



MEMORANDUM

TO Alexander Berger, Helen Toner
FROM Tamar Jacoby
RE Menu of possible activities, 2015 through early 2017
DATE October 23, 2015

The next 12 to 18 months are highly unpredictable politically. The presidential campaign, though in some ways all too predictable, will likely be a continuing rollercoaster ride. Unexpected developments like Donald Trump's capricious decision to enter the race have the potential to transform the political dynamic and profoundly alter the course of events. And anyone who says they know how the campaign will affect the immigration debate doesn't know what they're talking about.

That said, most smart money in Washington expects little congressional action on immigration until after the election.

There will be pressure to move forward. Some GOP funders, concerned about the Latino vote, are urging House leadership to raise the issue before the election. Ten to 15 GOP House members who campaigned on immigration in 2014 – people like David Valadeo, Mike Coffman and Martha McSally – are eager to propose and vote on legislation. And there has been discussion on the Hill of a "small-ball game" or "down-payment strategy" – a series of narrow-gauge bills, to be introduced by Republicans, designed to keep the conversation alive and create the appearance of GOP support for reform.

But countervailing forces are also strong. Rank-and-file Republicans see how Trump touched a nerve with the public, and most are more eager to take politically charged votes on issues like sanctuary cities than to move forward with constructive policy proposals. Even staunch reformers – members like Paul Ryan and Mario Diaz-Balart – are hesitant to start a debate for fear that in an election year and as long as Obama is president, more strident GOP voices will dominate the discussion. Even an effort to move small-ball measures could turn ugly – and send exactly the wrong kind of signal about how Republicans view Latinos.

The bottom line for ImmigrationWorks: we need to be realistic – need to understand that nothing may happen before the election – but also be ready in case something does. Our principal focus should be laying the groundwork for a renewed debate under a new president in January 2017. And meanwhile, we should be seeking – and creating – opportunities to get our message out, influence opinion, drive ideas in Washington and otherwise advance the debate. It's a time for making plans, but also remaining nimble. And although it's likely to be a frustrating period, it may also be more productive than it appears – especially if we can lay the groundwork for 2017.

Possible areas of activity

Mobilizing a donor collaborative. The first skirmishes of the next battle for immigration reform will take place long before the 115th Congress convenes in January 2017 – but not in Washington and not in public view. The battlefield: GOP congressional primaries – especially

primaries in districts with safe Republican seats, where challengers will inevitably use immigration to rally conservative voters and try to damage or oust pro-reform lawmakers.

The rise of Donald Trump and the national reaction to him offer some important lessons for these battles. The first is discouraging: Trump's ugly rabble-rousing works with many Republican voters. But the second is more hopeful: his anti-immigrant diatribes have also produced strong antibodies, including on the right – lawmakers, columnists and talk show hosts, many of them staunch conservatives, who have stood up to denounce him, arguing that there is no place in the party for the kind of venom he is spewing.

The challenge: how do we contain a raft of Donald Trump imitators from taking over the 2016 GOP primaries? One answer: mobilizing the Republican donor call to echo the kind of case that principled conservatives have been making in response to Trump.

How to go about this? We would start by reaching out to a handful of big contributors who are willing to let it be known publicly that they intend to use their political giving to advance immigration reform. We would bring two or three members of this group together to write and place an op-ed piece outlining their intention to use their checkbooks more strategically. The next step would be to encourage them to reach out privately to additional GOP donors. The goal: to find an expanding circle of party insiders willing to speak publicly about their views on immigration, identifying themselves as donors even as they make their views known.

A key element in this effort – the piece IW could legally participate in – would be communicating the collaborative's MO and intentions and getting media coverage.

This is where ImmigrationWorks can help: organizing, managing and staffing the initiative. We would bring people together. We would seed the idea of a concerted effort. We would help members of the circle keep in touch on a regular basis. We would draft op-ed pieces and talking points and craft a litmus test for candidates.

Perhaps most important, we would serve as the donors' eyes and ears. This would include identifying primaries where a toxic challenge was emerging – before it gathered strength. It could also include identifying donors to target. Where to start: combing lists of those who have written checks to anti-immigration lawmakers like Steve King and Jeff Sessions to find people who give for reasons that have nothing to do with immigration and could perhaps be dissuaded if it was brought home by a peer that their money was contributing to the pall Trump and others are casting over the party.

One important caveat: there would be no PAC or any other kind of pooled giving. IW would in no way be directing giving or trying to influence races. Our role would be limited to helping the donors communicate their intentions and priorities to the public – in the media and elsewhere.

The threshold question for an initiative of this kind: can we find and mobilize a few founding members – big donors willing to go public and launch a broader, largely private, informal donors' collaborative? We're going to start now by reaching out to the donors on our short list.

