

Selective Migration Policy Models and Changing Realities of Implementation

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Selective migration policies favouring immigration of the highly skilled are becoming increasingly popular among governments worldwide.¹ In a UN survey of member states to which 158 governments replied, 27 per cent indicated that they have policies to increase high-skilled immigration; and among more developed countries, the percentage was much higher at 47 per cent (UN 2010). This trend toward selective migration policies is increasingly being framed in terms of national economic competitiveness and described as a “battle for the brains” (BMI 2001) of highly-skilled migrants, usually defined as those with a tertiary degree (OECD 2004).

To compete in the battle for the brains, many governments looked to the classical immigration countries for policy models and adopted the point system pioneered by Canada. Selective migration policies, however, vary and those countries that have enacted these varying policies may not always fully implement them as enacted. Selective migration policies may be very explicit, as in Canada and Australia, whose governments set annual targets for permanent immigration, use point systems to select immigrants, issue public reports on whether immigration targets were met, analyse policy implementation to improve immigration outcomes and proactively support immigrant settlement. Alternatively, selective migration policies may be more implicit, allocating of a certain number of employer-sponsored permanent resident permits for those with certain occupations and skills and/or introducing temporary visas for high-skilled migrant workers, as in the U.S. Moreover, selective migration policies, whether explicit

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or implicit, vary significantly in terms of selection criteria and who does the selecting. While Canada and Australia both use point systems, they have taken different approaches to selection objectives and criteria as well as participants in the selection process.

In general, selective migration policies can be grouped into three models: the “human capital” model based on government selection of permanent immigrants using a point system as practiced by Canada; the “neo-corporatist” model based on government selection using a point system with extensive business and labour participation, as practiced by Australia; and the market-oriented, demand-driven model based on employer selection of migrants, as practiced by the U.S.

The Canadian government developed a point system in the 1960s and reshaped it in the 1990s to produce what came to be known as the “human capital model.” As a government white paper argued, “(t)he future of a knowledge-based economy such as Canada’s is linked to the strength of its human potential. Canada’s selection system for skilled workers needs a sharper focus to augment the country’s human capital base (CIC 1998, 28).” The government eliminated assessments of labour market demand and shifted the point system away from the “occupation-based selection model” with points given mostly for work experience in certain occupations toward “human capital” factors of education, language ability, flexibility, adaptability and experience in any skilled occupation (CIC 1998, 30).

Australia adopted a Canadian-style point system in 1973. It also adopted the Canadian human capital model in the early 1990s. Due to high rates of unemployment among migrants selected through the point system, in 1996 Australia switched back to the occupation skills-specific approach based on labour market assessments and implemented more rigorous credential screening and English language testing before migration (Hawthorne 2006). Moreover, the

Australian government does not select immigrants on its own but rather turns to industry cooperation with labour to determine which immigrant skill sets are needed by the Australian economy. In this way, government, industry and labour collectively shape immigration policy much like “neo-corporatist” economic development strategies adopted by the governments of smaller European states with exports constituting large shares of GDP. These European governments responded to global market pressures by bringing national labour federations together with counterpart business associations into cooperative arrangements to collectively increase national economic competitiveness (Katzenstein 1985). Although Australia has not been considered a leading example of neo-corporatism, in a survey of the comparative political economy literature on the topic (Sairoff 1999), Australia has been identified as being “somewhat corporatist” and Canada and the US as “not at all corporatist.” Given that the U.S. economy is over ten times larger than that of Australia (World Bank 2012) and only 13 per cent of U.S. GDP is composed of exports compared with 20 per cent Australian GDP, Australia’s position in world markets is more like that of European countries than that of the U.S. Such global economic constraints pressure labour and business to work together and help the Australian government manage skilled migration to increase national economic competitiveness.

