

Welcome to Winnipeg, Now Don't Move

*Can the U.S. Learn From Canada's
Place-Based Visas?*

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Welcome to Winnipeg, Now Don't Move

Can the U.S. Learn From Canada's Place-Based Visas?

Maria Raquel Legaspi has been in Manitoba long enough to root herself. She's a nursing resource coordinator at a local regional health authority and a cofounder of the Philippine Nurses Association of Manitoba. With her common-law husband, she opened a school for the Filipino martial art of *Sikaran*. And she's acquired a local's intimate knowledge of the weather. "If you don't know how to dress, you get frostbite," she says by telephone from her home in Winnipeg. "When you get the northern winds coming," adding one of her frequent laughs, "hide!"

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She remembers vividly stepping off the plane, being handed a winter coat and thinking she'd perhaps landed at the North Pole.

Legaspi, 40 and better known as Kelly, left bustling, tropical Manila (85 degrees Fahrenheit when we spoke) for Winnipeg (-4 degrees) in 2000. Her young son soon followed. She remembers vividly stepping off the plane, being handed a winter coat and thinking she'd perhaps landed at the North Pole. She'd had little idea of where Manitoba was. She just knew that the province needed nurses. And, frankly, the city of 1.2 million on the edge of the Canadian Prairies didn't immediately impress. She remembers being driven around, her guides pointing out the Winnipeg Skywalk, a glass-and-steel series of airborne weather-protected paths. "That's it?" she recalls. "You're proud of that?"

But a dozen years later, she's stuck it out: A proud Manitoban who, as we talk, has a Filipino cable news program running in the background. "Most Filipinos," she explains, "would think of coming to Canada as finding a pot of gold at the end of the rainbow." Even if there's a bit of frost on it.

SPINNING GOLD IN THE RUST BELT

Overall, the population of the United States is growing, but some of its iconic cities continue to lose people. Detroit, for example, had more than 1.5 million residents 40 years ago. But at last census it had just 700,000, leaving the city balanced uneasily on a too-small tax base. Recent years have seen much research, like [that from the nonpartisan Fiscal Policy Institute](#), concluding that immigrants go hand in hand with growing cities. It's likely that sort of thing that Michael Bloomberg had in mind when, at a [forum in Boston last August](#), the New York City mayor offered a realization about how to go about rebuilding "old industrial cities that have been hollowed out."

Carefully appointed in a mauve shirt and purple tie, Bloomberg drew his hands together as if praying for something. The very best hope for stemming America's urban contraction, the mayor detailed, is to offer immigrants a bold new deal. "We're going to assign you a city," he said. "Let's say Detroit. You got to agree to not be arrested and not take any federal, state or city money, and you got to live there for seven years. And if you survive seven years, we'll make you and your family citizens." These new arrivals, the mayor said, will revive urban landscapes: Fixing up houses, founding businesses, agitating for better schools. It might be the only hope. "Other than that," Bloomberg said, "I don't know [if] there's any great solution."

Critics howled over the idea. *Assign you a city? Let's say Detroit? Survive?* "Where in the dark pathways of the man's mind," [wondered one writer](#) on the conservative news site Hot Air, "does a comment like this come from?"

Well, it might have come from Canada. But of course, this quirky notion of binding an immigrant to a community — rather than to a family member or one particular job — can't possibly work in the U.S.

Right?

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THE CANADIAN EXPERIMENT

“Following Confederation,” Ninette Kelley and Michael J. Trebilcock write in *The Making of the Mosaic* of Canada’s 1867 unification, “immigration policy was regarded as one of the cornerstones upon which the new nation would develop. For Canada to survive as an independent, prosperous nation, economic growth was essential and, in turn, was dependent upon a larger population and an expanding market.” In short, Canada was well aware it needed more Canadians.

Some of those have come from overseas. But the fact is, they’ve clustered in just a few of Canada’s 3.8 million square miles. For generations, arrivals from elsewhere packed themselves in cities to the south and toward the coasts. David Cohen, a Montreal immigrant attorney and co-operator of CanadaVisa.com, describes “a big lump in southern Ontario” — indeed, immigrants were 2.5 times more likely to live in Toronto than anywhere else — “and smaller mounds in Montreal and Vancouver.” In fact, **nearly half** of Toronto’s population turns out to have been born somewhere other than Canada, making it quite possibly the most diverse city in the world, home to not only several Chinatowns but a Little Portugal, Little India, Little Jamaica, Cabbagetown and more.

