

A conversation with the Niskanen Center, June 22, 2017

Participants

- Kristie De Peña – Immigration Policy Counsel, Niskanen Center
- Matthew La Corte – Immigration Policy Analyst, Niskanen Center
- Alexander Berger – Program Officer, US Policy, Open Philanthropy Project

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

Summary

The Open Philanthropy Project spoke with Ms. De Peña and Mr. La Corte of Niskanen as part of an update on our 2015 grant. Conversation topics included Niskanen's legislative advocacy, work on refugee resettlement, and funding and staffing.

Legislative advocacy

Recognizing America's Children (RAC) ACT

The Recognizing America's Children (RAC) Act (HR 1468) is a proposed bill to protect the legal status of "Dreamers," sponsored by Carlos Curbelo (Republican Representative from Florida) and which Niskanen has supported since its inception. Niskanen is working to educate Republicans in Congress about the bill. Mr. La Corte and Ms. De Peña have taken numerous meetings with House members to discuss the bill and is starting to have meetings on the Senate side as well.

If successful, this would be the first immigration bill that Niskanen has impacted.

H-2B non-agricultural temporary worker visa

Niskanen wants to make the returning worker exemption from the cap on the H-2B visa permanent. This would allow for about 20,000 additional workers annually; the Congressional Budget Office has estimated about 8,000 in the first year.

The H-2B Workforce Coalition supports keeping the returning worker exemption in place. Barbara Mikulski (former Democratic Senator from Maryland) also supported this.

Congressional offices get a lot of constituent outreach about the H-2B program, and Niskanen wants to be able to provide those offices with better answers and information.

Niskanen has also been involved to some extent with the Strengthen Employment and Seasonal Opportunities Now (SEASON) Act, which proposes reforms to the H-2B.

H-1B visa

Niskanen is interested in fundamentally reforming current H-1B policy. Niskanen has an ongoing partnership with a legal clinic at the University of Iowa College of Law, which has been working on H-1Bs and alternative visa structures. The legal clinic did a lot of background research on H-1Bs that Niskanen plans to include in a publication for lawmakers. Niskanen is considering working with other groups to do a series on H-1B reform for lawmakers to attend.

Niskanen's impression is that there isn't much momentum on H-1B reform now but that there may be an opportunity to start the conversation.

Conrad 30

Heidi Heitkamp (Democratic Senator from North Dakota) recently introduced a new bill to extend the Conrad 30 Waiver Program for J-1 medical doctors (which waives the two-year home residency requirement for foreign doctors who work in rural areas of the US for three years). Niskanen has been advocating to broaden that waiver.

Optional Practical Training (OPT) for F-1 students

Niskanen is monitoring and working to some extent on OPT, which the administration could affect through executive action. Immigration policy fellow Jeremy Neufeld has been working on estimating the economic impact and size of the program (it's not clear exactly how large the OPT program is because it is not reported separately from the total number of F-1 visas). Niskanen is trying to promote the idea that OPT is an important aspect of the F-1 program; its impression is that other groups aren't focusing much on this.

Other activities

Niskanen is producing a series of short briefs on various aspects of immigration policy (e.g. entrepreneurial visas), suggesting reforms that could be made to policy or legislation. Niskanen has also been working on a new legal framework for sanctuary cities.

Because of the Republican Party's shift to being less supportive of immigration overall, Niskanen thinks there are some policy ideas that are unlikely to gain traction under a Republican-controlled legislature. However, Niskanen hopes that by making good arguments and appealing to conservative thought leaders, it will be able to shift thinking on the right closer to its own views.

Ms. De Peña was on a National Review ideas summit panel in March and debated immigration issues with Mark Krikorian of the Center for Immigration Studies.

Refugee resettlement

Private sponsorship

Niskanen's intern from Iowa College of Law has been working on advocating for support from local governments to run pilot private sponsorship programs. Niskanen is looking into cooperative agreements with local governments and resettlement agencies.

Niskanen is also interested in piloting community co-sponsorship programs. For example, Integrated Refugee & Immigrant Service (IRIS) is a resettlement agency in New Haven, CT, that facilitates a group of community members to provide individualized support for refugees. That has had some success, and Niskanen is interested in exporting that model to other places. Niskanen plans to hold a conference at Yale about this in the fall.

These programs would provide alternative formats for resettlement within the Presidential Determination (PD) cap and wouldn't currently increase overall resettlement numbers (although it's possible that bringing down resettlement costs could help lead to the PD being raised). There are proposed bills that would cap or reduce the number of refugees resettled, or make the PD subject to congressional approval, but those are unlikely to move forward.

National interest case for refugee resettlement

Mr. La Corte is working on paper that makes a strategic, national interest case for refugee resettlement. The paper argues that resettling refugees can help the US gain allies and leverage influence over other countries, as well as bring stability to regional conflicts. Human Rights First has been making a similar argument.

State-based visas

Niskanen worked on a version of a state-based visa bill for Congress but didn't end up being proposed. Niskanen also produced a paper on the legislative history of state-based visas.

Niskanen is part of a coalition of business, conservative, and libertarian groups on immigration, organized by NIF, that also includes Cato, the Bipartisan Policy Center, the US Chamber of Commerce, George Mason, the American Action Forum, PNAE, FWD.us, and others. Many of the coalition members endorsed a state-based visa bill that was introduced by Senator Ron Johnson.

Funding

Niskanen expects its overall budget to be about \$5 million in 2017. Niskanen is hoping to expand its immigration program. The immigration program currently spends about \$600,000 a year, including about \$400,000 earmarked for the program and \$200,000 from Niskanen's general operating budget.

Staff

Niskanen has recently added:

- Jeremy Neufeld as Immigration Policy Fellow
- Linda Chavez, president of the Becoming American Institute and a political analyst for Fox News, as Senior Fellow
- Melanie Huettman, a rising third-year law student at Iowa College of Law, as a legal intern.

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