A Capitol Hill strategy. The conversation is already percolating on Capitol Hill: what can we do in Washington over the next 18 months to create the political space for the House to move forward on reform, whether now or after the election?

Who participates in these discussions: a handful of influential staffers, some conservative strategists, a few party insiders concerned that Republicans are losing the Latino vote. These are the circles talking about small ball and a down-payment strategy. Some participants are for moving forward with something bigger before November 2016. Others are adamantly against. Still another option on the table: a behind-the-scenes effort to educate members and “normalize” the conversation about immigration.

The truth is there is relatively little these or any strategists can do to influence whether or not the House moves forward – that’s a decision for leadership, and it will be based on leadership’s sense of what a preponderance of members are prepared to support. So far, ImmigrationWorks has urged small steps, if any – enough to keep the conversation alive but not to stir up the ugly debate that so worries Paul Ryan and others. The one small step that could make a difference and might – emphasis on might – have a chance of moving in the months ahead would be a proposal that granted legal status to Dreamers who serve in military.

If the pessimists are right and the best we can do on the Hill in the next 18 month is a behind-the-scenes effort to educate members and “normalize” the conversation, ImmigrationWorks will step up to the plate. Among possible activities: Hill briefings with small to medium-sized business owners, Hill briefings with immigrant entrepreneurs, meetings with members to disseminate the results of our polling, help drafting educational materials.

Our main goals: to ensure a continuing focus on legal immigration, to educate members and staff about the economic benefits of less-skilled labor migration, to maintain relationships with influential staffers and help shape the conversation that will go public in 2017 if not before. Most important, no matter what the context, we will be working to make sure that the issue of less-skilled legal immigration remains in the mix.

The good news: we remain close to the congressional offices that will be driving any activity on Capitol Hill, whether behind the scenes or out in the open. Paul Ryan, Mario Diaz-Balart, Raul Labrador and Speaker Boehner – if there’s movement, they will be behind it, and we are sure to be involved in helping to educate members about what’s needed to solve the problem.

Advancing a worker-visa pilot program. After more than a decade of insisting, IW has changed its view somewhat. For years, we argued against compromising on the size of a future flow program for less-skilled immigrant workers. We maintained that the only way to remain a nation of immigrants and a nation of laws was to adjust legal inflows to bring them into sync with U.S. economic needs. We’re convinced this would require an annual intake of perhaps 200,000 to 500,000 workers – and in the past, we held out for a market-driven worker visa program with a flexible cap in that range.

What we’ve realized after more than a decade of advocacy: that’s just not realistic politically – not in the short term, anyway. The unholy alliance of labor Democrats and restrictionist Republicans that opposes less-skilled labor migration, legal or illegal, has been bolstered by the downturn. Rightly or wrongly – wrongly, we believe – new concerns about wage growth work against us. And we see no break in these clouds any time soon – not in the short or medium term. So some time last year, we decided: we need to rethink – perhaps we need a more gradualist strategy.

This rethinking is beginning to bear fruit. About nine months ago, we drew up a plan for a pilot program: a state-of-the-art, market-driven, less-skilled worker visa program that

incorporates all the best new design thinking of the last decade – but would apply only in counties and metropolitan statistical areas where unemployment is 5 percent or less. We’ve shopped the idea in Washington policy circles to a very favorable response, including from many who opposed a full-scale worker visa program. In recent weeks, we finished drafting a proposal, and we are continuing to shop the idea.

The core components of the proposal: it’s designed to fill the void between seasonal temporary visa programs and the H-1B visa for high-skilled talent, admitting workers with less than a BA who are coming to the U.S. to fill year-round, non-farm jobs. A flexible cap is meant to rise and fall with demand – starting at 65,000 and growing potentially to 85,000. It’s a three-year, renewable visa, and it’s portable: workers can change jobs at will, going to work for any “registered employer” who has tested the labor market and proved unable to hire enough Americans. The pilot is scheduled to sunset after 10 years. But as early as the third year, the government would begin studying its effects – on wages, employment and economic growth. And our goal is that these studies will pave the way for continuing and eventually expanding the program.

As for who would benefit, in July 2015, 43 percent of counties and 41 percent of metropolitan statistical areas are what the proposal calls “full employment areas” – with unemployment rates of 5 percent or less.

We think it’s unlikely that a measure will move forward in the next 12 or 18 months. But we believe that a detailed proposal will lay down a marker, jumpstarting a broader conversation about the need for legal less-skilled labor migration. We expect the pilot will play an important role in any behind-the-scenes education campaign that unfolds in the coming year. And we plan to use the results of our recent public opinion research to bolster the case for a relatively small but ground-breaking, experimental program.

A communications strategy. Perhaps the hardest component to plan in an unpredictable period like the coming year is a communications strategy.