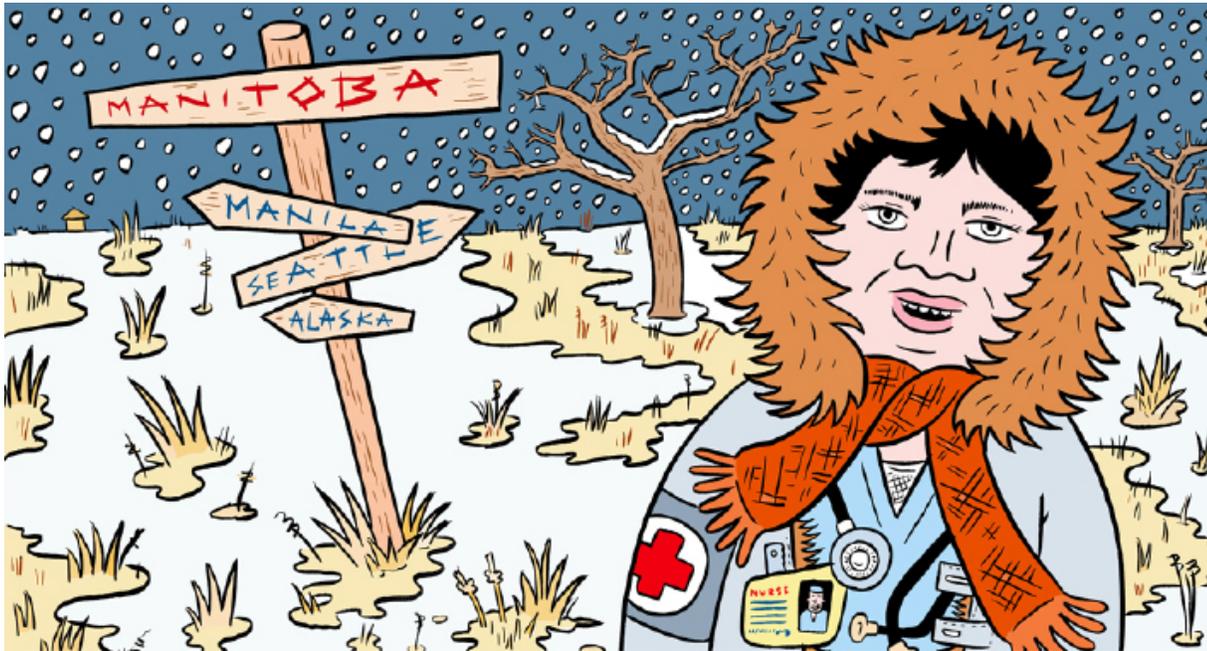
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Such intense immigration had both pluses and minuses. A **2010 contest** run by the *Toronto Star* asked locals to describe Toronto in just seven words. Those responses clustered around two poles, perhaps best represented by “All of the world in one marvelous place!” and “The city that once worked! [T]oo big!”

Meanwhile, those places outside Ontario, Vancouver and Montreal were missing out on the benefits of Canadians born elsewhere. Says Cohen, “Canada has been looking for a way of spreading the wealth.”

In 1991, after years of pushing for greater autonomy, Quebec entered into an accord over immigration with the federal government. Other provinces were intrigued. The notion of the **Provincial Nominee Program**, or PNP, was born, detailing that provinces had the power to self-determine the sort of immigrants they’d like to admit. Manitoba voted its own into law in 1996. Soon after that, an early project to bring in hundreds of sewing machine operators to revive Winnipeg’s shrinking garment industry was a hit. “Other provinces started to wake up and take notice,” says Michael Greene, a Calgary-based immigration expert and attorney steeped in the history of the PNPs.

By the dawn of the 21st century, Provincial Nominee Programs were up and running in British Columbia, Saskatchewan, New Brunswick, Newfoundland and Labrador, Alberta, Nova Scotia and Prince Edward Island. Finally, in 2005, Ontario, and in 2009, the Northwest Territories.



Under the arrangement, federal officials still play a role, signing off on the fact that provincial nominees meet the country’s health and safety standards and actually awarding the permanent resident card. But they do it with a light touch, and quickly. In recent years, the Canadian government has rejected just 4 percent of the provinces’ handpicked nominees. The average processing time for the vast majority of applicants was a speedy 12 months. Compare that to the 4.5 years for those coming in through the federal skilled worker program.

