

UNIVERSIDADE DE LISBOA
Instituto de Ciências Sociais



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Doutoramento em Migrações

Beyond the point: discriminatory practices in selective policies towards skilled migrants in
Canada and the United Kingdom

Laís Saleh-Hughes de Souza

Orientadora: Doutora Marta Rodrigues Vilar Rosales

Tese especialmente elaborada para obtenção do grau de Doutor em Ciência Política,
especialidade em Política Comparada.

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Abstract

This thesis aims to investigate the gender disparity in the outcomes of selective skilled migration policies in Canada and the United Kingdom between 2007 and 2017. The study will focus on identifying indirect discriminatory practices embedded within policy criteria, examining their intersection with gender, race, and class. This period was marked by the financial crisis and the increasing neoliberalisation of immigration policies. I employ a qualitative content analysis of the policy criteria in a historical, economic, social and political context to uncover these practices and their impact on gendered outcomes.

Keywords: skilled migration; discriminatory practices; gender; race; class.

Resumo

O presente trabalho foca na desigualdade entre homens e mulheres no acesso às políticas para seleção de imigrantes altamente qualificados no Canadá e Reino Unido entre os anos de 2007 e 2017. Os imigrantes altamente qualificados que entram no Canadá e Reino Unido através de políticas de seleção específicas tem uma desproporcional distribuição, com números consistentes e persistentes. Homens representam em torno de 70% dos imigrantes altamente qualificados e mulheres em torno de 30%. Apesar de variações anuais, as políticas de seleção por pontos tendem a selecionar uma maioria masculina em ambos os países. A desproporcionalidade no acesso à estas políticas é centro de um debate académico que busca entender os mecanismos de perpetuação desta desigualdade inscritos nos critérios de seleção para altamente qualificados. O período selecionado, com pano de fundo da crise financeira global, revela como estes dois países lidaram com as crescentes tensões anti-imigratórias e moldaram mudanças sucessivas nas políticas de seleção em uma busca incessante – e talvez inalcançável – do *imigrante ideal*.

A história da criação destas políticas remonta ao período do pós-segunda guerra mundial, com as mudanças normativas em torno das teorias de eugenia e da mobilização social contrária ao racismo de Estado com a força do movimento dos direitos civis e dos direitos humanos. Neste contexto, Canadá e Austrália criaram políticas que viriam a preencher o vazio deixado pelas antigas políticas discriminatórias que fundavam seu regime migratório no contexto da Commonwealth. Como colônias majoritariamente brancas do Império britânico, ambos países chegaram ao pós-segunda guerra com um

vasto arcabouço de políticas racistas. A mudança das políticas com base em qualificações trazia uma ruptura com o discurso de racismo científico e adicionava um verniz de meritocracia que apaziguava os temores em torno das consequências das mudanças. A diversidade, fonte de grande ansiedade nestes países que forjaram sua construção nacional com base em políticas discriminatórias, se tornava menos controversa quando associada à alta qualificação como estratégia de seleção de imigrantes.

Após décadas como particularidades do modelo canadiano e australiano, as políticas de seleção ganharam tração e popularidade com a mudança do perfil dos profissionais do mercado de trabalho no século XXI. A competitividade de setores ligados às novas tecnologias, fez com que os países se sentissem compelidos a atrair estes grupos para se manterem competitivos no mercado global. Havia também uma crescente tensão ao redor da imigração e uma maior hostilidade a imigrantes. Os imigrantes altamente qualificados, no entanto, sofriam menores retaliações da opinião pública e avanço das restrições políticas à imigração, o que os reforçava como modelo *ideal* de imigrante no discurso político. Um imigrante que contribui ao mercado de trabalho, não usufrui do mercado de bem-estar social nem é disruptivo para a vida social da comunidade imaginada das democracias liberais ocidentais.

O presente estudo foca em uma análise de conteúdo qualitativa para trazer uma contextualização histórica, política, económica e social das políticas compreendidas no período entre 2007 e 2017 para entendermos quais práticas discriminatórias estão inscritas nestes mecanismos de seleção que expliquem a disparidade de género em seu acesso. O Canadá fez mudanças consideráveis durante o período e alterou o rumo de políticas conhecidamente liberais para um modelo misto baseado em critérios neoliberais de seleção cada vez mais restridentes. Reino Unido, no entanto, desenhou suas políticas apenas após a virada do século para competir com outros países que possuem políticas de atração para um mercado global de competição de talentos. Ambos viveram a crise financeira saindo de pontos de partida muito distintos, porém viveram uma convergência ao modelo neoliberal de políticas de imigração que os aproximou durante o período.

A pergunta primária que guia este trabalho é: por que há uma desigualdade de género no acesso às políticas para imigrantes altamente qualificados? As perguntas secundárias, surgidas através de um mecanismo de indução através do diálogo com a literatura existente e a análise empírica dos dados, são: quais são os critérios destas políticas que poderiam explicar esta desigualdade de género? É possível observar igualdade objetiva e

subjetiva nas políticas para imigrantes altamente qualificados? Como estas políticas informaram a mudança normativa em políticas migratórias durante este período?

O passado colonial compartilhado marca a história destes dois países, mas o seu ponto de partida das políticas de seleção para os altamente qualificados é distinto. No entanto, a década entre 2007 e 2017 demonstra uma convergência de suas políticas para um modelo neoliberal que inscreve marcadores de sucesso de integração no mercado de trabalho como critérios de seleção para a admissão. Esta conexão entre políticas de integração e imigração abre as portas para políticas cada vez mais restritivas em que o imigrante *ideal* é constantemente reescrito e reinventado, alterando o objetivo de chegada do projeto migratório de homens e mulheres. As considerações de género, raça e classe são cruciais para entendermos os obstáculos diversos que diferentes grupos enfrentam e o porquê da marcada desigualdade de género ocasionada por estas políticas.

Através de uma análise meso-nível entre o Canadá e o Reino Unido, constrói-se uma teia de explicações para estas perguntas mobilizando uma perspectiva interdisciplinar. Com uma análise comparativa detalhada do contexto político, histórico, social e económico destes dois países, os principais argumentos desta tese emergem. Primeiro, estas políticas de seleção de imigrantes altamente qualificados são instrumentos para construção da alteridade entre os que estão dentro da narrativa do Estado nação e os que estão fora, ao mesmo tempo que serve para estratificação dos imigrantes em graus variados de desejabilidade. Segundo, as qualificações servem a este instrumento como um significante flutuante em que o conteúdo permanece opaco, maleável e ao mesmo tempo transmite signos claros de quem se insere dentro deste grupo privilegiado de imigrantes altamente qualificados. Terceiro, o conteúdo conferido às qualificações é alimentado através de uma conexão entre políticas de imigração e integração. Indicadores de mercado, de integração laboral, preditores de maiores níveis salariais, entre outros, são retirados como garantidores de uma potencial integração de sucesso e traduzidos em critérios de seleção para a entrada de novos imigrantes. Esta conexão imigração-integração opera dentro de uma lógica neoliberalizante das políticas de imigração, o que nos leva ao quarto argumento. As políticas de seleção para altamente qualificados servem ao propósito da ideologia neoliberal que transforma a imigração em uma questão económica e de saúde do Estado, tornando-as em instrumento de biopolítica do Estado nação.

