FORUM

Bill Summary: State-Sponsored Visa Pilot Program Act of 2026

On July 30, 2026, Sen. John Curtis (R-Utah) introduced the State-Sponsored Visa Pilot Program Act of 2026 (S. 5197), a bipartisan bill cosponsored by Sen. Mark Kelly (D-Arizona). The bill would establish a new nonimmigrant "W" visa program allowing states to sponsor foreign nationals to temporarily live and work in their states based on state-specific economic and workforce needs.

The bill would allow each state an optional baseline of 5,000 "W" visas to create a program regulating the employment and residence of potential recipients. Additional visas would then vary based on state population, GDP growth, and compliance rate from the previous year. W visas would be valid for up to three years and could be renewed if the sponsoring state requests renewal.

The bill seeks to give states a greater role in managing employment-based immigration by allowing them to determine which workers, investors, entrepreneurs, and other individuals would contribute to their economic development agendas.

What would the State-Sponsored Visa Pilot Program Act of 2026 do?

The bill would:

Create a new state-sponsored nonimmigrant visa category. The legislation would create a new "W" nonimmigrant classification for foreign nationals who temporarily come to the United States to reside in that state and perform services, make capital investments, direct the operations of an enterprise, or otherwise contribute to the state's economic development agenda. Spouses and minor children of state-sponsored nonimmigrants would also be eligible for the new status.

Allow states to establish state-sponsored immigration programs. Any state could apply to the Department of Homeland Security (DHS) to participate in the program. To receive federal approval, a state program would have to be approved by the state legislature and regulate the employment and residence of state-sponsored nonimmigrants.

Give states a role in determining employment and workforce needs. Participating states would be responsible for periodically assessing labor needs and occupational wage data. States would also have to establish mechanisms to receive and investigate complaints alleging displacement of U.S. workers or workplace discrimination. Before sponsoring a worker, a state would have to attest that the worker's employment had not displaced and would not displace a U.S. worker.

Allow workers to change employers within the sponsoring state. State-sponsored nonimmigrants would be permitted to seek employment with an employer other than their initial employer, subject to rules established by the sponsoring state. The bill would also make state-sponsored nonimmigrants eligible to apply for occupational licenses, certificates, credential evaluations, and skills assessments regulated by the sponsoring state or an applicable interstate compact.

Provide temporary status for up to three years. The period of authorized status would be determined by the sponsoring state but could not exceed three years. Status could be renewed inside or outside the United States if the sponsoring state requested the renewal and the nonimmigrant had continuously resided in the sponsoring state. Status could be terminated if the individual moved or worked outside the sponsoring state, violated state requirements, or if the sponsoring state requested termination.

Restrict access to federal public benefits. State-sponsored nonimmigrants would be prohibited from receiving federal benefits while participating in the program. Benefits received by an eligible U.S. citizen spouse, child, or dependent living in the same household would not be counted against that individual.

Allow states to require financial bonds. Participating states could require state-sponsored nonimmigrants to post a bond intended to encourage compliance with the terms and conditions of the program. If more than 3 percent of a state's sponsored nonimmigrants violated program requirements during the previous fiscal year, the state would be required to impose a bond of at least $4,000 on each participant. The required bond would increase by $1,000 for each subsequent year in which the violation rate remained above 3 percent, subject to inflation adjustments.

Provide for the reimbursement of bonds for compliant participants. A participant would be entitled to reimbursement of the bond if the individual did not work or reside outside the sponsoring state, did not otherwise reside in the United States without lawful status, and satisfied specified departure, identity-verification, or permanent-residence requirements. A state could not deny reimbursement unless it demonstrated by clear and convincing evidence that the participant knowingly violated specified conditions of status.

Adjust visa availability based on state participation and compliance. The number of state-sponsored visas available to participating states would be determined through a formula that includes a base allocation of 5,000 visas, population-based allocations, and adjustments based on economic growth, unused or revoked visas, and the number of states participating in the program. States with fewer than 3 percent of participants violating program requirements would receive a 10 percent increase in their allocation in the following fiscal year. States with violation rates above 3 percent would have their allocations reduced by 50 percent. A state would be prohibited from receiving new visas for five years after four consecutive years in which more than 3 percent of its sponsored participants violated program requirements.

Create a pathway into the program for certain long-term residents. The bill would allow certain individuals who were physically present in the United States on December 31, 2016, to obtain a waiver of specified grounds of inadmissibility and deportability when applying for state-sponsored nonimmigrant status. To qualify, an individual would have to be sponsored by a participating state, otherwise meet the requirements for the new status, and satisfy the bill's documentation and application requirements.

Establish fees and penalties for waiver applicants. Individuals applying for the specified inadmissibility or deportability waivers would be required to pay a fee sufficient to cover the cost of adjudicating and reviewing their applications for fraud. They would also have to pay a penalty of at least $1,000 upon approval. The bill would establish criminal penalties for knowingly submitting fraudulent applications or documents, including fines and imprisonment of up to five years.

Protect certain employment records submitted as part of waiver applications. Employment records submitted by an applicant or employer to support a waiver application generally could not be used in a civil or criminal investigation or prosecution of the employer for the prior unauthorized employment of the applicant. The protection would not apply when fraudulent employment records are submitted.

Allow certain immigrants with approved immigrant petitions to remain lawfully present while waiting for a visa number. The bill would amend the adjustment-of-status process to allow an individual with an approved immigrant petition to file an adjustment-of-status application before an immigrant visa number becomes available. The application would remain pending until a visa number becomes available. While the application is pending, the individual would be considered lawfully present for purposes of the Immigration and Nationality Act and, after a biometric background check, would be eligible for employment and travel authorization.