

A conversation with the Niskanen Center, February 14, 2017

Participants

- Joe Coon – Senior Vice President, Niskanen Center
- Kristie De Peña – Immigration Policy Counsel, Niskanen Center
- Matthew La Corte – Immigration Policy Analyst, Niskanen Center
- Andrew Mills – Director of Federal Affairs, Niskanen Center
- Alexander Berger – Program Officer, US Policy, Open Philanthropy Project
- Nicole Ross – Research Analyst, Open Philanthropy Project

Note: These notes were compiled by the Open Philanthropy Project and give an overview of the major points made by Mr. Coon, Ms. De Peña, Mr. La Corte, and Mr. Mills.

Summary

The Open Philanthropy Project spoke with Mr. Coon, Ms. De Peña, Mr. La Corte, and Mr. Mills of the Niskanen Center ("Niskanen" throughout these notes) as part of an update on our 2015 grant. Conversation topics included Niskanen's response to actions by the new presidential administration, policy work, collaborations with policymakers and with other organizations, staffing, and budget.

Response to the recent executive order on immigration

In response to the recent executive order on immigration, Niskanen published pieces arguing that the travel ban it institutes is unjustified, highlighting the existing vetting process and national security justifications for a more robust humanitarian program. Niskanen has also presented economic arguments in favor of admitting more immigrants and refugees (which Niskanen thinks tend to receive less attention than legal or humanitarian arguments).

Court rulings on the order (e.g., the US 9th Circuit Court of Appeals' decision not to reinstate the travel ban; a ruling by a federal judge in Virginia that the travel ban violates the First Amendment) were in part what allowed Niskanen to go beyond due process considerations and to focus on more policy-based, substantive arguments and concerns about the ban.

Media engagement

Niskanen has spoken to a number of media outlets (e.g., the New York Times, the Washington Post, Huffington Post, Politico) to make the case that the executive order is detrimental from a national security perspective and to argue for the importance of US humanitarian leadership at a global level.

Mr. La Corte also appeared on CNBC to discuss the economic implications of a border wall with Mexico.

Policy work

Private refugee sponsorship

Niskanen is working with graduate students at the University of Iowa College of Law on a local-level private refugee sponsorship effort that aims to:

- Identify localities that are potentially good fits for resettlement (based on services those communities can provide to refugees, etc.).
- Examine state and federal laws governing resettlement in these areas.
- Determine how Niskanen might help incorporate accounting, oversight, and operational mechanisms (e.g. through state governments or non-government contractors).
- Find ways for donors to fund refugee assistance efforts and become more personally involved in private sponsorship.

While this project will not directly affect resettlement numbers, Niskanen thinks it will be beneficial to already have such mechanisms in place if resettlement numbers increase in the future.

Niskanen is not currently focused on private refugee sponsorship at the federal level because it thinks there are more urgent issues under the new administration.

State-based visa reform

Niskanen is working on revising older state-based visa legislation to create a simpler and more politically and practically viable version. Changes in Niskanen's current version include:

- Removing visa caps.
- Allowing visa holders more freedom of movement (restrictions on movement has raised constitutional concerns in some previous versions).
- Greater responsiveness to industry-based unemployment numbers.
- Requiring visa holders to leave the country before receiving some withheld wages, to incentivize them to leave when their visa expires. (The visa can be renewed once for a three-year period while the visa holder is in the US and renewed any number of times if they are outside of country at the time of renewal.)
- Having the federal government retain absolute oversight and veto power over the program and putting state government in a more administrative role.

Niskanen has shared its current version with members of Congress and received positive initial feedback. In its overview of the legislation, Niskanen included a list of possible changes to address potential concerns (regarding, e.g., constitutionality, number of visas, etc.).

Recognizing American Children Act

Niskanen has been collaborating with Rep. Carlos Curbelo on the Recognizing

American Children Act, which was first introduced last session. Rep. Curbelo's office has made some significant changes that Niskanen thinks are positive and plans to reintroduce the bill in a few weeks.

The bill offers cancellation of removal and the potential for naturalization for many people who would otherwise qualify for Deferred Action for Childhood Arrivals (DACA).

Collaborations with other organizations

Niskanen has worked with the Partnership for a New American Economy and its Executive Director, Jeremy Robbins, on the economic benefits of immigration. The Partnership for a New American Economy produced district-specific reports on the economic benefits of immigration that have enabled Niskanen to make a better case to members of Congress that immigration reform would benefit their particular districts.

Niskanen plans to partner with the American Action Forum for a series of Congressional events presenting the basic economic case in favor of immigration and arguing that restricting immigration could hurt American wages.

Niskanen has worked with Theresa Brown, Director of Immigration Policy at the Bipartisan Policy Center (BPC), on policy around the H-1B visa. Niskanen and BPC both think that rewriting H-1B legislation would be beneficial, and they are considering holding an event this spring with lawmakers and other think tanks to discuss potential reforms to the program (e.g., including a startup visa, improving protections for foreign graduate students, etc.).

Niskanen's role

The primary constituencies and policymakers that Niskanen works with vary depending on the issue. Right-leaning policymakers tend to be especially receptive to economic arguments for increasing refugee admissions. Niskanen's work on national security justifications for humanitarian aid and outreach has been received attention from center-right and left-leaning members of Congress. There has also been strong interest among Republicans in pursuing the low-skill workers component and state-based visa reform, particularly because the current administration is working without much consultation from Congress in this area.

Niskanen has also maintained contacts in the State Department who are interested in immigration and refugee policy and is continuing to try to expand its contact list of people interested in its efforts in this area.

In general, Niskanen tries to position itself to be able to quickly provide advice to policymakers when they reach out.

Communication with Republicans

Niskanen thinks the foundations that it works with see the relationships and influence that Niskanen maintains with the political right as particularly valuable,

especially since Republicans currently control both the legislative and executive branches. Foundations may see partnering with Niskanen as a way to spread their engagement with a given policy area across a wider range of political constituencies. Niskanen has frequent conversations with these partners about which strategies and priorities to pursue under the current administration and Congress.

Revitalizing Liberalism project

Niskanen's Revitalizing Liberalism project involves connecting and supporting politicians, academics, policy scholars, and activists from across the political spectrum who agree on the foundational infrastructure and norms required for liberal democracy.

Staffing of Niskanen's immigration and refugee program

Ms. De Peña and Mr. La Corte work full time on Niskanen's refugee and immigration program. Ms. De Peña leads work on the legal aspects of immigration and Mr. La Corte focuses on Niskanen's relationships with refugee organizations, but there is significant overlap in their work. Mr. Mills helps part-time with outreach to Congress, but his capacity is limited because he also works on other focus areas.

Niskanen thinks its immigration and refugee work could benefit from more staff capacity and is interested in expanding the department.

Budget

Niskanen estimates that its budget this year will be roughly \$3-\$3.5 million.

Niskanen plans to start fundraising for some new, large projects, which might increase its budget significantly. These include:

- Expanding into criminal justice reform. Some foundations have expressed interest in Niskanen working in this area, and Niskanen has spoken to some people who might be interested in leading such a department.
- Expanding into trade policy. Niskanen is hiring someone to lead this work.
- Niskanen Adjunct Fellow David Bookbinder, who has been working on energy and climate policy, is a lawyer and might help Niskanen engage in litigation efforts in some policy areas.

Niskanen expects to hire roughly five new staff members in the next six months.

All Open Philanthropy Project conversations are available at <http://www.openphilanthropy.org/research/conversations>