Critically, the central goal of the PNPs is to devolve it out to the provinces in a way that lets them figure out their own local labor needs, and how to meet them. “Communities are involved in the planning process,” says Margot Morrish, Manitoba’s director of policy, research and communication. Provinces and employers go abroad to recruit and host career fairs at home. Also critically, that often means opening the door to workers who are less skilled than those welcomed by the federal government. One metric: About a tenth of those immigrants to Canada who come in through the

provincial nominee program have masters degrees, while a third of those who arrive via the federal skilled worker program do.

Moreover, each province has a chance to market its special blend of selling points. Alberta eagerly welcomes hospitality workers. New Brunswick brags on its website about its “affordable lifestyle.” Ontario gives extra credit for those willing to open businesses outside Toronto. Saskatchewan has its doors open to both kitchen workers and long-haul truck drivers. Nova Scotia promotes that it is both “tied to the sea and its gentle rhythms” and open to recommendations from local community development groups. Manitoba, which has emerged as the shining jewel of the PNPs, offers a variety of ways to qualify: Having a job offer or close relative, being a farmer under 40 or accumulating a necessary total of 55 points — for example, being proficient in English or French (18 points), between ages 21 and 49 (10 points), in possession of a friend who can support you like family (5 points) and willing to settle beyond Winnipeg (5 points).

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By general consensus, the arrangement has proven robust, especially in the provinces that have embraced it. Today, one of every five immigrants to Canada comes in through a provincial nominee program. In places like Manitoba, New Brunswick and Saskatchewan, PNPs are the main conduit for immigration: Nine of 10 immigrants to Manitoba come in through the PNP. (Compare that to Ontario, where, instead, nine in 10 come in through the federal skilled worker program. In Nova Scotia, it’s roughly half and half.) While Toronto’s population of permanent non-citizen residents has dropped by nearly a third, Manitoba’s admittedly far smaller permanent resident population has **more than tripled** in the PNP era. Manitoba’s share of the country’s immigrants went from about 2 percent in 1998 to 5.4 percent in 2009. Nearly a third of the 36,000 immigrants who come through PNPs each year now descend upon Winnipeg. Nationwide, some 80 percent of PNP immigrants are employed within the first year. According to a **2011 evaluation** of the programs conducted by Canada’s citizenship and immigration service, “The incidence rate for the use of social assistance is negligible, too low to report.”

Strikingly, about half of Manitoba’s PNPs now settle outside Winnipeg. There’s no ignoring that the province-selected arrivals, says Morrish, the Manitoba official, “have shifted the look of communities.” In the decades before the PNP era, Manitoba’s population growth lagged behind Canada’s as a whole. The population was aging, and

the Manitoba was losing people to other provinces. Just a half decade ago, the province was considering massive school closures. While some are still on the chopping block, some cities and towns are facing instead swelled schools and other demands on public services. But, says Morrish, “they’re seen as good problems: Problems of growth, rather than decline.” Here, Morrish’s colleague, Manitoba PNP Director Fanny Levy, jumps in. The feeling in some smaller Canadian cities, and towns especially, “is at least they’re staying alive.”

And Manitoba wants more. The province says it would like to increase the cap on its PNP program to 20,000 by 2016.

I put the same question to nearly every Canadian with whom I spoke: Did they think their place-based approach could work in the U.S.? I get nearly the same response. “Manitoba knows what’s best for Manitoba, and California would know what’s best for California. Same thing,” says Kelly Legaspi. “Maine and Nebraska know what they’re looking for, so let them make their own selections,” says David Cohen. And, “Sure it could,” booms Michael Greene. “Why couldn’t it?”

The Canadians say they follow the U.S. immigration debate, but that might be a dead certainty that comes with distance. What has passed for a dialogue about immigration in the United States in modern times has focused on crackdowns, fence heights, “self deportation,” quotas and the 11 million undocumented. Talk of growth tends to fixate on an ideal of plucking from the masses the next Steve Jobs or two: Being a magnet for “brilliant students from all over the world,” **per President Obama**, or, **per Mitt Romney**, keeping them by “stapl[ing] a green card” to diplomas in science, technology, engineering and math. It’s not unheard of to find a big-city cab driver with a doctorate, but what about paying more attention to the nurses, or welders, or sewing machine operators and the cities that might be eager for them?

No matter where you stand on the issue, the U.S. immigration apparatus looks rigid. What would happen if you had one nimble enough to match the people who would love to come here from China, Nigeria, Ukraine or beyond, with those cities and towns in the U.S. that — national debate be damned — would very much like to have them there?

