



IMPROVING US AND EU IMMIGRATION SYSTEMS



Eight Policies to Boost the Economic Contribution of Employment-Based Immigration

By Demetrios G. Papademetriou and Madeleine Sumption





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June 2011







Acknowledgments

This paper was produced for Pilot Projects on Transatlantic Methods for Handling Global Challenges in the European Union and the United States, a project funded by the European Commission. The project is conducted jointly by the Migration Policy Institute (MPI) and the European University Institute. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Union.

The authors would like to thank Ashley Challinor for excellent research assistance and Joyce Matthews for her edit of this policy memo.

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Cover Design: Burke Speaker, MPI
Typesetting: April Siruno MPI

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Suggested citation: Papademetriou, Demetrios G. and Madeleine Sumption. 2011. Eight Policies to Boost the Economic Contribution of Employment-Based Immigration. Washington, DC: Migration Policy Institute.



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Introduction

Immigration can be a powerful tool for supporting a country's economic growth and prosperity, but its success in accomplishing that objective depends on well-designed and carefully implemented immigration policies that deliberately and strategically facilitate immigration's economic contribution.

Drawing on experiences from Asia, Europe, North America, and the Pacific region, this policy memo presents eight strategies developed by immigrant-receiving countries to increase the economic contribution of employment-based immigration. These policies represent best practices that policymakers can rely on to create effective and efficient economic-stream immigration systems.¹

More specifically, the policies discussed here focus on selecting immigrants with a range of skill levels, retaining those with the greatest potential to succeed, engaging employers constructively in the immigration process, and facilitating immigrant integration. They comprise the following:

- Creating temporary-to-permanent visa pathways
- Streamlining immigration for the most skilled workers
- Retaining top foreign students
- Reconsidering the role of visa fees
- Rewarding employers who play by the rules
- Building institutions with adaptation and flexibility at their core
- Taking a strategic approach to immigrant integration
- Seeking regional and local engagement in the admissions process

I. Temporary-to-Permanent Visa Pathways

Most foreign workers initially enter a host country on a temporary visa, regardless of whether they will eventually seek permanent residence. Even where permanent residence is available as an initial entry route, temporary visas can often be obtained more quickly — and in some cases have less-stringent eligibility criteria — while providing greater short-term flexibility for employers.²

Temporary visa holders represent a rich pool from which to choose permanent immigrants, since workers on temporary visas are afforded the time and opportunity to build up language skills, valuable host-country work experience, and local contacts within the country.³ Additionally, prospective permanent immigrants with host-country work experience can more easily demonstrate their ability to navigate the labor market and integrate successfully.

^{1 &}quot;Economic-stream immigration" has employment as its core purpose (in contrast to humanitarian migration or family unification). This policy brief uses the term interchangeably with "employment-based immigration."

² Up-front permanent residence is most common in traditional immigrant-settlement countries such as Australia and Canada, although in both cases temporary-to-permanent pathways have expanded enormously. The United States also admits relatively small numbers of newly arriving employment-based immigrants on permanent visas, but the vast majority of workers enter on a temporary visa first.

Demetrios G. Papademetriou, Doris Meissner, Marc R. Rosenblum, and Madeleine Sumption, *Aligning Temporary Immigration Visas With US Labor Market Needs: The Case For A New System of Provisional Visas* (Washington, DC: Migration Policy Institute, 2009), www.migrationpolicy.org/pubs/Provisional_visas.pdf.



Well-designed immigration systems increasingly recognize this fact, allowing initially temporary workers to "graduate" to permanent residence when they can demonstrate the ability to succeed in the labor market, substantial progress toward integrating successfully, and the all-important commitment to playing by the rules.