In contrast to Canada and Australia, the U.S. market-based, demand-driven system requires employers to submit petitions to immigration authorities on behalf foreign nationals they wish to hire. The government can then execute a selective migration policy by, for example, shifting visa allocations from family sponsorship to employer sponsorship and from unskilled labour to high-skilled labour. As opposed to the Canadian government’s very conscious decision to supply foreign workers to domestic labour markets, made very explicit with the 1967 establishment of Canada’s “Department of Manpower and Immigration,” the U.S demand-driven

approach to selective migration evolved slowly and became institutionalized with the 1952 Immigration and Naturalization Act. Unlike the “somewhat corporatist” Australia, the U.S. political economy is very much a “pluralist” system in which business and labour are not brought to the table by government but rather compete with each other within the political arena to shape government policies that further either business or labour agendas. Although this selective migration policy has not been as explicitly articulated, the U.S. demand-driven approach has become a model of sorts for countries that have more recently “become immigration countries,” such as Germany, whose Parliament considered but then rejected a Canadian-style point system when drafting and passing Germany’s first immigration law in 2004.

In contrast to my tripartite division, some early comparative analysis of selective migration policies grouped Canada, Australia and the U.S. together: “Immigrant labour selection...operates in the New World via points systems and preferences, government being the principal agent of selection. In Western Europe, the labour market has tended to be the locale for selection (Salt 1997).” More recently, the selective migration policies of Canada and Australia are usually categorized in binary opposition to policies of the U.S. A comparative immigration policy study commissioned by the Irish government and produced by the International Organization for Migration (IOM) states, “In supply-driven systems, the migrants themselves launch the admission process (for example, in Canada, Australia, and New Zealand....In demand-driven systems, as in the US, employers request permission to hire foreign workers, thereby triggering a decision to admit the migrant (IOM 2002: 62).” The IOM subsequently used this supply vs. demand-driven categorization in a widely used manual for policymakers (IOM 2004) and this categorization was adopted in OECD analysis (Chaloff and Lemaître 2009: 17-18) as well. Comparative academic literature on high-skilled migration also adopted the supply vs.

demand-driven categorization (see, e.g., Smith and Favell 2006: 10-11, Bhagwati and Hanson 2009: 4), often with reference to IOM or OECD policy studies (Boeri, Brücker, Docquier and Rapoport 2012: 24-25). Unfortunately, the divergence of the Australian from the Canadian approach, explained in great detail by Lesleyanne Hawthorne (2005, 2006), has not been fully appreciated in academic and policy analysis of high-skilled migration. My alternative three models approach builds on Hawthorne's work for a more nuanced ontology to facilitate a more fruitful comparative analysis of selective migration policies that may improve understanding of the differences in these policies' effectiveness.

Comparative evaluation of the effectiveness of selective migration policies models has been limited largely because "very few countries have attempted to ... collect the necessary data (Lowell 2005, 4)." Nevertheless, U.S. immigration policies toward the highly skilled have been extensively analysed by prominent economists (Borjas 1990) and policy analysts (Papademetriou and Yale-Loehr 1996) who have found existing U.S. policies to be less effective than those of Canada and Australia and have recommended that U.S. policy makers adopt a point system. More recently, a bipartisan group of 400 mayors and prominent business leaders, co-chaired by New York City Mayor Michael Bloomberg and the News Corporation's Rupert Murdoch, issued what it calls "a first-ever comparative study of the immigration reforms other countries employ to boost their economies and lure the high and low-skilled workers needed for continued economic growth." The report praises Canadian and Australian point systems in a section entitled "lessons from other countries (Partnership 2012)" and its recommendations are reflected in provisions of recently proposed U.S. comprehensive immigration reform legislation.

Assessing the extent selective migration policies attract high-skilled migrants that contribute to economic competitiveness depends greatly on the metric chosen to measure

success. If a higher percentage of economic-based permanent immigration as opposed to family-based immigration is the yardstick (e.g. Partnership 2012, 15), Canada and Australia perform much better than the US. Adding numbers of temporary high-skilled migrants to permanent immigrants, however, renders a more complete comparison that depicts the demand-driven U.S. model in much better terms. If one defines “highly skilled” in terms of tertiary education and compares the education of foreign-born populations, the Canadian approach is more effective than that of Australia and the US. If, however, one considers the extent to which high-skilled migrants are employed in positions that utilize their education and skills, the Australian neo-corporatist approach is most effective and the Canadian human capital model the least.

