IMMIGRATION POLICYMAKING IN THE GLOBAL ERA

In Pursuit of Global Talent

NATASHA T. DUNCAN

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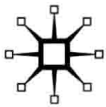

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Acronyms

A8	Accession 8
BBC	British Broadcasting Corporation
BIT	bilateral invesment treaties
CBI	Confederation of British Industry
CDU	Christian Democratic Union Germany
CeBIT	Center of Office and Information Technology
CIC	Citizenship and Immigration Canada
CSU	Christian Social Union of Bavaria
DOL	Department of Labor
DHS	Deparment of Homeland Security
DIUS	Department of Innovation, Universities and Skills
EC	European Commission
EEA	European Economic Area
EMN	European Migration Network
EU	European Union
EUROSTAT	Statistical Office of the European Commission
FDI	foreign direct investment
GCIM	Global Commission on International Migration
GFMD	Global Forum on Migration and Development
HSMP	Highly Skilled Migrant Programme
HRST	human resources in science and technology
IGC	Inter-governmental Consultations on Asylum, Refugee and Migration Policies
ILO	International Labor Organization
IOM	International Organization for Migration
IPE	International Political Economy
IPPR	Institute of Public Policy Research
ISCO	International Standard Classification of Occupations
IT	information technology
MBA	Master of Business Administration

NIC	newly industrialized countries
NUMAS	Numerical Multifactor Assessment System
OECD	Organisation for Economic Co-operation and Development
ONS	Office for National Statistics
PBS	points-based system
R&D	research and development
SPD	Social Democratic Party of Germany
STEM	science, technology, engineering, and mathematics
TUC	Trades Union Congress
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organization
USCIS	United States Citizenship and Immigration Services
WEF	World Economic Forum

Preface

Speaking to an audience of party members of the Christian Democratic Union in 2010, Chancellor Angela Merkel declared multiculturalism in Germany failed. About three months later, British prime minister David Cameron echoed a similar sentiment at a security conference in Munich as he blamed state multiculturalism for extremism. Interestingly, Merkel, in the same speech, was sure to note that Germany welcomes immigrants. Merkel's and Cameron's speeches exemplify the nature of national and international political debates surrounding immigration. Moreover, they shed light on the paradoxical nature of immigration debates in which states promote the rhetoric of controlling or being tough on migration, while their policy actions suggest differently. While the debate surrounding low-skilled migration is largely couched in negative language with expectations of and policy actions directed toward closing doors to this category of economic migrants, governments are increasingly adopting polices to attract high-skilled migrants and talk about this group as important for economic growth and national competitiveness. For instance, Merkel's labor minister, Ursula von der Leyen, shortly after the chancellor's speech, noted the importance of lowering barriers to skilled immigrants to attenuate Germany's demographic challenges.

National security, questions about identity and integration, population size and structure, and exigencies of the economy are all concerns that governments attempt to address with migration policy. As such, international migration has important consequences for the political economy among receiving and sending states. This book is about this balancing act states perform (calls for restrictionist policies versus attending to economic and demographic demands) and the strategies they employ to do so, within a global context. That is, this book examines the immigration policy tools states adopt to accomplish their "national interest" and, more important, the process underlying their policy choices.

The book emphasizes states' recruitment efforts of highly skilled migrants—that category of economic migrants states increasingly see as important for coping with their socioeconomic challenges. An integral part of their recruitment efforts has been introducing immigration policies that make it easier for the entry of high-skilled migrants. A common policy choice among states has been the "points system"—a very selective

immigration instrument for targeting skilled migrants. Since its debut by Canada in 1967, various governments have adopted or considered points systems. The research presented in this book attempts to explain the spread of the points system. Although immigration policy is typically regarded as shaped solely by domestic actors or path dependency, governments' policy choices are influenced by actions of other states. The diffusion of the points system is a result of an interdependent, international process as governments craft policy in a global era.

I would like to take this opportunity to acknowledge some important people and organizations without whose support this research would not have been successful. First, I would like to thank my interviewees for their time and for allowing me the opportunity to meet with them. Your comments were crucial for the development of this research.

The field research for this project would not have been possible without the financial support of two organizations. I would like to thank Mellon Mays Undergraduate Fellowship. Throughout my academic career, they have provided me with invaluable mentorship, professional development, and financial support. Through their Predoctoral Research Development Grant and Dissertation Completion Grant, I was able to fund in large part my field research for this project. Thank you to the Department of Political Science at Purdue University. Its institutional support was undeniable. I am also grateful for the Frank Wilson Award and the Purdue Research Foundation Research Grant, which helped fund field research for and the writing of this study.