ENFORCING PLACE-BASED IMMIGRATION

Bring up this idea of place-based immigration with nearly anyone, and almost immediately a wrinkle emerges: How can you possibly make new arrivals stay put?

For her part, Legaspi has indeed entertained the notion of picking up and leaving Winnipeg. Two of the Filipino nurses who came in with her through the provincial program had, she says, become like family to her in Canada. But after a few years in Manitoba, their husbands couldn't nail down good jobs. Legaspi says she and her common-law husband have struggled with whether to follow the friends westward to Alberta. And the fact is, she's perfectly free to go. PNP applicants are, yes, asked to confirm that they mean to settle in their nominating province. But, says Cohen, the Montreal lawyer, "we're not Russia with the gulag."

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Annual Immigration to the U.S. vs Canada in 2011



"There's no reason in principle that a similar sort of system couldn't be created in the United States," says Edward Alden, director of the Council on Foreign Relations' task force on immigration policy, "but there's no plausible enforcement mechanism." By law and practice, both countries guarantee the freedom to move around. More

Alden: “There’s no real means of preventing you from saying, ‘Heck, I never wanted to live in Detroit, after all. I want to live in San Francisco.’”

The trick learned in the last decade or so, testify the Canadian experts, is to choose the right immigrants — those who can slide with relatively little friction into local life, whether that’s having a suitable, sustainable job lined up, having spent time in their chosen province already or having other Chinese, Nigerians or Ukrainians on the ground who are willing to help them get settled. “Picking immigrants on their paper qualifications is a crapshoot,” says Greene, the Calgary attorney. Instead, he counsels a more in-the-weeds approach. “We want to funnel people into the oil sands in northern Alberta, which right now is frickin’ cold. But a lot of these people aren’t going to get their nominations for permanent residency until they go up and work in Fort McMurray. And once they go up and work there as a welder, that’s where they’ll be. You’re not going to then go to Toronto and drive a taxi.”

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In the end, says Legaspi, it was a difficult decision, but she’s chosen to stay put in Manitoba. “They’re just a drive away,” she says of her Alberta friends. “I mean, it’s a 16-hour drive, but...” she laughs. Things are good in Winnipeg. She enjoys being part of the city’s large Filipino community. Tagalog, she points out, is the **second-most spoken language** there. “We beat the French,” she chuckles with both mirth and pride. But more than that, she says, there’s loyalty at play. “I owe it to the province. I owe it to my employers. I owe it to the Winnipeggers who trusted me and believed in my skills.”

That sort of dynamic isn’t surprising to Cohen. He says that his decades of practicing have taught him that “people come to Saskatoon and after a few years, they’ll marry, and find a job, or start a business, and some of them will stay. Not all of them, but some will.”

But, in the aggregate, do enough people stick around to justify place-based immigration? The Canadian record is decidedly mixed. Of those who came to Manitoba through the PNP between 2000 and 2008, 83 percent remained by that last year. In some provinces, it’s even higher: British Columbia and Alberta boast retention rates around 95 percent. But elsewhere, especially the Maritime Provinces along Atlantic coast, it’s far lower, dipping to 37 percent in Prince Edward Island and just 23 percent in Newfoundland.

Of those who've up and left their "assigned" province, nearly half say that it was for economic opportunities elsewhere. Among Canada's lessons for the United States, then, might be that for place-based immigration to work, there have to be job opportunities and support networks in place, too.

But can even a perfect match of a city and a new arrival compensate for the fact that within a 16-hours' drive of, say, Detroit is the about half of the United States? When Iowa City is seven hours away? Chicago, four? Toledo, with a lead foot, less than an hour? One possible mechanism for addressing this is to require newcomers to buy a house or apartment. Bonus: It's an immediate injection of cash and, perhaps, vitality into a city neighborhood.

But to some, even the cleverest solutions run smack into a hard reality in some parts of urban America. "The very big problem," says James Gimpel, a professor of political science at the University of Maryland, College Park and author of *Separate Destinations: Migration, Immigration, and the Politics of Places*, "is that there are no jobs."

Gimpel doesn't want to be taken wrong. There's a lot he finds intellectually appealing about the idea of place-based immigration. But this employment thing seems to him a potentially fatal complication. "You're going to be bringing in immigrants and, what, placing them in jobs?" he asks. "How can you justify that?" He points down the road to Baltimore Mayor Stephanie Rawlings-Blake, and her pledge that Charm City is "open for business, particularly in the area of Latino immigrants." Says Gimpel, "I'm sometimes surprised to hear her say that when they have very high" — 9.9 percent in December — "unemployment rates." Writ large, he says, "I can only imagine that would exacerbate tensions between natives and immigrants."

