign workers. The federal government’s role would be confined to conducting security and health checks on foreigners sponsored by states. The quota would be adjusted each year based on economic growth — expanding in boom years and contracting in slow ones. The visas, issued for a three-year period on a renewable basis, wouldn’t entitle their holders to any federal welfare benefits. They would be guest workers, not permanent residents or naturalized citizens. These workers would be confined to working in the sponsoring state — or states that form a compact to honor each other’s visas.

Details on how SSVPPA 2017 works

Jacqueline Varas 2017 (Director of Immigration & Trade Policy at American Action Forum) 1 June 2017 "The Economic Impact Of State-Sponsored Work Visas" [https://www.americanactionforum.org/research/economic-impact-state-sponsored-work-visas/#ixzz5G2zQq1zO](https://www.americanactionforum.org/research/economic-impact-state-sponsored-work-visas/" \l "ixzz5G2zQq1zO)

Each state would be allocated 5,000 visas per year for temporary foreign workers. These visas could also be given to foreign investors or entrepreneurs. An additional pool of 245,000 visas would be divided among the states each year proportional to their populations. This amounts to 495,000 new temporary worker visas. Since immigration stimulates economic activity, the number of visas would also increase annually in proportion to GDP growth in each state. Participation in the program would be voluntary; states may decide not to participate in the program or not to utilize all visas available to them. Any unused visas would then be added to the pool which is proportionally divided among participating states.

TOPICALITY

A/T "SSPPVA = 'non-immigrant' visa' " - SSPPVA allows guest workers to apply for green cards (permanent residency)

Alex Nowrasteh 2017 (immigration policy analyst at the Cato Institute's Center for Global Liberty and Prosperity) Opinion: States should have their own economic visa programs for immigrants 29 May 2017 MARKET WATCH <https://www.marketwatch.com/story/states-should-have-their-own-economic-visa-programs-for-immigrants-2017-05-23>

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.

INHERENCY

One-size fits all federal policy is bad for the states

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

The federal government has a monopoly over both the number of foreign workers and the type of workers who enter the United States, yet this one-size-fits-all approach is ill equipped to address the diverse needs of the states. It is simply an impossible task for Congress to determine the economic demands in every corner of the country.

Status Quo state action won't be enough until the federal government takes action

Audrey Singer & Andrew Wainer 2014 (Singer – Senior Fellow with Brookings Institution. Wainer - senior immigration policy analyst for Bread for the World Institute) " Immigration Policy: Is Federalism the Answer?" 21 Apr 2014 <https://www.brookings.edu/opinions/immigration-policy-is-federalism-the-answer/>

Municipalities with large and diverse immigrant populations such as New York are leading the way when it comes to taking economic drivers into account. Its[blueprint for immigrant integration](http://www.nyc.gov/html/imm/downloads/pdf/Blueprints/BII-Economic-Development.pdf) includes assistance for immigrant entrepreneurs and employment services for underemployed immigrants with in-demand skills. These practical programs align with most immigrants’ primary goal—economic advancement—which can also potentially contribute to a city’s economic development. But whatever the configuration of state and municipal immigrant-attraction strategies, they are not a substitute for federal legislative action. It is federal, not state or local, policy that controls the laws that allow immigrants to enter the country to live and work.

ADVANTAGES

Workers and entrepreneurs are currently blocked, but letting the States manage immigration would reap economic benefits

Brandon Fuller & Sean Rust 2014 (Fuller is a research scholar at New York University and deputy director of the Urbanization Project at the NYU Stern School of Business. Rust is a practicing attorney and a recent graduate of Temple University’s Beasley School of Law where he was a law and public policy scholar) 23 Apr 2014 "State-Based Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa748_web.pdf>

U.S. immigration policy currently prevents many productive foreign workers and entrepreneurs from contributing to the American economy. To help move American immigration policy in a more open direction, policymakers should consider including principles of federalism as part of immigration reform. By allowing states a greater say in managing immigration, the United States can reap economic benefits by allowing state experimentation with different levels of immigration.