A miríade de significados escondidos dentro de qualificações permite que estas políticas sejam um poderoso instrumento de legitimidade para políticas discriminatórias.

A partir do momento que as desigualdades encontradas no mercado de trabalho que se traduzem em índices economicizantes - como é o caso das faixas salariais já amplamente discutidas como um marcador de desigualdades entre homens, mulheres, nativos e imigrantes – transforma as políticas de admissão em uma seleção por quem está mais protegido destas discriminações – profissionais jovens, homens, de áreas específicas do mercado de trabalho, com marcadores de capital cultural e económico mais próximos às classes médias dos países de destino.

Este mecanismo reifica e justifica as discriminações enfrentadas por mulheres imigrantes como insucesso individual, não como forças estruturantes que são. Em contrapartida, o sujeito das políticas para altamente qualificados segue sendo aclamado como o sujeito imigrante ideal dentro deste modelo neoliberal e contra o qual os outros grupos são constantemente balizados. Esta dinâmica fortalece discursos anti-imigração e ataque aos imigrantes que não são vistos como benéficos para a sociedade e economia do país de destino. Por isso, entender como as qualificações e políticas de imigração podem ser instrumentos para o Estado nação em um período de grande hostilidade com a comunidade imigrante é também questionar a narrativa entre o bom e mau imigrante. É através deste olhar crítico, com uma perspectiva de raça, género e classe, que se pode desvencilhar das políticas de seleção para altamente qualificados seu verniz de meritocracia e neutralidade que vem servindo ao avanço da neoliberalização das políticas de imigração como um todo.

Palavras-chave: imigração altamente qualificada; práticas discriminatórias; género; raça; classe.

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List of Abbreviations

CEC – Canadian Experience Class
CIC – Canada Immigration and Citizenship
CoS – Certificate of Sponsorships
CRS – Comprehensive Ranking System
DTI - Department of Trade and Industry
ECHR – European Court of Human Rights
ECJ – European Court of Justice
EE – Express Entry
EEA – European Economic Area
FDM – Foreign Domestic Movement
FSTP – Federal Skilled Trades Program
FSWP – Federal Skilled Worker Program
GBA – Gender Based Analysis
GBA+ - Gender Based Analysis Plus
HSMP - Highly Skilled Migrant Program
ICTs - Intra-Company Transfers
IRCC – Immigration, Refugees and Citizenship Canada
IRPA – Immigration and Refugee Protection Act
IT – Information Technology
ITA – Invitation to Apply
LCP – Live-in Caregiver Program
LMBP – Labour Market Benefits Plan
LMIA – Labour Market Impact Assessment
MAC - Migrant Advisory Committee
MI – Ministerial Instructions
MPs – Members of Parliament
NVQ Level 3 – National Vocational Qualification Level 3
OECD - Organization for Economic Co-operation and Development
OHRC – Ontario Human Rights Commission
PBS - Points-Based System Program
PES – Policy Equality Statement
PNP – Provincial Nominee Program

RLMT – Resident Labour Market Test

SOL – Shortage Occupation List

SOPEMI – Continuous Reporting System on Migration (Known under its French acronym SOPEMI, from Système d'observation permanente des migrations)

UK – The United Kingdom

UKIP – The UK Independence Party

Introduction

Immigration policies are a divisive, heated and contentious topic. Selective policies towards skilled migrants are perhaps the last realm of consensus. They are perceived and justified as beneficial to competitive economies scrambling for international workers in certain areas of the labour market. Once an oddity of the peculiar immigration regimes of Australia and Canada, they are now hailed as a relevant strategy to target skilled individuals. These policies are designed to address shortages in countries that are ageing rapidly, but are also seen as part of a global competition between states for certain occupations that are deemed vital for knowledge societies (Maniglio, 2023). Western countries in the transition to post-industrialised knowledge-based economies are leading this global trend, with two-thirds of OECD nations having implemented or being in the process of implementing selective policies (Czaikas and Parsons, 2017).

There is a systemic competition between immigration regimes for those deemed ‘best and brightest’, and a premium was placed on that category. In order to attract skilled migrants, immigration packages included privileged routes to settlement, tax rebates or exemptions, routes to family reunification and more (Papademetriou et. al. 2008). These are designed to reward migrants who can go through the hoops of selective policies and justify the selective criterion behind them. They are drivers of migrant stratification and further separate this category from the overall migrant community.

Migrants coming through these channels are predominantly young, male professionals in areas of the labour market that are strongly segmented (Boucher, 2016; Kofman, 2014), thus, leading us to the core interrogation of the present study: why is there a gender imbalance in selective policies towards skilled migrants? There are reasons for concern over gender-based obstacles in accessing policies towards skilled migrants. I have decided to look at Canada and the United Kingdom for a comparative analysis of these policies to further understand the reasons behind this persistent inequality of policy outcomes.

To do so, I have also focused on secondary questions: What are the policy criteria that could explain these imbalances? Is it possible to observe objective and subjective equality in policy making? How did selective policies inform the normative shift in immigration policies in this period? I chose the period between 2007 and 2017 to understand how these policies responded to a frame of economic instability and unease. It is expected that immigration policies become more restrictive during periods of crisis

(Massey et al, 2008; De Haas et al, 2019), but selective policies seem not to have responded that way. The competitive global market for skills has turned them into a shielded category with countries that have continuously invested in attracting and selecting skilled migrants, particularly in an economic crisis context.

If these policies are presented as the benchmark for migrants and a symbol of desirability, what does that imply for those unable to access them? While this is not a primary research question, it underscores the importance of examining majoritised spaces when exploring discriminatory practices. Understanding the power dynamics that sustain and are reinforced by these policies is crucial for discussing equality—or the lack thereof—in immigration policies. The reduction of equality as equality before the law and the very own stripping down of rights has sanitised discriminatory practices in immigration policies. The isonomia and neoliberal anti-discriminatory discourse has left room for a normalisation of market-oriented criteria for immigrant selection. Skills are now a hefty and opaque concept, a floating signifier. Skills are a context-specific concept, malleable enough to denote a certain type of economic migrant without resorting to the axis of differentiation often linked to discriminatory practices.