Australia has been a leader in developing such temporary-to-permanent pathways, as have New Zealand, Sweden, the United Kingdom, and, increasingly, Canada. The United States made a crucial innovation in this regard in 1990 with the creation of the H-1B visa for foreign professionals. Its effectiveness has since fallen behind that of similar efforts in other countries, however, because of an inability to address violations of the intended purpose and spirit of the visa on the part of some employers, and unwillingness to adjust the number of permanent visas available to workers transitioning from temporary residence.⁴

Effective temporary-to-permanent pathways rely on two policy principles. First, it is necessary to provide clear and predictable rules for the transition to permanent residence that enable workers and their employers to plan ahead, giving them an incentive to invest in the future. Countries with effective temporary-to-permanent pathways typically allow foreign workers to apply for permanent residence from within the country after a set period of time (ranging from one to six years), or as soon as they are able to meet certain predetermined criteria. The availability of permanent resident visas is essential to the efficient functioning of this policy, as is the removal of antiquated restrictions such as the "percountry" ceilings seen in US policy.

Second, temporary-to-permanent pathways grant foreign workers progressively broader access to the labor market. In employer-driven immigration systems, workers initially admitted into the country in order to perform a specific job can typically only switch between firms if the new employer is willing to apply for work authorization on the worker's behalf. After a transitional period, however, workers should acquire the right to move between employers without requiring a new visa. This gives prospective permanent immigrants greater mobility and independence from their employers, a process that is completed when they graduate to permanent residence and gain full labor market access.⁵

II. Streamlined Immigration for the Most Skilled Workers

The most talented economic-stream immigrants may require separate treatment from the "merely talented," especially since attracting more of these workers is a priority for most governments. Workers in the highest echelons of the skill spectrum — including top researchers, successful businesspeople, proven entrepreneurs, and creative artists — are more likely to have their choice of destinations, increasing the risk that they will be deterred by long wait times, complex application procedures,

- The US immigration system requires separate employer applications for temporary and permanent work authorization, despite the fact that the overwhelming majority of employment-based green card recipients now adjust from a temporary visa (92 percent in 2010). Numerical limits on the number of permanent visas that can be issued each year mean that some workers wait many years to become permanent residents and some are required to return home. See Papademetriou, Meissner, Rosenblum, and Sumption, Aligning Temporary Immigration Visas With US Labor Market Needs. Visa data are taken from Department of Homeland Security (DHS), Yearbook of Immigration Statistics: 2010 (Washington, DC: DHS, 2011), www.dhs.gov/files/statistics/publications/yearbook.shtm.
- In Sweden, for example, employer-selected immigrants' work permits become portable between employers after two years, and can be converted to permanent residence after four years. Temporary-to-permanent immigration systems that are not employer-led (such as some points systems, or post-study work visas that grant an extended period of work authorization without requiring an employer sponsor) skip straight to the second of these three stages, offering portability between employers immediately, but typically require workers to maintain a track record of skilled employment in order to qualify for permanent residence.



or restrictive visa conditions (such as limited work or residence rights for nuclear family members). Equally, employers who hire these high-level individuals should not have to wait unnecessarily (beyond what due diligence dictates) for their new employees to start work.

Openness to the most talented requires policies that ensure applications are satisfied quickly and reliably, are not subject to per-country or other numerical limits, and involve only the lightest reasonable administrative burden. The United Kingdom, for example, exempts those earning more than GBP£150,000 from the numerical limit on skilled migration, and their employers are not required to advertise the jobs in the local labor market before applying for visas on their behalf. Even some countries with a more restrictive stance on much immigration, such as Germany, the Netherlands, and other like-minded European Union Member States, provide liberal employment-based immigration routes for those earning above a certain wage (typically set between 50,000 and 70,000 euros, or US\$75,000 to \$100,000). In the United States, where most economic-stream immigration requires an employer sponsor, exceptionally skilled immigrants with widely recognized accomplishments in their field can apply without an employer. (A similar program was recently introduced in the United Kingdom).

Some countries also offer "fast-track" application procedures to facilitate admission for workers with urgently needed skills. US employers, for example, can reduce processing times for some visas from several months to three weeks by paying a premium processing fee of US\$1,225. A more aggressive version of this policy would allow employers to "pierce" numerical limits on work visas in return for a substantial fee (see Section IV, below).