State-based immigration benefits states that want it and avoids those who don't – leads to major economic benefits

Brandon Fuller & Sean Rust 2014 (Fuller is a research scholar at New York University and deputy director of the Urbanization Project at the NYU Stern School of Business. Rust is a practicing attorney and a recent graduate of Temple University’s Beasley School of Law where he was a law and public policy scholar) 23 Apr 2014 "State-Based Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa748_web.pdf>

A state-based visa program would direct immigration to the states that want it without forcing much additional immigration on those that do not. Unlike existing employment-based visas that tie foreign workers to one firm, state-based visa holders would be free to move between employers in the state—leading to thicker, more equitable, and more efficient local labor markets. A state based visa would increase prosperity by allowing additional migration to portions of the country and economy that demand them. Successful international experiences with regional visas in Australia and Canada provide some valuable policy lessons and hint at the major economic benefits of such a policy in the United States.

AEI/NEA study finds: State based immigration would expand job growth

Jacqueline Varas 2017 (Director of Immigration & Trade Policy at American Action Forum) 1 June 2017 "The Economic Impact Of State-Sponsored Work Visas" <https://www.americanactionforum.org/research/economic-impact-state-sponsored-work-visas/#ixzz5G2zQq1zO>

This analysis of the State Sponsored Visa Pilot Program utilizes a [previous study](http://www.aei.org/wp-content/uploads/2011/12/-immigration-and-american-jobs_144002688962.pdf) from the American Enterprise Institute (AEI) and the Partnership for a New American Economy (NAE). The study analyzed state variations in both the foreign-born workforce and employment rates from 2000 to 2007 to quantify the labor market impacts of immigration. They specifically examined foreign-born workers with STEM degrees, as well as those in the H-1B, H-2B, and H-2A programs. Their findings largely agree with existing theory and research: immigration spurs economic growth, which spurs job creation.

States as "laboratories of democracy" can find better solutions, meet local needs, and reduce polarization

Shikha Dalmia 2017 (senior analyst at Reason Foundation ) 15 May 2017 " Surprise: Republicans Have a Sensible Plan to Fix Immigration" <http://reason.com/archives/2017/05/15/surprise-republicans-have-a-sensible-pla>

Indeed, the Johnson-Buck proposal is in the best traditions of American federalism that allows states to become the laboratories of democracy on immigration, exactly as the Founders intended. States that fear the fiscal burden or native job losses from more foreign workers can bow out. And those that believe the reverse can opt in without Washington imposing a one-size-fits-all solution on everyone. Trump can keep pounding his fist and demanding his border wall. But this bill offers an amicable—and costless—way forward on an issue that has polarized Americans for far too long. It is no skin off anyone's back—not even the most ardent restrictionists'—and therefore deserves widespread support on Capitol Hill.

Link: Dysfunctional government. Polarization means Congress becomes dysfunctional

Dr. Mohamed El-Erian 2012 (PhD economics from Cambridge Univ., England) “This Political Polarization Is Really Bad for America” 29 Dec 2012 <http://www.huffingtonpost.com/mohamed-a-elerian/political-polarization-fiscal-cliff_b_2379060.html>

An anchor for Mr. Silver’s analysis is the view that “one of the firmest conclusions of academic research into the behavior of Congress is that what motivates members first and foremost is winning elections.” By combining this with realities on the ground, his analysis makes a strong case for continued political polarization going forward. Mr. Silver’s conclusion is stark: “As partisanship continues to increase, a divided government may increasingly mean a dysfunctional one.”

Impact: Economic decline. Congressional gridlock blocks US long term economic growth

Dr. Mohamed El-Erian 2012 (PhD economics from Cambridge Univ., England) “This Political Polarization Is Really Bad for America” 29 Dec 2012 <http://www.huffingtonpost.com/mohamed-a-elerian/political-polarization-fiscal-cliff_b_2379060.html>

If left to fester, the related inability of Congress to step up to economic responsibilities would risk being associated with more than just sluggish growth, persistently high unemployment, and a growing sense of financial discomfort. It would also undermine the country’s longer-term growth potential and, with that, the ability of many citizens to realize the American dream.