Next, I would like to thank my network of advisors for their guidance, for reviewing and critiquing the project, and for mentoring me through the entire process. I am indebted to Aaron Hoffman and his tireless efforts working with me in thinking through ideas and molding this project. Special thanks to Brigitte Waldorf, whose mentorship and scholarly insights were irreplaceable. I would also like to thank Harry Targ for his encouragement and particularly his guidance in the publication process. To William Masters and S. Laurel Weldon, I thank you for your valuable insight and feedback on this project. I am also very grateful for the helpful comments of the anonymous reviewer, which benefited this research.

I would also like to express my gratitude to Mercyhurst University for the tremendous institutional support I have received, which was valuable for the further development of this research. Particular thanks to my department chair, Michael Federici, who has provided much support and mentorship.

Of course, none of this would have been possible without the support of my family. To my entire family (biological and nonbiological),

thanks for your patience, love, prayers, and encouragement. Thanks to my father, Terry, and uncle, Rolly, for their support, particularly in the foundational stages of my academic career. I give thanks especially to my mother, Joann, who stuck with me through thick and thin and my aunt, Veronica, who also was an undeniable source of support. Last, but by no means least, I thank Dwaine for his partnership and patience with me during stressful periods, of which there were many.

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CHAPTER 1

INTRODUCTION

THROUGHOUT HUMAN HISTORY, THE MOVEMENT OF PEOPLE has been fundamental to social life. Most recently, during the last half of the twentieth century, the number of people living outside their countries of origin has grown to its highest levels and continues to rise. This growth can be partially explained by technological advancements that facilitate easier, cheaper, and quicker travel and communication, thereby bringing corners of the globe closer together. While cross-border movements of people are growing, so too is the importance of international migration on states' policy agendas. States are increasingly concerned about *who* enters for the sake of national security (particularly post-9/11) and economic competitiveness. This is reflected in the language surrounding international labor migration, which is framed in terms of national advantage and competitiveness. The prevalence of this language suggests that a growing number of governments, beyond the traditional countries of immigration such as Australia and Canada, see migrants as essential to their economic vitality. Immigration policymaking is thus laden with economic considerations as a range of states now acknowledge the benefits of migrants for their economies. Although economic considerations are not new,[1] what makes the demands for immigrant labor different today than fifty years ago is the emphasis on highly skilled labor and global efforts to attract this scarce resource, even among states that historically preferred zero immigration.

Industrialized states are implementing immigration policies to attract high-skilled migrants in pursuit of their socioeconomic interests. What is interesting about strategies for selecting and attracting skilled migrants is the shift from heterogeneous policy approaches to points immigration systems. Over the past twenty years, there has been a growing trend among states in adopting points systems to select international migrants. Since its initial introduction in Canada in 1967, nine governments have adopted points systems (see Table 1.1), and many more have considered or are considering adopting them.[2] What, then, explains the spread of the points immigration system?

Table 1.1 Countries with Implemented or Proposed Points Systems

Country	Policy title	Year implemented	Selection criteria
Canada	Independent Skilled Workers Program	1967	Education, age, experience, language, job offer, adaptability
Australia	Skilled Stream Migration	1979	Education, age, experience, language, occupation, job offer, adaptability
New Zealand	Skilled Migration	1991	Education, age, experience, occupation, job offer, adaptability
Czech Republic	Selection of Qualified Workers	2003	Education, language, experience, evaluation of family, age, job offer, previous residence in Czech Republic
Singapore	S-Pass	2004	Education, salary, qualifications, skills, job type and work experience
Hong Kong	Quality Migrant Admission Scheme	2006	Qualifications, language, age, work experience, family background
Denmark	Greencard Scheme	2007	Educational level, language skills, work experience, adaptability, age
United Kingdom	Points-based System	2008	Education, age, experience, language, recent earnings
Austria	RWR-Card	2011	Education, language, age, experience, remuneration
Considered			
Germany	Immigration Act	2002	Qualifications, age, country of origin, relations to the Federal Republic of Germany
United States	Comprehensive Immigration Reform Act	2007	Education, employment, language and civics, family

The points system originated in Canada in 1967 from skills shortages and an immigration policy orientation that viewed immigration as a contribution to economic development. In 1979, Australia adopted the policy, followed by New Zealand some ten years later. At this point, three of the four traditional countries of immigration had the points system. Within the first decade of the twenty-first century, the policy transitioned

to Europe and Asia, where six other governments, diverse in cultural and in traditional immigration perspectives, adopted the policy.

Criteria to select immigrants have always existed. That governments select immigrants according to education and skill is not new either. The question of *who* has always been a major concern for governments. Historically, there are many examples of governments enacting policies that discriminate based on characteristics, including education and race. For instance, in 1917, the United States required immigrants to pass literacy tests to gain admission. Australia's White Australia policy was meant to select immigrants according to race. The points system essentially provides this same function—it is an instrument governments use to select among potential migrants by setting human capital criteria. It is a selective tool for targeting a particular class of immigrants. Potential migrants must exceed a threshold of points based on established criteria, such as age and education, to be eligible for an employment visa.