III. Retaining Top Foreign Students

Foreign students graduating from top host-country universities are extremely valuable to that country's employers for the most obvious of reasons: they tend to possess locally relevant education, language skills, and cultural knowledge. Many immigrant-receiving countries have reached this conclusion, including Australia, Canada, Hong Kong, New Zealand, and the United Kingdom, and have put policies in place to retain certain international students. It has now become commonplace to offer selected foreign students the opportunity to stay in the host country after graduation in order to look for a job and work for an initially temporary period. During this time, the students are typically able to move between employers without having to apply for a new visa, and their employers are exempt from any requirement to document or demonstrate their recruitment efforts.

Whether international students receive a "training" visa or a more conventional temporary employment visa (both types are prevalent in much of continental Europe), well-designed programs offer those eligible the ability to convert their student visas to standard work visas from within the country. And because former international students possess university qualifications and local work experience, many meet the criteria for skilled or highly skilled immigration with ease. For those who qualify, the transition from student to worker (or trainee) can, therefore, be possible with a minimum of red tape.

The success of these strategies depends in part on efforts to ensure that former students are highly selected. Until recently, Australia and the United Kingdom provided generous immigration opportunities for former international students, but found that substantial numbers of them attended less-selective colleges or even "diploma mills" that essentially served as a gateway to employment in

⁶ Governments can also systematically prioritize the processing of certain types of applications. Australia and Canada, for example, send applications from workers sponsored by an employer to the front of the processing line (although, in both countries, this can still involve wait times of several months).

⁷ In several countries, postgraduation visas of this kind allow their holders to spend three to six months (or in some cases, longer) looking for a job, so that students are not required to have found work by the time they graduate or very quickly thereafter.



relatively low-paying occupations.⁸ To be successful as a highly skilled immigration route, therefore, the international student pathway must rely on careful selection at two junctures: first, when the student gains admission to a selective educational institution that sponsors them and, second, when he or she qualifies to make the transition from a student visa to a work visa.

IV. Reconsidering the Role of Visa Fees

Many governments struggle to smartly manage strong demand for visas. Some impose caps in order to reduce the number of workers admitted or the number of employers granted work permits, while others devise complex selection criteria designed to pick the "best" among the large pool of applicants. Few, however, have truly experimented with the idea of strategically using prices — that is, visa fees — as an element of the selection and admission system.

There is no better indicator of an employer's need for a foreign worker than its willingness to pay a premium for that worker's visa. Moreover, many employers are willing to pay extra in return for a fast, predictable, and consistent admission decision. Not all visas need to be issued on the basis of high fees, of course. But in countries with oversubscribed visa caps or long processing times, relying on fees *as one of several ways* to prioritize applications can introduce much-needed rationality to the issuance of work visas. Accordingly, employers could be allowed to "pierce" numerical limits or other restrictions on work visas in return for a substantial fee. A system of this kind would also help governments determine the true demand for visas more effectively, and adjust the numerical limits accordingly.

The revenues from visa fees can be used to support investments in education or training programs, either broadly based or targeted to high-immigration sectors where skills are thought to be in short supply. Moreover, through these contributions, employers can provide a publicly visible signal that they are investing in the preparation of the domestic workforce. The United States, for example, requires a US\$1,500 H-1B work visa fee that is used to finance scholarships for low-income students and workforce-training grants, although the effectiveness of these grants or their relationship to building a more competitive workforce has not been evaluated. Fee revenues can also be used to support public education or immigrant integration in local areas with high levels of immigration.⁹

V. Rewarding Employers Who Play by the Rules

Employers are central to immigration systems. Almost all immigrant-receiving countries rely on employers to select immigrants for at least some employment-based visas, and in many countries this is the dominant selection method. Regardless of the type of admission system a country chooses, governments face the challenge of creating clear, predictable, and well-enforced rules that employers can understand and observe. After all, steady and even-handed enforcement of the rules is central to

Australian government research in 2010 suggested that just under half of the workers on "skilled graduate" visas who had not yet qualified under Australia's points-based immigration system were not employed in skilled jobs. A smaller but substantial share of those who did qualify through the points system was also employed in unskilled jobs. Department of Immigration and Citizenship, *How New Migrants Fare* (Canberra: Department of Immigration and Citizenship, 2010), www.immi.gov.au/media/publications/research/pdf/csam-results-2010.pdf.