They become a powerful selective tool informed by human capital and relying on intricate calculations of life and the administration of bodies in a realm where the power of the state over immigration issues is discretionary. It is a modern response to the desire to see oneself as a self-sufficient entrepreneur where performance, competence and potential are measured through market indicators. Human capital theory runs up against a global reality of deeply entrenched gender and racial inequalities in the labour market and bears the question of whether these inequalities are differences in productivity or discrimination (Boucher, 2016). Wages are seen as the strongest correlation to skills and become proxies for that in selective policies (Boucher, 2020), inscribing class at the centre of these policies and as the main selection criteria.

While gender and race can no longer be presented in any objective way in selective policies, class becomes an important part of immigrant self-selection when attracting those who can both meet the expensive commitments that come with applying for those visas and can access higher earnings. Looking at these policies as gendered, racialised and classist might seem counterintuitive since they are often portrayed as neutral, fair, transparent and meritocratic. They are the product of an anti-discrimination normative shift in the sixties, with the rise of civil rights movements and human rights as guiding concepts in international law (Triandafyllidou et al, 2016). Yet, they carry their past into

the present and now have the potential to shape other immigration policies through a spillover effect.

The primary research question, ignited by the scholarship debate on female skilled migration, has left me wondering why there is a gender imbalance in these policy outcomes. The number of male primary applicants, in both Canada and the United Kingdom, during 2007-2017 was kept at disproportionately high levels. They fluctuate around two thirds of all applicants¹. The numerous policy changes that are assessed during that period have not altered this imbalance. Canada made constant changes during that decade, including a total reshuffle of their policies towards skilled migrants. The United Kingdom implemented their first selective policies and continuously altered them during a turbulent period that culminated in Brexit. Although Canada had a long history with selective policies and the United Kingdom had just started implementing this, there seemed to be a convergence in their criteria fuelled by a neoliberal human capital approach.

Both countries' immigration regimes are part of what Boucher and Gest (2018) defined as neoliberal regimes, as they represent countries with a large immigrant population, a vast set of state control practices in immigration, and have market-inspired practices that guide their policies. Their focus is on labour migration, reflecting their role in the global market as desirable destinations with strong economies and diverse societies, with an adherence to non-discriminatory jurisprudence (Boucher and Gest, 2018: 142). It is a particular model that allows governments to apply neoliberalism at the highest level, economicising their criteria to hand-pick their desired type of migrant. Hence, the urgency to tackle both the selection tools and the criteria behind these policies. Here, 'criteria' refers to the specific requirements outlined in each migration policy to select migrants, including factors like salary level, language fluency, and occupation. 'Selection tools', however, is a broader term encompassing other mechanisms that indirectly influence immigrant selection or encourage self-selection. These tools include high visa application fees, complex bureaucratic processes, and other administrative barriers that serve as obstacles in a deliberate manner to shape migration outcomes (Chaloff & Lemaitre, 2009).

¹ I discuss these numbers with more detail in Chapters 3 and 4, but for UK data I used the SOPEMI and MAC reports, and for Canada data I used the Annual Reports to Parliament and Fact Sheets series.

In dialogue with the scholarship debate, I have selected criteria to scrutinise their relevance as either opportunities or obstacles to women and racialised migrants in an increasingly class-oriented policy. This approach also takes into consideration the life course as a social-structurally embedded sequence of age-related events that are part of one's societal participation (Wingers et al, 2011:5-6; Moen, 1996). It is to say that, not only will policy criteria around age be taken into consideration, but also labour market trajectories through a gender perspective, be it due to childcaring, child-rearing, other caring responsibilities or the gender pay gap and delay that women face accessing higher earnings and positions (Boyle & Halfacree, 1999). This has left me with a comprehensive list of criteria to address in my analysis².

The global race for talent has brought these selective policies to the fore of immigration regime, with significant implication for what is understood as skilled work, markers of labour market integration, rights of stay and citizenship, as well as gendered household dynamics. Opportunities behind such policies may be fair from a formal point of view of isonomia but are not equal in terms of substantive equality and the gender imbalance is a consequence of that (Boucher, 2016). For substantive equality to be addressed beyond what is written in these policies, an analysis of the criteria used in them must acknowledge differences in the migratory projects of women and men. The differences in power relations are also relevant for skilled migration, with skills not being a transferable asset that is easily transferred from one country to the other. The centre of knowledge production is kept within the richest Western liberal countries, creating different opportunities for different diplomas (Triadafilopoulos, 2013). Also, bureaucratic obstacles vary around the globe, and even the mere access to a consulate or embassy to apply for visas is a deterrent mechanism for many immigrants in poorer nations or rural areas.

This thesis, therefore, focuses on a context-dependent analysis that considers historical, sociological, political, and economic factors when examining policies at a meso-level. Employing a qualitative content analysis, it traces the evolution of policy in two countries that share a common past but currently have notably different political contexts regarding immigration. However, these differences become less pronounced when addressing skilled migrants, highlighting the convergence between the two nations

² See table 'Grid entry example' in chapter 4 for an example of its methodology or Annex A for the grid that I built as a tool to guide this content analysis.

in this area and illustrating the broadly accepted nature of these policies. When these policies are perceived solely as fair, ethical, and neutral, we risk overlooking how effectively they serve national interests in a moment of growing hostility towards immigration. These policies become benchmarks for desirable economic migration, against which other categories are measured and compared.

In this analysis, I draw on historical-structural theories and Foucauldian perspectives to explore neoliberalism and its impact on immigration policies. The historical-structural approach is instrumental for the macro and meso-level analysis conducted here, examining governmental shifts and immigration policies that reflect increasing neoliberal tendencies in nations with shared colonial histories. A Foucauldian framework, on the other hand, offers insight into how the stratification of migrants' desirability is shaped by the biopolitics of race, gender, and class. Reflecting on the financial crisis as a catalyst for transformations in immigration regimes, I aim to expand the discussion on neoliberalism beyond the typical focus on precarious, low-skilled economic migrants, often highlighted by neo-Marxist scholars. Instead, I shift the lens toward those occupying privileged positions upheld by the status quo, to reveal what changes in policies toward skilled migrants indicate about the shifting valuation of migrants in an increasingly neoliberal, market-driven society in Western democracies (Meyers, 2000). In this society, the inequalities created by a segmented labour market are not only deemed acceptable but are employed as a strategic tool by neoliberal states to attract talent in a globally competitive environment.