Finally, the three models elaborated upon in this article are ideal types, with Canada’s human capital on one end of the spectrum, the U.S. demand-driven model at the other, and Australia’s neo-corporatist model in-between. These ideal-typical models are just that --- policy implementation often diverges from the model. This divergence includes a growing role for employers in Canada and Australia; shifting issuance of permanent resident permits from applicants abroad to temporary foreign workers already in Canada and Australia, and efforts to increase the role for state selection of migrants with proposals for a point system in the US.

I will elaborate on the above arguments in following steps: first, I describe the human capital, neo-corporatist and demand-driven models in more depth; second, I compare the three models in terms of implementation and outcomes; and third, I critically examine the realization of these models in practice and explain how policies diverge from the models as each country adopts policies and practices from other models.

SELECTIVE MIGRATION POLICY MODELS

The Human Capital Model: Canada

Canada's selective migration policy was explicitly articulated with the 1967 creation of the Department of Manpower and Immigration and its point system for sorting applicants according to age, education, language ability, and skills (Green and Green 1999). Canada's 1976 Immigration Act further required the government to plan immigration levels on an annual basis and established three categories of admission: family, humanitarian (refugees), and "independent" applicants selected by a point system weighted toward occupational demand, vocation preparation and experience (O'Shea 2009).

The Canadian government began shifting away from this occupation-based model toward the human capital model as it recalibrated the point system in 1993 to give more points for education and to more heavily weigh post-secondary education in the number of points given. The human capital model was fully realized as the 2002 Immigration and Refugee Protection Act retooled the Federal Skilled Worker Program's point system allocating a maximum number of 100 points in six categories with a 67-point acceptance threshold. Since then, the distribution of points among categories has changed slightly and is now allocated as follows: ability in English and/or French (28); education (25); work experience (15); age (12); arranged employment in Canada (10); and adaptability (10). The human capital factors of education and language comprise over half (52) of the 100 possible points in the system while work experience and a job offer account for only a quarter. Starting in 1996, Canadian immigration authorities also set recruitment targets to yield 60% of immigrants through the economic stream and 40% through family reunification and refugees (O'Shea 2009).

Canada also has a Temporary Foreign Worker Program, authorizing employers to hire a temporary foreign worker if they receive a labour market opinion from government authorities

ensuring the hiring will not have a negative impact on the Canadian labour market. Until recently, the Temporary Foreign Worker Program has been primarily oriented toward short (one or two year) stays of lower-skilled migrant workers, such as farm workers and in-home caregivers.

The Neo-Corporatist Model: Australia

Like Canada, Australia differentiates admission of permanent immigrants into three categories: family, humanitarian and skill-stream applicants who, since 1973, have been selected by a point system. Australia's skilled migration program is open to people who have skills in particular occupations in demand within the country, meet English language requirements and are under 50. The point system used to select successful applicants relies on the Skilled Occupation List, which Department of Immigration and Citizenship (DIAC) continually revises in consultation with employers and unions in order to target labour market needs by sector and skill-set. Under the skilled migration program, there are various sub-visa classes with differing requirements depending on whether one is already in Australia or not and whether one has a sponsoring relative in Australia. The point system used for the Skilled Independent (subclass 189) visa, which is open to applications from those without a sponsor and may be lodged from outside of Australia, allocates a maximum number of points in 6 categories: age (30); English language ability (20); employment experience in a nominated skilled occupation (20); educational qualification (e.g. PhD, MA, etc. earned in Australia or of a recognized standard) (20); Australian study qualifications (5), other factors, such as fluency in an Australian community language, studying in a low population growth metropolitan area, spouse or partner skills, or professional year in Australia (5). Individuals whose application meets a pass mark

(subject to change depending on labour market needs) are eligible for a skilled migration visa and permanent residency.

In contrast to the Canadian human capital approach, applicants' work experience must be in occupations on the Skilled Occupation List to earn points and, as of July 2011, for their applications to even be considered at all. As of July 1, 2012, all applicants must first submit an "expression of interest" via the "SkillSelect" online system for an initial review of their qualifications by DIAC. Only those subsequently invited to apply by DIAC may lodge an immigration application, thereby enabling the DIAC to limit numbers of those invited in any given listed occupation regardless of whether applicants' total points meet the pass mark. Cooperation among government, business and unions to select immigrants has also devolved to the state level in identifying regional economic needs as Australian states and territories sponsor applicants through several other visa schemes that add points for those willing to live outside of large cities. In addition to the permanent Skilled Independent Migrant Visa program, Australia offers the Temporary Business Long Stay visa (or subclass 457 visa), which is uncapped and driven by employer demand.