What distinguishes the points system from other systems, however, is that the design of the system packages these criteria transparently and flexibly. It removes discretion from the evaluation of applicants by establishing clear-cut categories and assigning points across those categories. The system is equally policymaker friendly as public officials can easily alter points and assessment categories according to the immediate and emerging needs of the economy and society. Most significant, by assigning points to various human capital categories, potential migrants and the public know the expectations for entry. This feature allows governments to signal simultaneously to the public and to potential migrants that the government controls immigration, in the case of the former, and that high-skilled migrants are welcome, with respect to the latter. These novel features of the points system—transparency, signaling, and flexibility—make it attractive to other governments and the preferred option among alternative policies.

In light of the increasing prevalence of the points system, an examination into the mechanisms underlying the global spread of this policy is warranted. Although domestic institutions and interest groups weigh in on immigration debates, it is not enough to analyze this pattern from the state level; economic and political factors within the international context must be examined as well. International factors may be critical in shaping governments' policy choice. As Ikenberry (1990, 89) argues in his work on the diffusion of privatization policy, "it is a mistake to focus narrowly on the domestic sources of privatization: one may miss larger forces at work that extend beyond individual countries or that are shared by several countries." Industrialized states face common economic pressures

stemming from demographic changes, skill retention, and their capacity to compete innovatively internationally. In response to these challenges, I argue, states look abroad for proven solutions.

INTERNATIONAL MIGRATION AND INTERNATIONAL POLITICAL ECONOMY

Despite this gradual shift toward the points system, we know little about what mechanisms are shaping this trend. The variation among states adopting the points system suggests that dynamics beyond domestic politico-economic factors are at play. Rather, the pattern suggests a diffusion or interdependent process, wherein states' actions are based on the previous behavior of others.

Numerous studies have examined diffusion processes in different contexts (domestic and international arenas) and across issue areas (e.g., liberalization: Simmons and Elkins 2004; democracy: Starr 1991; O'Loughlin et al. 1988; war: Most and Starr 1980; privatization: Ikenberry 1990). Few, however, have studied diffusion with respect to either international migration in general or the points immigration system in particular. Rather, studies that focus on domestic processes dominate the literature on international migration such as those that examine the role of domestic pressure from various interest groups, entreating the government for policies that will benefit their constituencies (e.g., Amegashie 2004; Epstein and Nitzan 2006; Freeman 1995). These studies emphasize the dominance of business and organized interests in influencing policymaking and policy outcomes contrary to the public's preference for closed borders or reductions in immigrant intake. These state-level theories omit the potential of international factors in shaping states' policy choices.

On the other hand, studies that include international factors tend to focus more so on constraints on states' sovereignty. This branch of research stresses one of two issues: states' inability to control their borders due to the large supply of international migrants (e.g., Cornelius 1994) or the role of international conventions and the subsequent humanitarian obligations states are expected to uphold (e.g., Fitzpatrick 1997). The latter focuses on rights of migrants on entry rather than the tools used to select migrants, while the former speaks to the lack of efficacy of immigration policies to achieve their goals of closed borders. Research in economics and other research traditions might examine immigration control policies but tends to concentrate on the success of these policies—independently or comparatively—in achieving policy goals (e.g., Antecol et al. 2001; Jasso and Rosenzweig 2008). These studies, however, do not emphasize the politics behind the policy choice.

Other research has emphasized states' efforts to keep migrants out even at the expense of economic welfare. In *Guest and Aliens*, Sassen (1999) argues that states have accommodated global capital by opening up their markets and deregulating markets. Yet, where immigration is concerned, similar steps have not followed. Borders remain closed for immigrant labor, while they are being reduced for capital. The current trend in policymaking suggests a degree of liberalization of barriers, however, albeit for one pool of economic migrants: while the movement of unskilled labor remains restricted, skilled migrants are encouraged and courted.

Finally, some studies (e.g., Adolino and Blake 2001; Boswell and Crisp 2004; Cornelius 1994; Lavenex 2006) focus on the international convergence of immigration policies; however, they explain the process as independent, without regard for other states' actions. In other words, these studies do not account for the influence of other governments' practices on adopters' policy choices. The few studies that considered interdependent convergence (e.g., Cornelius and Tsuda 2004; Joppke 2007) or convergence in the context of skilled immigrant labor (Boswell and Crisp 2004; Lavenex 2006) have not acknowledged the convergence to one standard policy—that is, the points system.

As this study shows, previous explanations for immigration policymaking are insufficient to explain current state preferences and behavior. States are exercising their sovereignty by selecting so-called desired migrants—that is, high-skilled migrants. While domestic factors matter, states' policy preferences are influenced by international factors, which underlie the spread of the points immigration system. In other words, while decision makers are attentive to internal concerns and policy options, they are mindful of developments abroad.

