Outline for State-Based Guest Worker Bill:

Section 1. Short Title
• This Act may be cited as State Sponsored Visa Pilot Program Act of 2017

Section 2. State-based nonimmigrant program
• Creates a nonimmigrant visa (X) for foreigners who are sponsored by a State to come to a State temporarily to perform services, provide investment, direct an enterprise, or otherwise contribute to the economic development agenda of the State in a manner determined by the State

Section 3. Admission of State-Based Nonimmigrants
• State Application: States or a compact of States may apply to DHS to create a State-based nonimmigrant program to sponsor aliens to enter their state. The program must be 1) approved by the legislature of the State; 2) submitted for approval to DHS by a State agency; 3) regulates in a manner determined by the State the employment and residence of the workers; 4) allow workers portability between employers; 5) informs DHS of sponsorship of an alien or the failure of an alien to comply with the program; and 6) informs DHS of the address and employment of the nonimmigrants

• Nonimmigrant admission: Following a petition and a fee by the State, DHS shall admit an if the alien is 1) otherwise admissible, 2) is sponsored by a State under a State-based program approved by DHS, 3) has not previously violated the rules of State-based nonimmigrant Status, 4) is coming temporarily to the U.S. to reside in the State, and 5) has paid any bond that may be required by the State

• Temporary Status: State-based nonimmigrant status is a period determined by the State that is not more than three years but is renewable. DHS shall terminate the status 1) if the State-based nonimmigrant is employed outside the State that sponsored him (excepting any employment or residence following an approved immigrant petition); 2) the State-based nonimmigrant fails to follow all rules required by the State as determined by the State; or 3) the State request the nonimmigrant status be terminated (unless another State sponsors him)

• State Compacts: States may enter into interstate compacts for the joint administration of a State-based nonimmigrant program.

• Appeals: A denial of an application from an alien by a State to be a State-based nonimmigrant is not reviewable by any federal department, agency, or court, nor shall such denial be grounds for appeal of the termination of status. States may establish their own appeals processes.
• **Rights and Expedited Removal:** A State-based nonimmigrant may not be required to waive any substantive rights or protections under U.S. immigration law except that the nonimmigrant shall waive the right to contest or appeal any action for removal of the nonimmigrant.

• **Tax and Labor Law:** An employer of a State-based nonimmigrant shall comply with all applicable Federal, State, and local tax and labor laws.

• **Federal Benefits:** State-based nonimmigrants are not entitled to the premium assistance tax credit under the Affordable Care Act or the Earned Income or Child Tax Credits. They are also ineligible for TANF, Medicaid, SNAP, SSI, Federal Pell Grants, housing vouchers, SSDI, Medicare, or other assistance or benefits under the block grants to states. State-based nonimmigrants are included in the Systematic Alien Verification Entitlements Program as a nonimmigrant category that is ineligible for any benefit. Employers shall be subject to the health insurance employer mandate and must pay the employer portion of the Social Security tax.

• **Payments to Insure Nonimmigrant Compliance:** States may require a bond to be paid upon entry that is only returned after the departure of the nonimmigrant to their home country in compliance with the rules of the program (or after receiving permanent residency). Any State that failed to return a bond to a worker entitled to it would be barred from the program. States would have to require a bond of not less than $4,000 if more than 5 percent of the State’s nonimmigrants worked illegally in other states as determined by the IG of DHS or the GAO (excepting any employment or residence following an approved immigrant petition). Each year in which a State failed to meet this target the bond requirement would increase by $1,000.

• **Penalties:** State-based nonimmigrants are subject to immediate revocation of employment authorization, forfeiture of bonds, and expedited removal if they work outside of the State that sponsored them (excepting any employment or residence following an approved immigrant petition) or otherwise fail to comply with the terms of the program.

• **Enforcement:** A State with a State-based nonimmigrant program may enforce all rules of the program against employers to the same extent as any other labor laws under State law.

• **Reimbursement:** States must reimburse other states or the federal government for any costs related to the apprehension, detention, and removal of a State-based nonimmigrant that absconds to a different State. DHS shall suspend approval of a State’s program if it fails to reimburse the federal government or the State.
• **Numerical Cap on Visas:** In the first fiscal year, the limitation on the number of visas would be 5,000 guaranteed per state plus an additional number made available from a pool of 250,000 visas based on population of the State as a percentage of the U.S. population (not including spouses and children).

• **Cap Increase or Decreases:** The cap would be indexed to GDP growth to increase or decrease by the percentage increase or decrease in GDP.

• **Dual Intent:** State-based nonimmigrants will be able to apply for permanent residency through the normal existing channels without losing their status.