The Market-Oriented, Demand-Driven Model: The United States

Certain provisions of U.S. immigration law have long encouraged both permanent and temporary high-skilled migration but potential immigrants must receive a job offer from an employer, who, by virtue of that offer, effectively selects individual migrants within the broad policy guidelines and criteria established by the government. Selective immigration policies reach back to the Immigration Act of 1917 and were firmly institutionalized in the 1952 Immigration and Nationality Law (Tichenor 2013). Although legislation passed in 1965 shifted

preferences from employment-based to family reunification in that only “20 percent of the visas were allocated on the basis of employment..., half of those went to professionals, scientists, and artists of exceptional ability (Martin 2011, 189).”

The Immigration Act of 1990 held the percentage of employment-based visas at roughly 20 per cent but increased permanent immigration so much that it almost tripled the annual limit of employer-sponsored visas for permanent residents to 140,000. The then-existing H1 visa program enabled migrants of “distinguished merit or ability” to fill temporary jobs as long as they established intent to return home. The 1990 Act established the H1-B visa (capped at 65,000 annually) that enabled employers to offer permanent jobs to migrants in “specialty occupations” on a three-year, one-time-renewable visa. The 1990 legislation dropped the requirement that applicants demonstrate an intent to return home, that is, the H1-B is a “dual intent” visa. This means that the H1-B visa allows foreigners to enter the U.S. for specific limited stay (i.e. it is a “non-immigrant” visa) but it also permits H1-B visa holders sponsored by employers to immediately apply for permanent resident status. By opening permanent jobs to temporary visa-holders, the program gave much more flexibility to employers to hire migrants for any job, permanent or temporary. Its dual intent nature also made the visa more appealing to high-skilled foreigners who want to immigrate or at least prefer to have the option.

In 1996, Congress considered shifting preferences for permanent residence from family-sponsored visas to employer-sponsored visas but the proposed legislation failed. Congress then expanded the H1-B program by increasing the visa cap from 65,000 to 115,000 in 1999 and to 195,000 in 2000 (but then this provision expired after three years, returning the cap to 65,000 in 2004). In 2005, Congress created an “advanced degrees exemption” that allocates 20,000 additional H1-B visas per year for applicants with advanced degrees from U.S. universities.

High-skilled temporary migrants also enter on L visas issued for intercompany transfers, which are renewable up to a maximum of five years and permit corporate transferees to apply for permanent resident status. Between 20 and 50 per cent of H-1B visa holders adjusted their status to permanent residents each year in the 1990s (Lowell 2000)² and it has been estimated that 90% of the 140,000 employment-based permanent resident cards are now issued to individuals who originally entered the U.S. as foreign students and temporary workers, many of whom hold H1-B and L visas (Wassem 2012, 12). The net effect is that there has been a flow of high-skilled migrants who essentially immigrate to the U.S. on a temporary visa and then obtain permanent resident status several years later.

OUTCOMES COMPARED

How do the Canadian “human capital model,” the Australian neo-corporatist model, and the U.S. market-based, demand driven model compare in terms attracting the highly skilled and furthering national economic competitiveness as policymakers intended?

One way to answer this question is to count immigration flows and stocks of the highly skilled. It is important, however, to go beyond the comparison of permanent immigrant statistics and include comparison of temporary high-skilled migrant workers (see table 1), even if the data published by each of the three countries are not optimal for comparison.

(Insert Table 1 here)

In terms of permanent immigration over the past few years, Canadian and Australian immigration authorities have effectively shaped flows in order that the majority (usually above

²Unfortunately, more up-to-date estimates of H1-B visa holders who have adjusted status are not available. Demographer Lindsay Lowell explained to the author that visa-specific adjustment status figures do not exist for 1999 to about 2007 and after that they have not been made public. The DHS Office of Immigration Statistics may offer more detailed visa-specific person/year estimates in the future but has not yet done so.