Through a comparative meso-level analysis of selective policies in Canada and the United Kingdom, I aim to draw potential links between the criteria established by policies for skilled migrants and their connection to discriminatory practices. Both countries share a historical trajectory of colonisation, making them more culturally, historically, and ethnically White and the selective policies they created inherits a lot of the rationale behind it (Hawkins, 1991; Carangio et al, 2012). This case-oriented research focuses on two cases that exhibit relatively minor differences concerning the outcome being analysed (Ragin, 2004)—namely, the presence of policies targeting skilled migrants.

Despite clear contrasts in how these nations present their immigration policies—with Canada promoting an image of openness and inclusivity, and the UK emphasising restrictive, selective policies to address a more hostile environment toward immigration—the broader trends are remarkably similar. The commonalities among Global North countries, especially those rooted in Anglo-Saxon traditions, are deeply

influenced by shared cultural and historical legacies. Neoliberal mechanisms that prioritise competitiveness align well with these nations' dynamics, serving their interests in global power structures and supporting their pursuit of the "best and brightest" talent.

I have organised this work in five chapters. Chapter 1 - Selective policies, discriminatory practices and its scholarship debate, situates the literature review that I have used in an intense back and forth dialogue to build the tools needed for the qualitative content analysis that is the core exercise of this study. From an interdisciplinary approach that derives from the understanding that the political analysis of immigration policies cannot be grasped through disciplinary parochialism. I subscribe to historical-structural theories and Foucauldian analysis of neoliberalism, but not to discipline borders. Hence, the theoretical ground for this work in this chapter is anchored in a scholarship debate across the social sciences.

Chapter 2 - Methodology - discusses how I have operationalised these concepts from a broad range of disciplines into a tool for a qualitative content analysis in a way that is both comparable and replicable in further studies. I examined policies from 2007 to 2017, after first contextualising the existing legal frameworks before the financial crisis. For each policy, I documented the publication date, title, prime minister and relevant ministry (where applicable), along with criteria I deemed crucial for my analysis. These criteria included: definition of skills; age considerations; educational level; work experience; salary thresholds; whether policies were demand-driven, supply-driven, or other; need for a sponsor; freedom to change employers; occupational sector; language proficiency requirements; quotas; pathways to settlement; and rights to family reunification upon entry. Specific observations and unique criteria were assessed on a case-by-case basis.

Chapter 3 - Selective policies in Canada - discusses the trajectory of selective policies in Canada, one of the first countries to implement these policies as a normative shift from previous racist policies that organised the country's immigration regime. It had an established legislative body in the 2000s with a much more prominent liberal and humanitarian aspect to it. It has recurrently defined itself by its compassion and anti-discriminatory practices as a way of virtue signalling away from its neighbouring country, the United States. Yet, it has not been completely removed from the anti-immigration rhetoric of the day. Neither has it managed to overcome the gender imbalance of selective policies, even though it has tried to institutionalise a gender mainstreaming approach to immigration policies. As I examined the policy changes during the 2007-2017 decade, I could see a convergence to restrictive policies based on a growing tension between skilled

migration on one side and familial and humanitarian migration on the other. Thus, the chapter analysis the changes in this period and its move towards more restrictiveness under a neoliberal human capital approach.

Chapter 4 - Selective policies in the United Kingdom - discusses the country's trajectory to selective policies. Unlike Canada, the former coloniser did not turn to these policies during the post-war period. It was a moment where the reshaping of immigration policies also meant a rupture with what it meant to be British, as immigration from the Commonwealth clashed with racist understandings around national membership and ended up in a rupture with Commonwealth nations. It was only in the 2000s under Tony Blair's premiership that the country developed selective policies as a matter of global labour market competition. Britain was interested in 'high-net worth' migrants, bringing class to the foreground of selective policies. The discourse around skilled migrants' desirability and their role as mileposts for other immigrants was used as a powerful discourse to part ways with the European Union, and Brexit is one of the clearest examples of how far the selective policies have been used to alter immigration regimes in a spill-over effect.

Chapter 5 - Conclusions and future directions - presents the four main arguments that emerged from this thesis. The first argument revolves around the Othering mechanisms these policies have set in place (Van Houtom & Naerseen, 2002). By placing a premium upon a specific type of economic migrant under the opaque concept of 'skills', they have become the benchmarks for desirability. In contrast, family migrants and asylum seekers are described as a threat to the economic and societal health of Western nations. Second, the concept of skills is used for this purpose due to its malleability and opaqueness whose meaning can have a different content depending on the context and criteria used by each policy. Skills are a floating signifier to a specific type of migrant, a 'problem-free' migrant that only adds and takes nothing from the host society.

The neoliberal human capital approach to skills has made room for a myriad of conceptualisations and criteria to be used, making the mere definition of skills highly context-dependent and fleeting in a context of constant tweaks to fine tune policies that select the best and brightest'. Conversely, the third argument explores how the market-driven economic orientation of immigration policies interacts in a feedback loop with integration policies. Nation states are increasingly trying to address concerns of immigrant integration through changes in immigration policies. These changes usually revolve around matters of language, habitus, and labour market integration, criteria that

are deeply entrenched in selective policies. They are the route for this enmeshment of these two sets of policies through an immigration-integration nexus that overlooks inequalities and places the burden of integration solely on the migrant individual.

The fourth argument posits that selective policies act as a powerful channel for the neoliberalisation of immigration policies through a spillover effect. Neoliberal immigration policies mark a convergence point between Canada and the United Kingdom, where privilege is extended to a select few. The connection between market-driven variables and immigration policies operates with relative autonomy from international human rights commitments. The concept of “skills” functions as a flexible, symbolic marker of “worthiness,” serving this purpose amid rising anti-immigration sentiment. This framing indeed allows anti-immigration rhetoric to appear fair and meritocratic, concealing its underlying discriminatory aims. Not only does it justify the premium access to rights granted to this group - which is constantly narrowly defined - but they also erode the access to these rights to groups at the margins that are, in contrast, not positively portrayed.

Chapter 1 - Selective policies, discriminatory practices and its scholarship debate

Immigrants are now a heavily charged category, capable of mobilising governments and the public opinion with quite visceral emotions. The *Otherness* they invoke is at best tricky to navigate, setting in motion a process of distinguishing insiders and outsiders. It both dehumanises poorer migrants and places a premium on the neoliberal agent of knowledge societies embodied in the skilled migrant, linking these two archetypes of the undesired and desired migrant³. The hierarchies enabled through this process of Othering migrants through stereotypes, grand nativist narratives, and meritocracy allows for a non-uniform figure of the immigrant. Alongside a scale of Otherness, there is a scale of worthiness. Yet, there are dwindling positive associations across all categories as the fearmongering around migrants that has been built on the backdrop of 9/11, the economic crisis and the succeeding waves of conflict and refugees from the last few decades, has settled into the mainstream debate across partisan lines. Migration is the joker of globalisation, a subterranean circuit connecting the crisis of one part of the global system with growth rates and living standards of the other (Hall, 2020: 402).