⁹ The United Kingdom operated a program of this kind between 2008 and 2009, funded by fees collected from migrants themselves, but the program was discontinued after the change of government in 2010.

¹⁰ Demetrios G. Papademetriou and Madeleine Sumption, *Rethinking Points Systems and Employer-Selected Immigration* (Washington, DC: Migration Policy Institute, 2011), www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf; Demetrios G. Papademetriou, Will Somerville, and Hiroyuki Tanaka, *Hybrid Immigrant-Selection Systems: The Next Generation of Economic-Stream Migration Schemes* (Washington, DC: Migration Policy Institute, 2009), www.migrationpolicy.org/transatlantic/HybridSystems.pdf.



safeguarding the integrity of any immigration system. By contrast, immigration regulations that are enforced unevenly or without transparency generate unpredictable outcomes, and prevent employers from planning ahead. At the same time, complexity tends to channel resources towards immigration intermediaries and disadvantage small businesses and firms that do not hire foreign workers on a regular basis.

Under the current rules of many immigration systems, all employers seeking foreign workers are treated equally with respect to access to visas. This does not have to be the case. "Registered," "trusted," or "precleared" employer systems enable governments to differentiate between employers who present higher and lower risks. The basic principle of such systems is that preapproved employers who have demonstrated their credentials as responsible corporate citizens across a reasonable number of criteria can be rewarded with simplified application procedures or similar benefits.

Firms might gain this status in various ways; for instance, by demonstrating that they consistently respect the rules of the immigration system, and that they provide excellent working conditions, ongoing training for their employees, and sector-leading wages commensurate with skill level and experience. Similarly, groups of employers who pool resources to create first-rate, sector-specific training programs for both immigrants and the native born could be rewarded in the immigration system with less-intrusive compliance checks, more automatic access to visas, or exemption from quotas in countries that rely on numerical limits.

VI. Building Institutions with Adaptation and Flexibility at their Core

There is no perfect immigration system. Migration flows and labor markets are dynamic, and effective immigration systems are capable of adapting with them. Good policy development also requires experimentation, the ability to monitor and evaluate whether policies have lived up to expectations, and a willingness to learn and change policies on the basis of solid evidence.

Governments can create an institutional bias toward adaptation and flexibility by developing research and policy analysis capacities to inform reviews and adjustments to the immigration system. In Australia and New Zealand, ongoing analysis takes place in research departments housed within government agencies, and both countries also engage outside researchers to conduct evaluations. In countries where immigration is politically divisive, an independent agency may be most appropriate for the task. The United Kingdom's Migration Advisory Committee, for example, is widely credited with raising the quality of the immigration dialogue, despite heated public debate on the issue. Other countries, such as Germany and the Netherlands, have formal advisory bodies for similar purposes, but also often rely in a more ad hoc manner on advice from governmental and nongovernmental bodies.

¹¹ New Zealand's International Migration, Settlement, and Employment Dynamics program, for example, is housed within the country's Department of Labor. For details about its research agenda, see Department of Labor, *About IMSED Research*, www.immigration.govt.nz/NR/rdonlyres/AE1038FF-7419-4B4D-A1F1-E6965B55F357/0/DOL1070510IMSEDAboutUs.pdf.