60 per cent) entered on the basis of their education, employment and skills instead of family reunification, whereas 12 to 15 per cent of U.S. immigrants acquire permanent residence with employer sponsorship. Nevertheless, in absolute numbers, the U.S. still admits over twice as many permanent immigrants as Canada and Australia combined and even admitted more employment-based permanent immigrants than either Canada or Australia until 2009.

The high percentage of economic stream permanent immigrants going to Canada and Australia leads some (e.g. Partnership 2012) to conclude that point systems have been much more effective in attracting high-skilled migrants than the more implicit, demand-driven U.S. approach. When one adds those who enter on temporary visas, however, the overall numbers of migrants living in the U.S. by virtue of their skills becomes much more impressive. Temporary foreign worker statistics are not as easily compared across the three countries because Australian authorities estimate and report the number of foreign workers in the country at a given time (stocks) whereas U.S. authorities only provide annual reports on the number of admissions (flows) and only occasionally provide estimates of stocks. The problem with admissions statistics (also referred to as entries) is that individual foreign workers are counted each time they first enter and then re-enter the country. Total annual entry statistics may be significantly higher or lower than the number of new foreign workers coming to the country in question; depending on how often those with temporary worker visas travel internationally each year and generate re-entries. Canada provides statistics both of the number of entries by foreign workers per year broken down into various visa classes as well as the number of foreign workers in the country at a given time.

Canadian immigration authorities estimate that there were 282,771 temporary workers in Canada on December 1, 2010. The Canadian statistics nicely disaggregate 3,887 information

technology workers and 28,858 “research and studies related” workers on the high end of the skills spectrum.³ There were 116,012 temporary foreign workers in Australia on December 31, 2010 on long stay business visas (stay of up to four years), which are available to those in certain occupations, demonstrate sufficient skills in that occupation and have an employer sponsor.

Attempting to ascertain the number of temporary workers in the U.S. and disaggregating the highly skilled is more difficult because the Office of Immigration Statistics in the U.S. Department of Homeland Security (DHS) does not publish annual stock statistics for temporary foreign workers. DHS did report that 454,763 H1-B visa holders and 502,732 L-1 visa holders were admitted in 2010 (these figures do not include families of H1-B and L-1 visa holders). The DHS Immigration Statistics Office did publish 2008 temporary worker stock figures, estimated at 930,000 temporary workers and their families but did not break out high-skilled visa categories. Unfortunately, DHS does not publish estimates of the number of H1-B and L visa holders in the U.S. at any given time. It does, however, publish numbers of employers’ H1-B petitions approved. The 65,000 cap normally receives the most publicity, however, there are more approved H1-B petitions due to the extra 20,000 visas available to those with advanced degrees from U.S. universities hired by private sector employers, the unlimited visas for those hired by U.S. institutions of higher learning and the petitions for a second three-year term after the first three-year H1-B visa term expires. In 2011, there were 106,445 initial petitions and 163,208 petitions for continuing employment totalling 269,653 H1-B petitions approved for visas that are each valid for three years. Past estimates of the number of H1-B visa holders in the U.S. range from 600,000 to 750,000 (Kirkegaard 2005; North 2011) and one can surmise that the number today would be similar. In addition, there were between 124,000 and 155,000

³ <http://www.cic.gc.ca/english/resources/statistics/facts2010/temporary/04.asp>

intercompany transfer L visas issued each year from 2007 to 2011.⁴ If one adds H1-B petitions approved and L visas issued to employer-sponsored permanent residents in order to estimate annual flows of high-skilled migrants into the U.S., it produces a 2011 total of 563,992. This number is 38 per cent of total immigration flows (including family-based and humanitarian), significantly higher than the percentage when only permanent residents are counted. It is also considerably more than economic stream migrants selected through Canadian and Australian point systems.

One can also assess selective migration policy effectiveness by comparing the education of foreign-born populations (i.e., non-citizen immigrants and immigrants who have naturalized). Over half of Canada's foreign-born population has a tertiary education - 14 percentage points higher than Australia and 18 points higher than the U.S. (see table 2). Australia, Norway and Canada are also ranked above the U.S. in Lowell's more sophisticated ranking of 22 countries based on a combined index of the tertiary education of migrants in relation to nationals and overall share of migrants with tertiary education among the countries surveyed (Lowell 2005, 11).