SOLVENCY

Many states want to do the plan

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

States clearly wish to go further (Figure 3). Federal law has no provision for foreign entrepreneurs, so several states have taken advantage of the special treatment that universities receive to allow them to stay in the United States. The law exempts foreign professors from the H-1B high-skilled visa quota, so state institutions in New York, Massachusetts, and Colorado have created programs whereby the university sponsors the entrepreneurs as professors, but allows them to spend most of their time building their businesses. The Colorado and Utah legislatures both passed laws to create state-level migration programs, but neither have received federal permission to begin recruitment.  Utah’s laws go even further by also creating state-sponsored immigration and legalization programs.  Elected officials and legislatures in Arkansas, Kansas, Georgia, and Michigan have passed resolutions or lobbied Congress for permission to create their own migration programs.  In the last decade, the workforce committee of the Arizona legislature passed a state-sponsored guest worker program, and the California State Assembly passed a legalization program for agricultural workers.  State representatives in Texas, New Mexico, and Oklahoma have also introduced legislation to create state-sponsored visa programs.

States have the experience and the desire to sponsor visas

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

States have the experience and desire to manage state-sponsored migration programs. American states already coordinate with the federal government on immigration enforcement and Congress can constitutionally delegate some of its migration powers to states.  States currently help determine “targeted employment areas” for the EB-5 investor visa. For the physician visa program, state public health departments can sponsor doctors to serve in medically underserved areas. States also directly sponsor foreign students and state employees in their capacity as universities and employers.

Similar plan worked great in Canada

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

Canada and Australia have large regional visa systems similar to that proposed by the State-Sponsored Visa Pilot Program Act.  The Canadian Provincial Nominee Program allows provinces to nominate immigrants for permanent residency. A 2011 review of the program by Canada’s federal immigration department concluded that the program was a success and regionalized the benefits of immigration.  About 90 percent of all provincial nominees were employed or self-employed within one year, and almost 80 percent remained in the province for three years, even though there was no long-term residency requirement. The 52,460 nominees were 16.3 percent of all immigrants to Canada in 2016.

Similar plan worked great in Australia

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

Australia has four regional residency visas.  Altogether, those regions issued 40,101 visas during the 2015–2016 year, representing 31.2 percent of the skills-based immigration to Australia.  A 2004 Australian survey of one of these programs found that 91 percent of primary applicants were living in the region that originally sponsored them, despite no requirement to do so; that their unemployment rate was less than 1 percent; and that both employers and immigrants were pleased.  The growing demand for these visas demonstrates their increasing popularity. Canada’s Provincial Nominee Program grew fivefold from 2005 to 2016, while Australia’s regional visa programs doubled (Figure 2). 1

A/T "Enforcement problems / Cross-migration / Cheating" – States have strong incentive to enforce the rules

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

States also have incentives to guarantee migrant compliance. The bill provides that non-compliant migrants will be deported at state expense, and those states that refuse to pay will be unable to sponsor new migrants. Additionally, a state’s allocation of visas would fall by 50 percent if more than 3 percent of their sponsored migrants reside or work in another state. If the abscond rate is above 3 percent for three consecutive years, then the state will be barred from sponsoring new migrants for five years. As a positive incentive, a state’s numerical cap rises by 10 percent for each year that less than 3 percent of the state-sponsored migrants work illegally. This carrot-stick approach provides a strong incentive for states to ensure migrant compliance with the rules.

DISADVANTAGE RESPONSES

A/T "Immigrants will move to other states" – Most of them won't

Brandon Fuller & Sean Rust 2014 (Fuller is a research scholar at New York University and deputy director of the Urbanization Project at the NYU Stern School of Business. Rust is a practicing attorney and a recent graduate of Temple University’s Beasley School of Law where he was a law and public policy scholar) 23 Apr 2014 "State-Based Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa748_web.pdf>

A federalist approach to immigration is preferable to one entirely dominated by the federal government because states can better understand the fiscal costs and benefits of additional immigrants. Because state and local governments incur much of the short-term fiscal costs of immigration, it is important that they have a say in directing the optimal flow. A state-based visa program will allow states to harness additional economic gains from immigration without relying upon the federal government to change immigration policy for the entire nation. While not all immigrants who enter on state-based visas would stay in the state they initially settled in, evidence from Australia and Canada suggests that out movement would be minor.