That August conference in Boston wasn't, actually, the first time Bloomberg had floated the "Detroit Visa" idea. And complicating matters is that, after having been pestered to respond to similar comments made back in 2011, Detroit Mayor Dave Bing **snapped**, "I don't know what he was on. We can't provide jobs for the people here. My job is to take care of the people who are here and give them the opportunities they should have for jobs and living situations. But to think that we're going to get a boatload of people who aren't going to find a job doesn't make a lot of sense."

Steve Tobocman is the director of [Global Detroit](#), a group dedicated to growing that city by, in part, making it more welcoming to a wide variety of immigrants. Bloomberg might have been “inartful,” he says, but Bing’s response was “unresearched and wrong,” the product of being overwhelmed and harassed. “Dave Bing had a bad press day,” coming across as far more anti-immigration than he really is. (Tobocman calls Bing generally a “non-factor” on the topic.)

Manitoba permanent residents by source country (Top Ten)

Source Country	2010			2011		
	Number	Per.	Rank	Number	Per.	Rank
Philippines	5,383	34.1%	1	6,293	39.4%	1
India	2,385	15.1%	2	1,826	11.4%	2
China	1,354	8.6%	3	1,308	8.2%	3
Germany	828	5.2%	4	537	3.4%	4
Korea, Republic of	458	2.9%	6	428	2.7%	5
Nigeria	217	1.4%	10	397	2.5%	6
Ethiopia	242	1.5%	9	369	2.3%	7
Israel	532	3.4%	5	302	1.9%	8
Pakistan				272	1.7%	9
Eritrea				246	1.5%	10
Ukraine	423	2.7%	7			
Colombia	389	2.5%	8			
U.S.A.						
England						
Total top ten	12,211	77.2%		11,978	75.0%	
Other Countries	3,597	22.8%		3,984	25.0%	
Total	15,808	100%		15,962	100%	

Source: Government of Manitoba

the U.S. Dalmia, for her part, notes the evidence that immigrants can help to grow local economies, but on the specific case of Detroit, her home city, she’s cautious: “Immigrants need a very special milieu to show their economic dynamism. It doesn’t just happen anywhere.”

One possibility, maybe, is that instead of having just a struggling city alone making its bid for immigrants, you assemble a coalition of the willing that also includes economically vibrant, socially stable, well-managed towns and those that are doing just okay. Those places and politicians who see immigrants as something desirable can go ahead and compete against one another for them. Someone considering a

Tobocman sees much to like in local visas. The parts of the Detroit region that do still have energy and vitality — heavily Arab East Dearborn had commercial strips that were closed, and now it’s bustling — are the ones that have experienced immigrant influxes. “What people in Detroit want,” Tobocman says, “are neighbors.”

But expecting even the most carefully chosen immigrants to singlehandedly revive struggling cities might be too much to ask. Detroit’s problems run deep. Shikha Dalmia, a senior policy analyst at the libertarian-minded Reason Foundation, has written about Canada’s immigration lessons for

move to a Detroit or Baltimore might be more willing to make it if she knows she'll also be welcomed in a Toledo, New York City, Los Angeles or elsewhere on the circuit.

Make jobs or take jobs? Complementary or competitive? Asset or burden? Questions about whether immigrants create opportunities or occupy those that could go to existing Americans have long bumped around the national stage. There's no sign of them being settled by the available evidence. Proponents of place-based visas see in them the opportunity to test the premise in the field. Cities that view increased immigration as a net negative can opt out and watch what happens to those that embrace the net positive possibility.

Fine, they say. Let's see who's right.

REINVENTING THE VISA

Here, then, are the specifics of the thought experiment on the table. A U.S. city or state — let's say Detroit or Michigan — fast-tracks applications for residency, perhaps coupling it with a promise to help immigrants get settled in the States and, eventually, guiding them to full citizenship. Immigrants desirous of this “Detroit Visa” agree to live in Detroit or Michigan for some period of time. The locality would be motivated to figure out which recruits provide the best return on their investment. Local politicians would have the incentive to figure out exactly what sort of immigration landscape voters are willing to support. No city or state would be forced to do localized admission work if it didn't want to; unused quotas would simply go back into the national pool.