(Table 2 about here)

With respect to the effectiveness of selective migration strategies in achieving their intended policy objectives of increasing national economic competitiveness, it does not really matter if a selective migration policy produced a higher proportion of high-skilled immigrants if they are unemployed or underemployed (see table 2). Hawthorne (2006) found that migrants selected by Australian and, even more so, the Canadian point system often failed to find or

⁴ Sources: "Classes of Nonimmigrants Issued Visas Fiscal Years 1992-2010" and "NIV Workload by Visa Category FY 2011," U.S. Department of State Nonimmigrant Visa Statistics at: http://www.travel.state.gov/visa/statistics/nivstats/nivstats_4582.html

maintain employment in their profession or, if they did so, not at a level that takes full advantage of their skills. Some with excellent engineering or technical skills lack sufficient language skills and others have difficulty acquiring professional credentials necessary to practice their profession. Such problems can be magnified if shifts in the skills and qualifications employers seek are not quickly reflected in the point systems and occupational skills lists used by governments to select migrants. Australia's adoption a neo-corporatist approach yielded high-skilled jobs for high-skilled migrants at a rate nearly ten percentage points higher than that of Canada. The fact that 10% of Canada's taxi drivers are high-skilled immigrants, including 200 with PhDs (Xu 2012), highlights the broader challenge of adequate placement that, in turn, undermines the intended economic impact of selective migration policies. Jason Kenney (Canada's former Immigration Minister and now Minister of Employment and Social Development) considers this "a huge problem" saying "It's impossible to calculate the opportunity cost of productivity, the cost to our economy, represented by the unemployment and underemployment of immigrants (Quoted in McMahon 2013)."

In sum, the implicit selective migration strategy of the U.S. most likely yields more high-skilled migrants each year than that of the point-system programs of Canada, Australia and other countries combined. If one could get more accurate and comparable statistics, one could calculate the percentage of all high-skilled migrants (permanent and temporary) within the total population or workforce of each country and provide another, even better, perspective on this comparison. Nevertheless, relatively large overall flows of highly-skilled migrants to the U.S., even in absolute terms, demonstrate that states using point systems might not be quite as effective in generating the expected flows of the highly skilled as often perceived by many U.S. policymakers. Ironically, the very same point system that U.S. policymakers consider highly

effective, Canadian policymakers, using a different metric, consider ineffective, giving them cause to abandon the human capital model for an alternative approach.

DEVIATION FROM IDEAL-TYPICAL MODELS

The Canadian government's shift away from the human capital model began in the mid-2000s as pending applications to the skilled-worker migration program grew to 500,000, representing a backlog waiting on decisions for up to 68 months (O'Shea 2009). Hawthorne's 2006 report, which the Canadian government commissioned, also provided evidence that highly-educated migrants were not fully using their education and skills in the jobs that they managed to get. In 2007, the Canadian government responded by introducing the Canadian Experience Class visa, which gave priority to applications for those working in Canada for at least two years and for foreign students who had completed their degrees in Canada. Each Canadian Experience Class visa granted became one visa fewer available to applicants who had achieved the point system numerical threshold of 67 without Canadian work experience or Canadian university education and put that application in an even longer backlog. Hence, the increasing numbers of temporary foreign workers (see table 1) were represented in higher proportion within flows of permanent immigration to Canada. This made Canadian high-skilled immigration flows more similar to that of the U.S., where many temporary migrants adjust status to permanent residence. In 2008, the processing of new applications was restricted to those who had at least one year of experience in shortage occupations, had a job offer, or were already working or studying in Canada. Additional measures introduced in June 2010 limited the number of new applications in shortage occupations to 20,000 overall (and 1,000 in each occupation) as well as introduced a language testing requirement for all economic stream immigrants. As of May 4, 2013,

individuals' applications were no longer processed unless applicants had at least one year of continuous work experience in one of 24 occupations, a job offer from a Canadian employer or were eligible to apply through the PhD stream (CIC 2013). With the introduction of such requirements, Canada's selective migration policy increasingly operates like a combination of the Australian and U.S. models, i.e., a point system weighted toward an occupational skills list and increasing admission of temporary workers who then apply for permanent immigration with employer sponsorship.