Yet, not all migrants are created equal. Selective policies have been spreading for the last few decades, and an increasing number of countries are currently in the process of redesigning their immigration systems to implement skill-selecting policy instruments. Half of the 172 UN Member States declared an explicit interest in raising the share of skilled migration either by attracting or retaining talent (Czaika et al, 2018:1). Skilled migration has risen as the desirable solution for Western liberal democracies as they compete against each other for global talent.

This research is both benefited and constrained by its post-disciplinary approach, which derives from the understanding that the political analysis of immigration policies cannot be grasped through disciplinary parochialism. Anchored in a political analysis focused on the process, historically constructed and context-dependent, the role of the state and the emphasis here denote a tendency to a more structuralist - and perhaps no

³ The Other has been a disputed and disrupted category for the 20th century, marking a range of social sciences. Here, I am discussing it broadly in terms of the political process of marking in-and-out membership between communities or groups of people and the power mechanisms at play. In this process, the Other is constructed as 'less than'. Nationality, sex and class will be the Othering mechanisms discussed further in this chapter. For more on the discussion of Otherness and Othering, see: Bhabha (2013); Brons (2015); Dervin & Dervin (2015); AbdulMagied (2020).

longer fashionable - approach to the field of migration studies. Looking at a superficially diverse set of variables inscribed in selective policies, I argue that they construct an organising structure that ascribes value and power to certain categories of migrants in lieu of others. The structure is not static, the laws which govern it make it not only structured, but structuring (Hawkes, 2003) and that is the core of my analysis here. Conversely, informed by transformative research inclinations, and guided by ontological questions of what ought to be in immigration policies, an influx of critical and marginal scholars are also present. In this chapter, I aim to present these references in dialogue rather than within their disciplinary boundaries.

I will briefly discuss how controlling or attempting to control immigration has evolved into increasingly sophisticated strategies. To do so, it is important to first differentiate between policies of immigration and integration to explain the set of policies that are going to be the core of my analysis. I turn then to dialogue with the debate on selective policies based on skills as a strategy in liberal democracies that are competing for a rather specific slice of the global talent. A slice that is preferably (young) male, English speaking, and middle class or higher. Skills and skilled migration have become a proxy for a mainstream of migrants from rather segmented labour occupations. Drawing from a burgeoning body of research on skills, inequalities and discriminatory practices, I would like to discuss the concepts behind my argument for skills as a floating signifier of race, gender and class.

1.1 The role of the state

Nation-states are places of sociological and political borders that enclose a certain territory, norms, customs, and languages. A sovereign nation-state, and I will turn to the importance of sovereignty shortly, is enclosed in a particular concept of nationhood. The nation-state has been party to the creation of migration, and colonisation is perhaps the most obvious example. Conversely, it has also been interested in restricting it to its interests. The increasing unease of Western liberal democracies around the matters of migration are a product of the fabricated tension between Otherness and a threat to their social and political forms. One of the fundamental challenges of regulating migration in liberal democracies is how to deal with foreign workers who, as commodities, are subject to the full force of market relations, but as individuals are entitled to certain protections by virtue of their humanity (Hollifield, 1999:205). The borders that preoccupy the nation state enclose a particular section of the world population. Human rights, however, are

universal and no comprehensive political theory - or practice - is posited on the relationship of the individual and the state through international human rights codes (Jacobson, 1995:76). Hence the convoluted debate around which rights are to be granted to migrants or not and the right of entry is at the core of this discussion of nationalism today.

Nations can be conceptualised as imagined communities, as proposed by Benedict Anderson (1983), and they are distinguished by the style in which they are imagined. They are imagined as limited, sovereign and as a community. Limited as they assent on the idea of borders, even if elastic or disputed, there are always borders beyond which lie other nations. Sovereign as that was the concept that ruptured with the divine and religious legitimacy of previous political organisations. As a community, because regardless of the exploitation and inequality, there is the construct of a deep sense of horizontal comradeship between its members. Migrants and migration have been both the product and the maker of the increasing complexity of the Nation-state. Yet, the modern economy of migration, grounded in race and imperialism, was also fundamental to the creation of a geopolitical space dominated by the Nation-state (Mongia, 1999:528). It is precisely raced migration that creates a state monopoly over migration practices and gives us the modern imbrication of the state, the nation, and produces race as a national attribute codified in new mechanisms, such as the passport, and blurred behind the lines of nationality.

A lot has been written on the gap between political objectives and outcomes when it comes to migratory flows, with an emphasis on the lack of control by the State. That is because sovereignty, the final control over a bounded territory and populace, as a legacy of absolutism, makes territory, rather than persons, the basic reference point of rule (Joppke, 1999:5). This implies control over access to and stay within the territory and has evolved into the complexities of politics of immigration. Politics of immigration are here defined as a government's statements of what it intends to do regarding the selection, admission, settlement and deportation of foreign citizens residing in the country (Bjerre et al, 2015:559). Thus, they group laws, regulations, decisions or orders that relate to the entry, settlement and exclusion of migrants. They are constructed for and by the notion of sovereignty and external borders, but not only. Citizenship is also a powerful instrument of closure within states and elucidates the internal borders of who is to be considered citizen and who is to be considered alien (Brubaker, 2009). Policies of integration are, then, here defined as the product of concerns over citizenship matters and

assimilation of migrants once they have entered the nation-state. It usually revolves around matters of language, habitus, and labour market integration. Again, through laws, regulations, decisions or orders, but also in more nuanced and opaque ways, integration is a goal for both States and migrants that is vividly lived through the migratory experience.

Matters of integration in neoliberal states have been understood through different lenses throughout history, here I would like to discuss two influential ways in which integration has been translated into politics: acculturation and multiculturalism. Integration as acculturation is a product of the early 20th century, as a response to the concerns around immigration at the height of discriminatory understandings, social Darwinism and eugenics. Settler societies had a challenge in this context of extreme racism: how to make sure the migrants arriving are rapidly *acculturated* to the host society and stripped out of their too-much otherness.