¹² A similar institution, the Standing Commission on Labor Markets, Economic Competitiveness, and Immigration, has been proposed in the United States. See Doris Meissner, Deborah W. Meyers, Demetrios G. Papademetriou, and Michael Fix, Immigration and America's Future: A New Chapter (Washington, DC: Migration Policy Institute, 2006), www.migrationpolicy.org/ITFIAF/finalreport.pdf; Demetrios G. Papademetriou, Doris Meissner, Marc R. Rosenblum, and Madeleine Sumption, Harnessing the Advantages of Immigration for a 21st Century Economy: A Standing Commission on Labor Markets, Economic Competiveness, and Immigration (Washington, DC: Migration Policy Institute, 2009), www.migrationpolicy.org/pubs/StandingCommission May09.pdf.



Systematic research and analysis promotes flexibility in two ways. First, it improves policymakers' understanding about how the immigration system actually works, the effects of *specific immigration policies* on the labor market and broader economy, and the projected impact of proposed reforms. A prerequisite for this research is appropriate data. These data can be collected from administrative sources (such as computerized systems for tracking employers' visa petitions or the immigration status of foreign workers), as well as from dedicated surveys that explore how entry criteria affect the types of immigrants who are selected, their labor-market experiences, and the integration of their families (detailed longitudinal surveys of this kind are conducted in Australia, Canada, and New Zealand).

Second, by bringing a powerful, evidence-based, rational voice to the debate, advisory bodies can help to generate the political will to review the immigration system *on a regular basis*, and they can do so based on the strength of thoughtful analysis, rather than on political calculation or sheer ideology alone. Countries with immigration systems that are widely recognized as successful laboratories of immigrant selection often use advisory reports or research findings to trigger appropriate adjustments to immigration numbers and selection formulas.

VII. A Strategic Approach to Immigrant Integration

A strategic, thoughtful approach to immigrant integration is an essential element of a smart immigration system. Some countries have recognized and accommodate this fact, making senior officials within immigration agencies responsible for integration. Others, such as Australia, Canada, the Netherlands, and Sweden, have established cabinet-level ministers who are responsible exclusively for immigration; most of them are also explicitly in charge of immigrant integration and citizenship. Yet others have given responsibility for immigrant integration to ministers or deputy ministers within government departments that are most relevant to the integration portfolio, such as labor or social affairs ministries. All of these countries recognize a simple but compelling truth: integration outcomes are a key measure of the success of any national immigration policy, and such outcomes can be tracked and used as a feedback mechanism for determining needed adjustments to immigration laws (see Section VI, above).

Some states invest substantial resources in immigrant integration. Austria, Germany, the Netherlands, Norway, and a number of other countries require — and provide — many hundreds of hours of language instruction, while Canada and many other European countries operate mentorship, career development, or workforce-training programs that aim to address immigrants' specific needs. Canada provides its provinces with funding to assist with integration programs based on the number of immigrants they receive, and the European Union has similarly begun to provide guidance and funds to Member States to support integration services. Austria and the Netherlands even require family unification immigrants to begin their preparation for linguistic integration *before they arrive*, although these rules have been controversial.

Immigrants and receiving communities benefit most when effective, readily accessible integration programs are implemented, when such programs adapt to changing circumstances, and when local policy experiments engage both employers and civil-society actors. In order to address the integration needs of immigrants and their families effectively, national governments should work closely with regions and localities to accurately assess the impacts of national migration policies on state and local systems such as education, health care, and social services, and to determine the smartest and most cost-effective interventions and a fair system for cost-sharing.



VIII. Regional and Local Engagement in the Admissions Process

Immigration flows, the demand for immigrant workers, and the impact of national-level immigration policies vary substantially between subnational jurisdictions. In many advanced industrialized countries, immigration is primarily an urban phenomenon, in part because immigrants tend to settle close to established networks of fellow nationals. However, employers in less densely populated areas often complain of acute difficulties finding workers, especially as populations age and young people move away to cities.¹³

Economic-stream immigration policy is almost always the preserve of national governments, however, and most immigration policies take little or no account of local needs. As a result, local or regional policymakers are typically unable to use immigration strategically as a tool for economic development. Indeed, the development corporations and similar bodies of subnational jurisdictions often develop well-considered blueprints for economic renewal, but are almost always short of the two forms of capital successful efforts require: adequate funds and sufficient numbers of the right kinds of workers.