Australian immigration policy moved toward the U.S. model when, in December 2008, Australian Minister for Immigration and Citizenship, Chris Evans, announced that the Australian permanent Skilled Migration Program would be made even more targeted by shifting "the focus of the program towards 'demand-driven' outcomes, in the form of employer and government-sponsored skilled migrants" (Evans 2008, 1). Moreover, employers found recruiting temporary skilled migrant visa applicants quicker and more responsive to their needs, thereby increasing the number of skilled migrants on temporary visas beyond the number of skilled immigrants entering on permanent visas (see table 1). Beginning January 1, 2009, the government stipulated the following preference order in evaluating applications to the skilled visa program: 1) employer-sponsored visas; 2) state- or territory government-sponsored visas; 3) occupations on the critical skills list; 4) occupations on the Migration Occupations in Demand List; 5) all other applications (Evans 2008, 5). These changing criteria shifted the composition of the skilled immigrants coming to Australia, with points-tested applicants making up only 57% of the skilled stream and employer-sponsored visas the remaining 43% (DIAC 2012a).

The upshot of these changes is that Australia, like Canada, is moving toward a system that produces a higher proportion of skilled migrants entering on temporary visas and selected by

employers, as in the U.S. SkillSelect has moved Australia even closer to a demand-driven system given that employers can search the online SkillSelect database for skilled workers who have submitted “expressions of interest” using criteria like occupation, qualifications, English language ability, etc. If employers identify applicants they would like to hire, employers may then submit applications sponsoring workers for permanent immigrant visas. According to Minister Kenney, Canada may completely abandon the point system in favour of such an Australian-style “expression of interest” but instead of retaining a point system for immigration officials to use in selecting immigrants from among those invited to apply, employers would simply review applicants’ credentials and sponsor those applicants they select. As Kenney puts it, “It’s like a dating service to connect employers with prospective immigrants” (quoted in McMahon 2013).

In contrast to seemingly persistent changes to Canadian and Australian immigration policies, U.S. immigration policy remained in a state of suspended animation. This may change in the wake of President Obama’s re-election with over 70 per cent of the Latino and Asian-American vote that, in turn, prompted a succession of Republican Party leaders to announce their support for comprehensive immigration reform and Republican members of Congress to join bipartisan immigration reform legislative coalitions. Much like the bill passed by the Senate in 2007, comprehensive immigration reform legislation passed in June 2013 includes a point system. The proposed point system would select up to 120,000 “merit-based immigrants” in the first year, adjustable up to 250,000, depending on economic conditions. The bill would also increase the H1-B visa cap from 65,000 per year to 115,000 with possible annual adjustments depending on demand of up to 180,000 per year maximum (US Senate 2013).

Recent changes in policies have made the supply-driven human capital and neo-corporatist selective migration models much more ideal-typical and less descriptive of current practice. At the same time, proposed comprehensive immigration reform legislation would transform the U.S. into a hybrid system that combines a point system with employer-sponsored visas.

CONCLUSION

Early comparative analysis of selective migration policies grouped the classical immigration countries of Canada, Australia and the U.S. together but their policies vary much more than often depicted – so much so that these three differing policy approaches can be envisioned as ideal-typical models. Policy variance among the three models produces different outcomes that themselves are assessed using different metrics with differing policy implications. Changing government practices deviate from the models and may eventually even render them somewhat anachronistic.

Recent comparative studies usually contrast the supply-driven point systems of Canada and Australia to the demand-driven policies of the U.S. While this categorization is useful, Canada and Australia parted ways in the mid-1990s with their respective point systems adopting different selection criteria, yielding three distinctly different policy models: the human capital model with a point system emphasizing education and language; the neo-corporatist model with a point system emphasizing occupations in demand as determined by industry cooperating with labour; and a demand-driven model and that allows employers (instead of the government) to select the highly skilled by sponsoring migrants for temporary visas and permanent residence.