Similarly, the United States' focus on Americanisation had a top-down approach, where courses were offered to migrants to guarantee a degree of 'Americanisation' (Brettel, 2018). Canada had a legislative body still enmeshed with Britain at the time, trying to address racist concerns in a concerted effort (Hawkins, 1991). As the post-war period normative change moves away from discriminatory practices, integration in Western liberal societies transforms into multiculturalism. A burgeoning scholarly debate around multiculturalism sets the tone for both countries studied here. Multiculturalism is both defined and campaigned for liberals and non-liberals. Liberal multiculturalists tend to view respect for cultural groups in instrumental terms, as respecting them helps secure the liberal goal of individual autonomy for social cohesion; while non-liberal multiculturalists see intrinsic value in cultures, and argue that they should be respected a priori (Spinner-Halev, 2006).

Multiculturalism finds in Canada a nation ready to translate its idea of a mosaic in a hyphenated society, where different nationalities are neatly assembled next to -Canadian. Anchored in a mixture of liberal and non-liberal arguments, Canada's multiculturalism is rapidly embodied in the Trudeau premiership in the 1970s, with a strong governmental program furthering multiculturalism (Wong & Guo, 2015). For Britain, multiculturalism came at a time where the Empire was being dismantled and new understandings of citizenship that were not anchored in racist understandings were needed. A multicultural concept of citizenship was the liberal strategy for the country to deal with this normative shift post-Second World War (Schain, 2008).

The strong positive approach to multiculturalism marked this era and the emphases on assimilation in Canada and exclusive membership in Britain were abandoned as things of the past. An extremely disturbing and racist past that required a profound policy shift, which had different degrees of success. Today, integration is undoubtedly linked to multiculturalism but not solely understood in those terms. Multiculturalism has been panned as a failed response after it did not create the rosy society free of tensions that one had hoped. In fact, it has been under sustained fire⁴ and the end of multiculturalism has been pronounced and decried multiple times. The end of multiculturalism as a guiding principle is, in fact, one of the arguments behind the end of the settler states (Dauvergne, 2018). The ideological function and much of its political heft has been lost, and integration policies today are increasingly informed by market-model ideals.

Both policies of immigration and integration are at times entangled, as governments try to address concerns over one with the other. Immigrant integration also alludes to the main elements of the imagination of society, as Willem Schinkel (2017) argues, as it brings upon this duality between a society as a whole, defined from within itself, and the foreign body of the alien, the immigrant, an outsider. Politics from both left and right are in a pursuit of integration for the overcoming of cultural, ethnic and religious divisions, reproducing a prescriptive account of society as a kind of container of social life in a continuous work of boundary maintenance and of the sorting out of belonging (Schinkel, 2017:5). I find it important to differentiate between belonging and the politics of belonging (Yuval-Davis, 2011; Yuval-Davis et al, 2019). Belonging tends to be naturalised and relates to emotional attachment, feeling at ease, and safe. Politics of belonging comprises specific political projects aimed at constructing a sense of belonging to a certain collectivity, and it is here that politics of integration are positioned.

States and their borderings, from within and for the outside, are in a reshuffling of the sovereignty paradigm as they need to be viewed as effective regulators in the global economy at the same time. Migration is often coupled with globalisation as the main challenges contending the Nation-state today. One that is out of State's control. Migration is one of the unwanted secondary effects of globalisation, where everything moves, but people and labour are supposed to either stay put or move in a regulated way. Nation-states have both driven globalisation, adapted to it and are being disintegrated by its ramifications. Nation-state sovereignty as a fiction should have the following features:

⁴ For a concise discussion on the critics of multiculturalism, see Spinner-Halev (2008).

supremacy, perpetuity over time, decisionism, absoluteness and completeness, non-transferability, and specified jurisdiction as territoriality (Brown, 2010:22). However, it has been undercut by neoliberalism which recognizes no sovereign apart from the market, which displaces legal and political principles (especially liberal commitments to universal inclusion, equality, liberty, and the rule of law) with market criteria, and which demotes the political sovereign to managerial status (Idem).

The role of the state in its demotion to managerial status is quite predominant when it comes to migration and is where this gap between policy outputs and outcomes lies. The liberal paradox represented by the immigrant in Hollifield's (1999) analysis is now more acutely represented by the neoliberal paradox. How can the state deal with the commodity that a migrant represents to the labour market and still protect the universality of civil rights? The answer seems to have been a convergence towards restrictiveness and stratification where neoliberal markers are used for evaluating the immigrant's contribution both in material and symbolic ways. Neoliberal immigration policies are hailed as a goal across the party divide, it is not constrained by party lines or the traditional left or right politics. The competition that once had been expected to emerge organically from markets is turned to something that states can design, legislate and plan.

The impact of neoliberalism in immigration policies could not be understated. The economic crisis made it clearer, but it was a shift that had been in the making. As with other concepts discussed in this dissertation, neoliberalism is often used to describe different political and economic contexts (Davies, 2014; Saad-Filho and Johnston, 2005). Here, it is used to describe the turn from Keynesian macroeconomics and of Fordist production that happened in the 1970s and 1980s and that turned towards what became known as neoliberalism. Neoliberalism is associated with a bundle of policies privatising public ownership and services, reducing the social state, deregulating capital and producing a tax-and-tariff environment amicable to foreign investment (Brown, 2019: 17-18).

The decline in investment opportunities following the crisis of Fordism-Keynesianism created this new paradigm, where the neoliberal state looked for non-productive paths to private profits, in households, the public sector and financial sector (Davies, 2014:314). This has translated into policies that target inflation through deflationary practices, monetarist policies, targets trade union power through legislation, and adds greater emphasis on privatisation of the public sector. Thus, protecting and maximising return to capital, but also with lower returns to labour. If one looks at

neoliberalism only as its economic and policy effects, the consequences are limited to economic factors and that is not the objective of this thesis. As a shift that has incited tremendous ambivalence towards migrants, and even mobilised hatred towards the Otherness embodied in the migrant, neoliberalism is ubiquitous and far-reaching. Its presence cannot be solely explained as an economical process, neoliberalism leaves nothing behind and has inflected law, political culture, and political subjectivity (Brown, 2019).

The neoliberal state is an unstable and contradictory political form that translates into an ever-growing tension around immigration, where the erosion of modern institutions makes room for anomy (Durkheim, 1897). This instability unfolds from the conflict between modern state institutions and structures that are at odds with neoliberal policies. The tensions are not only economic, although this is what tends to prevail in the political discourse. They are societal, the borders from within are perhaps the most reactive to immigration. Under the guise of economic woes and worries lies the uneasiness around the migrant as the embodied Other, differentiated through language, race, religion, class and gendered norms, to name a few. The mean-spirited policies of today so readily justify the State's shortcomings through rising levels of immigration, from housing crisis to lower wages, there is a strong adherence to the idea that these failings could be solved through tough borders and an isolationist approach.