SIGNIFICANCE

Although there are many studies on international migration and the socioeconomic determinants of movement (e.g., Hatton and Williamson 2002, 2005; Massey 1988; Stark and Taylor 1991), the political dimensions of migration are understudied. Socioeconomic "push" and "pull" factors are necessary conditions for the movement of people but are not sufficient conditions for explaining determinants of international migration. Since states are the final arbiters in the crossing of international borders, it is crucial to examine political considerations as well to explain global migratory patterns (Hollifield 2004).

Given the salience of skilled immigration among industrialized states, there is a need for more studies focusing on the political ramifications of international labor mobility. States' immigration policies have

implications for international relations scholarship since these policies affect not only the socioeconomic welfare of the states themselves but also the global mobility of labor. Moreover, for governments of industrialized states, what was once considered a matter of low politics is now one of utmost importance as they frame the issue of labor migration in terms of economic competitiveness and national advantage. The literature is deficient in recognizing this. As True and Mintrom (2001, 29) aptly put it, "'mainstream' international relations are infamous for their poor observation of contemporary changes in states and in world politics." This study contributes to shedding light on a contemporary phenomenon among states.

The field of international relations is abundant with studies on war and peace, norms, security, conflict resolution, international organizations, and cooperation to name a few areas of emphasis. In the area of international political economy more specifically, the study of trade, the globalization of finance, and economic liberalization dominates. On the other hand, there is scarce exploration of international migration. This area of study is usually considered a domestic issue rather than a concern of foreign policy warranting adequate study by international relations scholars.[3] However, the lines that putatively separate international and domestic affairs are increasingly blurred (Keohane and Nye 1989; Rosenau 1997). More important, new and emerging challenges are expanding what is traditionally deemed the most important issues (high politics) on states' political agenda. In 1975, Henry Kissinger commented, "Progress in dealing with the traditional agenda is no longer enough. A new and unprecedented kind of issue has emerged. The problems of energy, resource, environment, population, the uses of space and the seas now rank with questions of military security, ideology and territorial rivalry which have traditionally made up the diplomatic agendas" (quoted in Keohane and Nye 1989, 26). Kissinger's observation continues to be relevant. Historically, and more so today as human capital is coveted, international migration finds itself among states' priorities.

International migration is inherently an aspect of interstate relations and has important consequences for the political economy among receiving and sending states (Demerath 1984; Hollifield 1992). Cross-border movements of people have several implications for source and host states. Simultaneously, immigration can mean economic growth, societal disruptions, and/or population growth for destination countries, while emigration for countries of origin can be threats to economic development, brain drain, remittances, and a reduction of population pressures. In the

age of rampant civil wars and transnational terrorism, human mobility is an issue of national security.

Most fundamentally, international migration is subject to state sovereignty and has implications for human mobility and states' ability to control their borders. The free movement of people is impeded by political borders. Many speak of the end of the nation-state (Ohmae 1995) and the cessation of the state as an "economic unit" (Kindleberger 1969) because of globalization and transnational actors;[4] yet, where international migration is concerned, the state remains the unit of authority. Although individuals may have the motivation and right to emigrate, they must overcome various policy barriers before they can gain entry to their desired destination.[5]

Scholars argue that the state remains important, but its traditional role has been transformed (Hollifield 2004; Hurrell 2007; Strange 1996). The state's legitimacy rests on its ability to respond to various expectations of and demands from different constituencies. Expectations about the functions of the state have expanded beyond the traditional variety of tasks the state must perform. Besides the provision of national security and protecting territorial integrity, the state's functions now range from providing public goods with respect to social welfare programs, fostering competitive business environments to regulating migration flows. Some refer to the state as a "competition state" as its function has been transformed to promoting domestic or international economic policies that facilitate the competitiveness of domestic firms in the international market (Cerny 1995; Lavenex 2006). Hollifield (2004) theorizes about the "migration state," which functions to satisfy economic demands by admitting immigrants, while at the same time, attempts to pacify public concerns about immigration. Similarly, Zolberg (1999, 82) contends, "The world can be conceptualized as a 'global population system' in relation to which sending and receiving states, much like the migrants themselves, figure as 'utility maximizing' agents that respond to changing world-historical and local conditions by modifying their comportment."

Although there may be international (supply-side) pressures, such as large numbers seeking entry, prompting states to respond to international migration, when it comes to economic migration, states have the right to "cherry pick" who they let in. International law defines an individual's right to emigrate but a state's sovereignty allows it to decide who it will admit into its borders. States do not have to permit all economic immigrants who come knocking. As Nicolas Sarkozy, then interior minister of France, put it when presenting his new selective migration policy, "We no