A/T "Illegal immigration to other states" – Not likely to happen, and States can solve

Alex Nowrasteh 2015 (immigration policy analyst at the Cato Institute's Center for Global Liberty and Prosperity) 16 June 2015 " Immigration reform: Let the states lead the way" <http://www.latimes.com/nation/la-oe-nowratseh-let-states-issue-guest-worker-visas-20150613-story.html>

State-based guest-worker programs admittedly bring up some potentially thorny issues. One is that migrants who enter the U.S. in one state could simply leave and work in another illegally. That problem would probably be a minor one. Only about 2% of current visa "overstays" involve guest workers, while 87% are tourists and vacationers. Guest workers are more closely regulated than tourists, and they have much more to fear from deportation, so fewer of them overstay. If, however, state guest workers do disappear, states have more flexibility to experiment with responses and prevention measures. They might make guest workers pay a bond that they forfeit if they violated the program, or levy fines against employers when their workers leave, or deduct some amount of wages to be returned when the worker leaves the U.S. as agreed.

A/T "Indentured servitude / Low wages / Exploitation" – State sponsorship solves by allowing movement between employers

Jacqueline Varas 2017 (Director of Immigration & Trade Policy at American Action Forum) 1 June 2017 "The Economic Impact Of State-Sponsored Work Visas" <https://www.americanactionforum.org/research/economic-impact-state-sponsored-work-visas/#ixzz5G2zQq1zO>

Like the H-1B program, foreign workers in the pilot program would be granted employment authorization for three years with an option to renew their visas. However, unlike the current system, they would not be confined to one employer. Because states would sponsor the visas instead of individual companies, foreign workers would be permitted to move between employers within the same state. This would likely reduce abuses which some argue are common in other foreign worker programs. 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. Furthermore, labor mobility would introduce competition between employers. This would likely incentivize them to offer better wages and working conditions to attract foreign workers.

A/T "Unconstitutional for states to do immigration" – Federal government still controls, states must comply with federal rules

**[Referring in context to Sen. Johnson's proposed State Sponsored Visa plan]**

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

States could opt in to this program by passing a law and complying with federal rules. The state government would then submit petitions to the federal government requesting admission for the migrants chosen by the state through a state-designed selection process. These federal rules are nearly identical to the filing procedure that states currently use to sponsor government employees or students at public universities.  States would then register migrants’ names and addresses with the federal government. The Department of Homeland Security would perform the background checks, while the Department of State would collect biometric information, conduct interviews, and issue a federal visa.

A/T "Social costs" – State sponsored visas are not eligible for welfare

**[Referring in context to Sen. Johnson's proposed State Sponsored Visa plan]**

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

The state-sponsored visas would be for a specific economic purpose and neither allow access to means-tested welfare nor create a special pathway to citizenship. The migrants must work and reside in the state sponsoring them, a burden that is less onerous than current laws that require nonimmigrants to live near their sponsors. States may also enter into compacts with other states to share economic migrants.

A/T "Social costs" – State sponsored immigrants will pay far more in federal taxes than they receive in benefits

David Bier 2017 (immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity) 11 May 2017 " State-Sponsored Visas" <https://object.cato.org/sites/cato.org/files/pubs/pdf/irpb-2_bwv5.pdf>

The State-Sponsored Visa Pilot Program Act would improve the migration system by allowing states to design economic migration programs suited to their own particular, varied, and unique circumstances. The legislation will more fairly distribute immigrants throughout the United States, giving less populous areas a fair shot at attracting people to their states. Because state-sponsored migrants will not have access to federal benefits, they will pay far more in federal taxes than they will receive in benefits