In unstable times, states have turned to different strategies to address concerns over immigration at the same they tried to appease a demand for immigrant workers in various sectors of the labour force, presented here as the neoliberal paradox. To do so, selective policies and regulation became an important strategy in order to stratify and reorganise immigrants in different hierarchies. This shift from lesser skilled migrants to skilled migrants was not coincidental, it happened as countries tried to maximise their gains also through immigration and then tried to be players in a market of skilled migrants through different immigration policies

1.2 Competing for skills and the neoliberalisation of immigration policies

Policies towards skilled migrants are, I argue, the route for the neoliberalisation of this immigration-integration nexus and how it was refined to the point of creating a spillover effect in other categories. States are, then, working much like recruitment companies trying to attract and select skilled immigrants for certain areas of the labour market that are deemed to be in shortage or strategic to economic growth. This is not an oddity, rather

the consequence of an all-encompassing movement of economicisation of politics through neoliberalism. To understand how neoliberalism engulfed politics and what emerged from it, I would like to briefly talk about what neoliberalism means and what its relationship is with the emergence of selective policies. The structuring effect policies towards skilled migrants have had is vast, but here I would like to point out two crucial consequences. First, it adheres to stratifying notions that rely on othering migrants through a discourse of market needs and national interest. Second, it secludes access to rights, particularly settlement and citizenship rights, at the same time it reinforces the notion that curtailing rights for other categories is necessary not only for the economy, but for social cohesion in the name of preventing too much Otherness.

Neoliberalism is the pursuit of disenchantment of politics by economics, which involves a deconstruction of the language of the 'common good' or the 'public' as a potentially dangerous metaphysical mysticism (Davies, 2014:19). It is the elevation of market-based principles and techniques of evaluation to the level of state-endorsed norms (Davies, 2013:37) and what is distinctive about it as a mode of thought and government is the desire to invert the relationship between technical rationality and substantive ethos (Davies, 2014:21). This technocratic turn moves away from liberalism as a moral or political philosophy through a rendering of economy, society and state as variables that can be quantified and, in doing so, diluting powerful presuppositions of what is valued. The metaphysics of neoliberalism turn into a scattered show of numbers, calculations, and mechanics as its antithesis towards normative and political discourse.

The neoliberal state is an utilitarian state, as it tries to make all political, legal and public action subject to quantitative empirical evaluation, applying market-model economics to political decision making. Thus, maximising gains through immigration regimes emerges as a sought-out strategy of nation-states. Competitiveness turns into a state-sport with politicians and leaders defending economic inequalities as rules of the game, and talent or skills are seen as in-demand and with a short supply. The race for talent could not be understood outside the prism of neoliberal competitiveness and neoclassical economics. Neoclassical economics and Push-Pull theory assume that the migrant is a rational individual who calculates the costs and advantages associated with movement across borders. Thus, international migration is comprehended in terms of attraction and repulsion (Pires, 2003). These post-industrial societies are seen to be in a 'global race for talent' (Boeri et al, 2012; Boucher, 2016), and they have actively tried to

attract skilled migrants through push-pull factors. These countries have strong pull factors due to their rich economies and demand for foreign labour.

Although neoclassical theories have been under a lot of criticism for some deterministic models of human behaviour (Skeldon, 1990; Castles et al, 1994), the understanding of migrants as a rational actor reverberates in most of the mainstream debate over policies of skilled migration. These policies are seen as ‘pull factors’ in itself, being driving forces of skilled migration and seen as competing for the ‘best and brightest’ across the globe. Hence the focus on rigorous selection processes that in turn would guarantee the right level of skills for specific areas of the labour market. Policies of immigration are, through this rationale, a result of economic considerations, often in consideration with foreign policy and institutional constraints. More recently, the securitisation of the debate due to the ongoing conflicts and the migratory movements resulting from them have also been an important discussion in the making of policies of immigration (Anthias and Pajnik, 2014; Geddes, 2016).

Push-pull models try to identify economic, environmental and demographic factors that are likely to push people from places of origin and pull them into receiving countries, where ‘pull factors’ normally include demand for labour, availability of land, and economic opportunities. On a micro-level, neoclassical theories focus on individual rational actors’ decision-making processes based on a cost-benefit calculation, moving to a destination that is supposedly going to provide a positive net return, especially in the form of higher wages (Borjas, 1989). Rational actors would then respond to macro-level constraints with a decision-making process that would try to guarantee the best result for their ‘investment’ in a migratory process. These models place great emphasis on agency and also in immigrant self-selection, which analysis the relationship between income maximisation and migration to wealthier countries (Borjas, 1989; Grogger & Hanson, 2011). Push-pull models and neoclassical theory’s central argument concentrates on wages, understanding migration as being driven by different returns to labour across markets (Kurekova, 2011:5).

Both politicians and scholars tend to discuss skilled migration through a neoclassical lens, where migrants’ motivations to move and ways to integrate in the labour market and society at large are seen as results of a complex interplay of push-pull factors. Neoclassical theories are important discursive forces for governments, as they try to control immigration primarily through policies that affect expected earnings. In the case of skilled migrants, policies are designed to improve opportunities of a selected group to

maximise their earnings and obtain an improved set of rights when comparing other forms of entry. The discourse around skilled migration and the way policies have been designed are informed by these economical understandings around migration.

Structuralist approaches are also widely used when discussing skilled migration and inform a lot of public discussion around them, yet they focus on the role of the capitalist functioning of the global order to explain migration. Coming from Marxist and neo-Marxist theories, immigration policies are seen as an outcome of economic competition, comprehending how economic factors and a class-based political process shape policy (Meyers, 2000). Migration is seen as a part of capitalist development and of the international division of labour, being a structural part of capitalism itself, which encourage movement from countries of uneven development.

The main argument is that, due to unequal distribution in political power across nations, the expansion of global capitalism has led to the perpetuation of inequalities, and reinforcement of a stratified economic order (Castles & Kosack, 1973; Wallerstein, 1974; Massey et al, 1998). Immigration serves the ruling capitalist class in a variety of ways (Portes, 1981). As an industrial reserve army, migrants are seen as a strategy to force down working-class wages. They also supply capitalists with labour for the expanding process of capital accumulation, providing cheap labour and maintaining their profits even in moments of inflation. The precarious and flexible nature of their work serves as cushions for sudden fluctuations in economic activity. Migration is also seen as a topic that causes friction within the working class, as nationals normally understand migrants as competitors.