The public opinion research we did this year taught us two invaluable lessons. First, most of the public equates immigration with illegal immigration. It’s difficult to break through this conviction – to get people to consider the potential costs and benefits of legal inflows. But once they do, they are generally supportive – 86 percent say legal immigrants make an important contribution to the U.S. economy. The second lesson: most of the public has no idea what avenues are open to would-be migrants – they’re unaware that there is no lawful way for less-skilled workers with no family in the U.S. to enter the country and work legally in year-round jobs.

In the right circumstances, these two insights would be the foundation of a communications strategy. The first prong would be showcasing legal immigration: pointing it out to the public, distinguishing it from illegal immigration, demonstrating its economic benefits, highlighting integration success stories, and more. The second prong would be educating voters about the gaps in the visa system.

The challenge in the year or so ahead: how to inject these issues into the public debate, catching the public’s interest and generating a discussion. There’s unlikely to be an obviously occasion, so we’ll need to manufacture them. We were successful in doing just that with the release of the poll. We managed to find a news hook and use it to attract journalistic interest, and we came away with five major media hits – unusual for a poll of this nature with no obvious applicability to the current debate.

The goal in the year ahead: to create more opportunities of this kind. Among the possible news hooks: the campaign debates, the candidates' rhetoric, an integration narrative, immigration policy debate in the states, any small-ball movement on Capitol Hill and economic growth that spurs labor demand. The core point we'll be aiming to make, this year as always: pivoting the conversation to legal immigration – and pointing out the economic benefits, for U.S. businesses and U.S. workers, of admitting more less-skilled legal immigrants to work alongside Americans and help create jobs.

Collaborating with the Niskanen Center. Niskanen Center policy analyst David Bier is a close friend and ally doing important work, also with Good Ventures support, to develop a series of new immigration policy proposals. ImmigrationWorks proposes to collaborate with Niskanen, helping to leverage this activity.

We can imagine two different types of collaboration: activities designed to leverage proposals already in the works at Niskanen and working with the center to drive one or two ideas it isn't yet pursuing.

How we can help with proposals already in the works: getting the word out and helping to build support. We've talked to David Bier about three potential stratagems: socializing the ideas he develops among business immigration advocates, presenting them at Capitol Hill briefings and media outreach – telephonic press conferences.

As cochair of the business immigration coalition, EWIC, ImmigrationWorks president Tamar Jacoby is well-positioned to help Niskanen get in front of that and other business groups. IW's briefings for congressional staffers are a Capitol Hill tradition: an established brand with a reputation for quality – and generally fairly good attendance. So too our telephonic press events. We propose to make all three platforms available to Niskanen to help publicize its new proposals and get additional attention for them.

Still another way we might be able to help with proposals already in the works: in cases where Niskanen seeks to build support outside of Washington. It's for just this kind of occasion that IW built and maintains a national network of small to medium-sized business owners who support immigration reform. Those advocates are distracted now: relatively few are focused on the immigration debate. But it would be easy to canvas a targeted group – say, in one industry or one state, to explore interest in a Niskanen proposal.

The second type of issue on which we hope it will be possible to collaborate: exploring one or more policy areas where Niskanen isn't yet developing a proposal.

One potential area of interest: replacing conventional government labor market tests and foreign labor certification – a highly inefficient, bureaucratic process currently used for all existing U.S. guest worker programs – with a market mechanism. A number of economists – from Nobel laureate Gary Becker to a younger generation of contemporary immigration scholars – have proposed replacing labor certification with a visa auction. IW has been working with the Center for Global Development to think through a fee-based alternative, which we believe would be more workable and more popular with small to medium-sized employers. And we'd be interested in collaborating with Niskanen to convene a working group of Washington immigration advocates to explore interest in the idea. The ultimate goal: to flesh out a proposal and spur a broadly shared sense of ownership among business immigration advocates and other groups.

Conclusion

The next 12 to 18 months are likely to be a frustrating period for immigration reform advocates. There is unlikely to be movement on Capitol Hill. If anything, the campaign debate is likely to drive the conversation in the wrong direction, revealing new pools of restrictionist public opinion and underscoring the risks for pro-reform Republicans. Even pro-reform promises from presidential candidates are likely to be intensely partisan and if anything make it harder for Congress to move forward constructively in 2017. But immigration is not going away – on the contrary, it’s all but sure to remain a top item on the national agenda in the year or so ahead. The challenge for ImmigrationWorks: to use this time to turn the conversation in the direction we want it to go and plant the seeds for a better, more productive debate after the election. We believe there is much to be done and much potential progress to be made. We’ve been very grateful for the support we’ve received from GiveWell and Good Ventures over the past year and hope we will have an opportunity to continue working with you.