Advocates of increasing high-skilled migration for economic competitiveness often recommend point systems but the effectiveness of selective migration policies hinges on the metric. When the percentage of skills-based or employer-sponsored immigrants within permanent immigration inflows is chosen (as is often the case), Canada and Australia appear to perform much better than the US. If policies are assessed in terms of immigrant numbers with temporary high-skilled migrants added to permanent immigrants, the demand-driven approach appears more successful. Indeed, by this accounting scheme, the U.S. brings in many more high-skilled migrants, perhaps more than all point systems combined. If the percentage of foreign-born populations with a tertiary education is chosen to measure success, the Canadian human capital model appears much more effective than the approaches taken by Australia and the US. In contrast, if one chooses the percentage of foreign-born with tertiary educations employed in positions that utilize their education and skills, it becomes clear that Australia's decision to abandon the human capital model in the mid-1990s has yielded a much higher percentage of immigrants contributing to economic competitiveness as policymakers intended.

Finally, the three ideal-typical selective migration policy models may soon become more historical artefacts than actual descriptions of current government policy practice as the governments of each country move their policies toward other models. The Canadian government stopped processing the vast majority of applications selected by its human capital-weighted points system in favour of applicants with skills on narrow occupational lists as in Australia. Meanwhile, the Australian government has shifted its skilled migration program to favour employer-sponsored permanent immigrants and temporary migrant workers, like the U.S. demand-driven model. Looking forward, the Canadian government may even abandon the point system altogether for an online demand-driven system of employer selection. Ironically, should

the U.S. Congress pass comprehensive immigration reform legislation in its current form, the U.S. may establish a point system just as the Canadians abandon theirs.

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**Table 1
Permanent residents and temporary foreign workers compared**

Permanent resident aliens ⁵						
Year:	2006	2007	2008	2009	2010	2011
Canada						
Total	251,642	236,754	247,248	252,172	280,681	248,660
Economic	138,250	131,244	149,069	153,492	186,920	156,077
%Economic	55.0%	55.4%	60.3%	60.9%	66.6%	62.8%
Australia						
Total	142,933	148,200	158,630	171,318	168,623	168,685
Economic	97,336	97,922	108,540	114,777	107,868	113,725
%Economic	68.1%	66.1%	68.4%	67.0%	64.0%	67.4%
United States						
Total	1,266,129	1,052,415	1,107,126	1,130,818	1,042,625	1,062,040
Economic ⁶	159,075	161,733	164,741	140,903	148,343	139,339
%Economic	12.6%	15.4%	14.9%	12.5%	14.2%	13.1%
Temporary foreign workers						
Year:	2006	2007	2008	2009	2010	2011
Canada						
Entries ⁷	139,000	164,720	192,180	178,268	182,276	190,769
Stocks ⁸	160,854	199,246	249,796	281,349	282,771	300,111
Australia						
Entries	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Stocks ⁹	83,618	104,791	132,023	119,017	116,012	128,602
United States						
Entries ¹⁰	1,709,268	1,932,075	1,949,695	1,703,697	2,816,525	3,385,775
Stocks	n.a.	n.a.	930,000 ¹¹	n.a.	n.a.	n.a.

⁵ CIC 2012; CIC 2012a; DIAC 2012, Figure 1-2; DHS 2011, Table 6.

⁶ “Employer-based preferences” is terminology the U.S. uses for “economic stream” terminology used by Canada and Australia.

⁷ Figures for 2006-2010 from CIC 2012b; Figures for 2011 from CIC 2012c. Data in this row “refer to the number of individuals entering Canada as initial entries or re-entries, not the number of documents issued.”

⁸ CIC 2012d.

⁹ Number of Temporary long-stay business (457) visas in Australia on December 31 in DIAC n.d. of various years (e.g., 2006 in immigration update 2005-2006).

¹⁰ DHS 2011, Table 25. Table footnote to category, “Temporary workers and families” notes, “Admissions represent counts of events, i.e., arrivals, not unique individuals; multiple entries of an individual on the same day are counted as one admission. Beginning in 2010 the number of nonimmigrant admissions greatly exceeds totals reported in previous years due to a more complete count of land admissions.”

¹¹ DHS 2010.

Table 2
Foreign-born, education and employment (2009-2010)¹²

	Foreign-born	Foreign-born with tertiary education	Foreign-born employment rate	Foreign-born with tertiary ed. in high-skilled jobs
Canada	6,618,000	52.1%	68.6%	60.1%
Australia	5,817,000	38.1%	69.9%	69.4%
US	38,517,000	34.3%	67.3%	61.3%
OECD	109,592,000	29.0%	63.9%	71.5%

¹² Source: OECD 2012