It's planning done somewhere in the space between the self-serving requirements of employers and the blunt instrument approach of the national level — granular matching of needs and wants.

“Why,” argues Temple University law professor Peter Spiro, author of the 2008 book *Beyond Citizenship: American Identity After Globalization*, “should cities like New York, Chicago or Washington that don't have a problem with immigration be constrained by the lowest common denominator, like an Arizona or Alabama?”

More than that, Dalmia argues, the place-based strategy routes around national fixations on “over-credentialization,” where “the needs of an Apple in Cupertino are

valued over those of an apple farm in Florida.” **H1B visas** are all the rage, but the focus on highly skilled workers, especially those in tech, science and engineering, has its critics beyond Dalmia. For one thing, goes the thinking, the program amounts to a “subsidy” (per the late Milton Friedman) for companies, with the government bringing in short-term workers at depressed wages who are only going to leave in the end. Moreover, the H1B program can be a challenge to smaller companies who might struggle to navigate its legal requirements and paperwork, not to mention the considerable fees per worker.

While existing U.S. immigration leans heavily toward family reunification, Canada’s focus, for which it is sometimes criticized, is on satiating its own economic needs.

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Relatedly, place-based approaches offer a novel response to a sort of existential question about U.S. immigration: What’s the point? While existing U.S. immigration leans heavily toward family reunification, Canada’s focus, for which it is sometimes criticized, is on satiating its own economic needs. It’s one more possible selling point for holistic place-based approaches: A city or state knows best if it needs more cousins, carpenters or computer scientists.

That locally controlled, market-driven vibe of place-based immigration finds, certainly, conservative fans. “There are disadvantages to the fact that the U.S. is a common market and is often regulated as such,” says conservative policy analyst and *National Review* writer Reihan Salam. At the moment, Detroit might benefit from having its own currency. And is it such a leap, he asks, from Detroit Dollars to Detroit Visas?

Intriguingly, though, it’s liberals who seem to be made the most nervous by the notion of local visas.

It’s not the craziest idea, they’ll admit on background. They’re also nervous about

forestalling the conversation; place-based immigrants would be able to move more freely between jobs, and the constrained wages that can come from being tied to an employer would, appealingly, be negotiable on the open market. But with immigrant-limiting efforts in the air — Arizona’s **SB 1070**, the Texas town of Farmer’s Branch that **fined landlords for renting to unauthorized migrants**, the federal program **287(g)** that has, since 1996, empowered selected local officials to act on national immigration law and has been criticized on racial profiling grounds — “local” in a sentence anywhere near “immigrants” means enforcement, and especially abusive enforcement.



On immigration, goes the reasoning, the federal government has been a bulwark against discrimination. Might handing admission to the states mean a free-for-all?

Sure, says Gimpel, the Maryland political scientist. “You have to imagine that there are some states,” he says, “that will want to move in a draconian, restrictionist direction.” Mississippi, he offers, or Alabama.

One responsive possibility is that running one’s own immigration program becomes, for local officials, not a right but a privilege, revocable by Washington at any time. But there exists another, slightly out-there school of thought in the immigration debate: *Let ‘em*. Let them see how well it works out for them, and let local politicians — not just Bing, but those who indulge the most in anti-immigrant rhetoric — have

to face the in-their-communities, crops-in-the-fields, dollars-and-cents products of their choices.

“There are parts of the country that have had it with immigration and want to roll up the welcome mat,” Spiro says. “But there are other parts of the country that are desperate for people. I’m confident that if you gave cities and states some free reign on this, it would balance out heavily in immigrants’ interests, heavily. Places like Arizona and Alabama end up paying for it, aggressively. There’s a self-correcting mechanism that tends to punish jurisdictions that are anti-immigration.” In the long term, Spiro predicts, such homegrown immigration policy could have the effect of letting restrictive local officials “blow off steam.” And that might mean that, say, the Mississippi state legislature or a city council in Alabama free to experiment at home won’t try to get their way in Washington.

“That’s going to make [immigrant] advocates uncomfortable,” Spiro concedes. “SB 1070 is no fun for immigrants in Arizona. But the upside of letting out the leash is something that really needs to be explored.”

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Brandon Fuller has written about the notion of city-based visas for New York University’s [Urbanization Project](#), where he’s a research scholar. “I’d be willing to live with the fact that Arizona is a no-go zone for immigration for the next decade because the net positive is so large,” he says.

But that’s likely an easier sell in Greenwich Village than in the halls of Congress.