Recognizing the divergent economic and demographic circumstances facing regions, states, and localities, some countries have acted smartly to incorporate these areas' needs into immigrant selection and admission processes. Provinces, states, and territories in Australia and Canada have won the right to "nominate" foreign workers willing and able to provide the skills they need in the locations where they are scarcest. (Indeed, Quebec essentially has its own immigration system.) In Australia, states sponsor foreign workers for a three-year provisional visa, after which they become eligible for a permanent visa that is valid throughout the country. Systems such as these can be designed flexibly to meet the receiving country's specific objectives, with responsibility for determining admission criteria shared between national and subnational authorities.

Other countries have also taken regional or local needs into account in a more limited manner. New Zealand, for example, awards additional points in its points system to workers settling outside of Auckland, the country's largest metropolitan area. And in the United Kingdom, a slightly different list of "shortage occupations" is drawn up for Scotland. While few countries possess subnational immigration programs as extensive as those in Australia and Canada, considerable potential remains for greater engagement with subnational jurisdictions in a wide range of countries, especially for those with wide variations in the economic and demographic circumstances of their regions or territories.

In the United States, for example, the unemployment rate in North Dakota was a mere 3.7 percent in February 2011, in stark contrast to the 8.8 percent rate nationwide. In Canada, provinces such as Manitoba and Saskatchewan have maintained unemployment of around 5 percent during the past year, while more than 8 percent (and even higher, in certain provinces) were unemployed nationwide. The rate of population growth and the aging of the workforce also differ substantially between subnational jurisdictions in both countries. See Bureau of Labor Statistics, "Civilian Labor Force and Unemployment Rate by State and Selected Area, Seasonally Adjusted," www.bls.gov/news.release/laus.t03.htm, accessed April 19, 2011; and Statistics Canada, "Labour force characteristics by province," www.statcan.gc.ca/daily-quotidien/110107/t110107a4-eng.htm, accessed May 20, 2011.

¹⁴ The United States admits small numbers of investors on the basis of their contribution towards job creation in targeted lowemployment areas, although these efforts are, for the most part, still in their infancy.

¹⁵ United Kingdom immigration policy facilitates immigration into certain occupations that are deemed to face a lack of suitably qualified workers.

Recent legislation in Utah provides an example of demand for greater subnational authority over the immigrant-admission process, something that several other states (such as Iowa and Minnesota) had also considered, if less formally, in the late 1990s. While no formal system for delegating admission decisions to US states currently exists, Utah's state legislature passed a law in March 2011 mandating the state to establish its own temporary worker program. The state of Utah is now seeking a waiver from the federal government that would allow it to do so.



IX. Conclusion

Governments wishing to create a more thoughtful and strategic approach to employment-based immigration have a range of policy levers at their disposal, and the catalog of good practices will only grow as new nations enter this dynamic policy field. The policies this memo has outlined can be considered complementary and mutually reinforcing, and effective strategies to boost foreign workers' contribution to economic growth rely on a broad range of these policies rather than a single one in isolation. Finally, as countries revisit and adjust their immigration systems to attract, select, and retain the workers they want, perhaps the most important lesson from the range of international practices outlined here is that successful economic-stream immigration systems are transparent and flexible, create predictable outcomes, and remain open to constant adaptation and experimentation.

For more research on US and EU immigration systems, please visit: www.migrationpolicy.org/immigrationsystems



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Institute, co-editor and author); *Immigration and the Labor Market: Theory, Evidence and Policy* (Equality and Human Rights Commission, co-author); *Migration and the Economic Downturn: What to Expect in the European Union* (Migration Policy Institute, co-author); and *Social Networks and Polish Immigration to the UK* (Institute for Public Policy Research).

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