“DIFFERENT AGENTS AND TRUSTEES OF THE PEOPLE”

In the history of the United States, local actors have run the immigration show before. For a long time, in fact, states largely dominated immigration policy. One of the turning points came in 1874, when a steamer called the *Japan* brought a Chinese woman named Chy Lung to San Francisco. The California Commissioner of Immigration decided that she and other female passengers were “lewd and debauched,” and state officials imposed a \$500 bond against supporting her. When she didn’t pay, she was imprisoned. *Chy Lung v. Freeman* made it all the way to the Supreme Court.

States, concluded Justice Samuel F. Miller on behalf of the court’s majority, retained the right to protect their health and security, but California cannot act as a

petty sovereign, determining “these are idiots, these are paupers, these are convicted criminals, these are lewd women, and these others are debauched women.” Such arbitrary extortions are likely to enrage foreign states. For that reason and others, decisions on who gets to settle in the U.S., and how, must be made in Washington. “If it be otherwise,” Miller warned, “a single state can at her pleasure embroil us in disastrous quarrels with other nations.”

The advent of airplanes, the telephone and the Internet make it easier today for the federal government to watch over how states are executing policy, but Canada’s experience does suggest some remaining risk of corruption that one imagines exacerbated by, say, city council cronyism. Prince Edward Island, Canada’s smallest province — at 140,000 people, it’s about the size of Bridgeport, Conn. — has had its provincial program hit with **allegations of bribery**. Ottawa has leaned on the provinces to aggressively pursue signs of fraud. Indeed, observers say, the PNPs can often be opaque and occasionally unstable. “It’s a little bit Wild West out there,” Cohen says. “Transparency, rule of law, fairness — there are some rough edges.”

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Wouldn’t that spiral out of control if there aren’t fewer than a dozen provincial immigration programs, but hundreds or thousands of city-based ones? Fuller, from NYU’s Urbanization Project, concedes it’s a reasonable concern, even simply on a managerial level. “You’re being naive about the technical capacities of local governments,” he frames the critique he’s heard.

But he and others raise a possibility: States already know who lives within their hard-and-fast borders. So what about 50 or so state-based visa programs then? Could a state-federal immigration duet actually work in the U.S.?

It could, says Spiro, who clerked at the U.S. Supreme Court in the early ’90s. Thanks to Chy Lung and our more recent history, “it’s been so ingrained that how immigration has to work is that it has to be federal.” But, Spiro says with a great deal of gusto, “it doesn’t have to be that way.” Sure, the Department of Homeland Security would likely be called upon to check the applicants nominated by states against their databases of known terrorists. (“The federal government is still going to stop the blind sheik from coming in,” Salam says.) But the country could otherwise parcel out its authorities to the states.

Place-based immigration “isn’t a question of usurping federal power,” Spiro

explains. “It’s a question of delegating federal power.”

(Both the U.S. State Department and Department of Homeland Security passed on the chance to comment on a hypothetical; when it comes to major policy objectives, of course, the agencies’ jobs are to act within the parameters set for them by Congress.)

“It’s kind of insane that we’re deputizing any accredited university,” Salam says. “But if the University of Phoenix can do it, why can’t Detroit?”

Setting the stage for all this, though, is that in the last few years, when states have claimed control over immigration policy, things have gotten messy.

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Most noteworthy, of course, is the Supreme Court’s **slapping back** much of Arizona’s enforcement-focused SB 1070 in June. The federal government, affirmed the court in *Arizona v. United States*, holds “broad, undoubted power over immigration and alien status.”

But there’s also a proposal floating around Kansas, advanced by a coalition of Republicans and business interests, that would empower the Sunflower State to work with the federal government, partly in the hope of finding legitimized farm workers in western Kansas. The state would partner existing undocumented workers with willing employers; both government and company would stand up for the immigrant before the federal government, in the hopes streamlining an application for residency. The hope in Kansas, says the bill’s champion, former Secretary of Agriculture Allie Devine, is to help immigrants “tell their story,” per a July 2011 Obama administration memo in which the federal government said it’s embracing so-called prosecutorial discretion in deciding which immigration cases in its backlog to pursue. State Democrats complained that agricultural interests were only profiteering off newly beholden immigrants. Some state Republicans said it was simply a back-door way of letting “illegals” become legal.

On the national level, some advocates for place-based visas suggest that the best way forward is to sidestep some resistance by branding it something like a “pilot

project” or “trial program” or “experiment.” Even more politically palatable is if you can make the argument that letting cities or states handpick immigrants isn’t all that different from existing, generally non-controversial programs, like the student visa programs that allow foreign students to study at U.S. universities. “It’s kind of insane that we’re deputizing any accredited university,” Salam says. “But if the University of Phoenix can do it, why can’t Detroit?”

It’s a baby step, maybe, from Michigan State signing off on student visas to letting the state of Michigan do it, and perhaps slipping it in to a comprehensive immigration bill that the White House and Congress might be considering, perhaps with the backing of Michigan’s congressional delegation and Republican Gov. Rick Snyder, the **self-described** “most pro-immigration governor in the country.” A little sneaky, maybe, but the appeal of that approach is that it would give Americans time to get used to a new way of doing immigration — and wannabe Americans time to get a taste of some parts of the U.S. that new arrivals might overlook.

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A WAYS TO GO

It wasn’t those northern winds that drew Legaspi to Canada. It wasn’t the money, either — even if the Canadian dollars sent back home go quite far in the Philippines. She was already making a good living, she says, as a nurse in a government hospital in Manila. No, she wanted to feel welcomed, free. “The basic reason I chose to leave,” she shares, “is because I was a single mom.” Too many of her fellow Filipinos, she says, her voice here subdued, were “old-fashioned, living in the past.” She chafed against it. “It was fear that my son,” then four years old, “would be teased. I could fight it. But when that moment happens that old people would lean down to my son and say, ‘Who’s your dad?’ I wanted to push them. That was my awakening.”

In Canada, it’s difficult to find real critics of immigration in general or the Provincial Nominee Programs in particular. To be sure, there’s real debate over execution. Officials in Manitoba are **battling** with those in Ottawa over who is going to run the province’s immigration settlement program; the feds want **more focus on language qualifications**; some provinces **want their caps raised** with a quickness, while those at the national level seem to prefer a slow-growth approach. But Morrish, the Manitoba official, confirms something heard frequently: “You would never get voted in,” she says with a laugh, if as a national politician you questioned the need for a sizable immigration flow into Canada — especially with even the slightest hint of being concerned with race.

In the U.S., we are simply — and quite obviously — not there.

Rosemary Jenks, director of government relations for the Washington, D.C.-based policy group **NumbersUSA** (per its website, an “immigration-reduction organization”) finds the idea of city or state-base visas “intriguing.” She is drawn to local control. But the goal simply can’t be to create more Americans. The visas, she says, would have to be a temporary thing, focused on domestic market needs and perhaps geared toward fueling a few years’ worth of remittance back home.

As we wrap our conversation, I can’t resist asking: What of the tired, the poor or those like Kelly Legaspi, who just want some of our everyday social freedoms?

That’s a construction of the past, Jenks says. “We have 20 million people who can’t find work,” and “and we no longer have a frontier to settle.”

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No, our frontier is long settled. But there’s still the matter of what to do about Detroit.

In Canada, residents can apply for citizenship after three years, but for Legaspi, life got in the way: A car accident, a planned trip back to the Philippines, a Filipino passport that she didn’t want to go to waste. Last January, though, she did it. She became a Canadian citizen, more than a decade after stepping off the plane into an unknown city. Finally, she recalls Winnipeg officials saying. Finally, she said, too. There’s a certain satisfaction in being wanted where, it turns out, you want to be. “Twelve years later, I’m still here.” Is that a good thing? “Yes, I’m very, very glad. We’re okay here.” She laughs. “We barbecue at 40 below.” >

ABOUT THE AUTHOR & ILLUSTRATOR



Nancy Scola is a journalist and writer whose work on the intersections of technology and politics has been published by *The American Prospect*, *Capital*, the *Columbia Journalism Review*, *New York* magazine, Reuters, Salon, Science Progress, Seed and other publications. She is a correspondent on technology and politics for *The Atlantic*. She was previously the associate editor of techPresident, a widely-read daily online publication of the Personal Democracy Forum. She's talked about governing, campaigns, political organizing, technology policy, digital media and more on the BBC, CNN.com, MSNBC and WNYC's *The Brian Lehrer Show*, and frequently appears on conference panels.



Hawk Krall is an illustrator, cartoonist and former line cook known for food paintings that have appeared in magazines, restaurants and hot dog stands all over the world. In Philadelphia, he is known for his “factually creative” drawings and paintings of the city’s neighborhoods, most recently exhibited at Space 1026.