The neoclassical approach attributes a heavy weight to the agency and the decision-making process, leaving little room for the macroeconomic dynamics that shape hierarchies in the global order and act as constraints to the mobility of individuals. There is a recurring criticism of the structuralist approach anchored in Marxist theory, which is that it does not acknowledge the possibility of agency beyond a response to forces of the capital (Fraser, 1989). As similarities go, neither of them managed to avoid the persistent male-bias in their mainstream theorisations. They operate around the idea that the migrant is a breadwinner male, mostly navigating lesser-skilled job positions or accounting for narrow understandings around skills that can be detrimental to the transferability of women's skills.

Here, I subscribe to historical-structural theories and Foucauldian analysis of neoliberalism and its effect on immigration policies. The historical-structural approach is

useful to the macro-level analysis that is pursued here through governmental changes and immigration policies that are increasingly neoliberal in countries that have a shared history of colonisation. The Foucauldian analysis helps approach the principles orienting the stratification of migrants' desirability in the biopolitics of race, gender and class. As a reflection on the impact of the financial crisis as a conduit for changes in immigration regimes, I hope to further the discussion on neoliberalism not by looking at the usual suspect of the precarious workforce in the figure of the economic migrant in lesser skilled positions as tend neo-Marxist analysts. Instead, precisely by changing the gaze to those in majoritised spaces who are privileged by the status quo and what the change in policies towards skilled migrants can unveil about the shifting value of migrants in the face of a convergent neoliberal market-model society in Western democracies. One for which the inequalities deriving from a segmented-labour market are seen as not only unproblematic, but in fact a tool for the neoliberal state to pursue talent in a competitive global market.

I would like to discuss Boucher and Gest's (2018) taxonomy of Immigration Regimes and Joppke's (2024) conceptualization of a neoliberal nation-state as the stepping stones for my argument. Immigration regimes are defined as migration policies and their outcomes that reflect the admission and settlement of foreign-born over time, considering both policies and their outcomes for this system. The taxonomy proposed by these scholars features seven types of immigration regimes across the globe after an extensive examination of data from 30 countries, but I would like to focus on the neoliberal regimes as they represent countries with large numbers of immigrants, they have a vast set of state control practices in immigration and have brought market-inspired practices to the core of immigration policies through the immigration-integration nexus.

Neoliberal regime countries analysed by them were Australia, Canada, New Zealand and the United Kingdom, as they feature high levels of temporary migration, a focus on labour admission through selective policies, and elevated naturalisation rates. They are united by a focus on labour migration, reflecting their role in the global market, and are desirable destinations with strong economies and diverse societies, with an adherence to non-discriminatory jurisprudence (Boucher and Gest, 2018: 142). Canada is hailed as an outlier in its group due to its high humanitarian admissions and the world's highest naturalisation rate, while the absence of the United States from the list is justified by its focus on family migration and not an overtly economically based regime. The neoliberal regime relies on highly discretionary admissions, with large numbers of temporary visas

and a large share of labour migrants with permanent residency. Conversely, they are also leading the creation and refinement of selective policies on the basis of skills.

They were the only group clustered by policies that had a clear and strong correlation with a colonial path, with the coloniser and former colonies following convergent approaches towards immigration. The reasons behind this will be clearer in the next chapters, but the historical consequence of a bureaucratic entanglement between the metropolis and the colonies where a White policy was pursued is one large piece of this puzzle. Yet, Britain did not rely on the Empire as a form of nation building in the 20th century as the other countries in this group have. They have been grouped together before by many other scholars and in fact refer to themselves as settler societies. Settler societies are built on a mythology of immigration that goes as follows: they were countries built from the ground up by Europeans who left their nations and sought permanent homes in the new world, masking the destruction of indigenous peoples and structuring the way these 'nations of immigration' think about the matter, regulate it and the way scholars study it (Dauvergne, 2016: 12-13).

A distinguishing feature of the settler societies is that the mythology of migration translated into a contemporary commitment to ongoing migration, and that is perhaps the drastic change of what Dauvergne (2016) defines as the new politics of immigration and the end of settler societies. Dauvergne's eloquent argument is that the end of the settler societies that the 21st century unveiled was brought by increasing migration restrictions and a hardening of borders and can be explained by three factors. One is the crisis of asylum, the second is a deep fear of Islamic fundamentalism and the third is the end of ideological multiculturalism. I would like to dwell on her argument to discuss how these shifts are pertinent to our case studies and provide a counter argument.

At the end of the Second World War, the displacement of people was one major concern and humanitarian admissions for refugees resulted in the Refugee Convention. At first, designed for European refugees, it was expanded in 1967 and merged with the discussion of human rights, with further commitments being made in the 1980s and 1990s. Refugee law has developed distinctive law-like characteristics that, unlike immigration policies, constrain states' sovereignty when it comes to the protection of those seeking asylum. Western countries, in turn, have found themselves at odds with international law with increasing numbers of asylum seekers reaching these countries to apply for asylum. Extra-legal border crossings, when a refugee tries to reach a specific country in order to apply for asylum, one that does not share a border with the country in

conflict, is perhaps the most contentious topic. There has been an increasing crackdown on extra-legal border crossing and a narrative that conflates refugees with economic migrants, to diminish one's humanitarian palatability and to exempt the state from its responsibilities as part of the Refugee Convention.

At the same time, States are also cracking down on what Dauvergne (2008; 2016) refers to as extra-legal migration, and the regulatory framework is part of this strategy. As laws and migrant stratification become more intricate, the number of migrants that cannot maintain or access migratory status, and therefore are extra-legal and made illegal, rises. These two mechanisms are intertwined, one fuels the other in the dehumanisation of the refugee and the migrant. The political discourse around sovereignty, security and control, thus targets both the extra-legal border asylum seeker and the extra-legal migrant.

The security turn after 9/11 fuels both this phenomenon and the islamophobia that Dauvergne lists as the second factor contributing to the end of settler societies. Not all refugees are made equal. The contours of the nasty politics around refuge and asylum have very little constriction when it comes to the racism boiling underneath. The fear of fundamental Islam and the demise of multiculturalism, she argues, have antecedents in the asylum crisis and they flow seamlessly into immigration politics more broadly (Dauvergne, 2016:51). The catalyst for an illiberal turn in the aftermath of the twin towers attack made immigration law an important terrain for security measures and disputes on sovereignty and membership. The xeno-racism that Liz Fekete (2009) describes as the suitable enemy for the security state as it provides the ability to incorporate discriminatory practices into domestic asylum practices. Her work is an example of how this narrative translates into policies that block asylum seekers' rights and fuel a crackdown on migrants overall.

The fear of fundamental Islam was the nail in the coffin for the end of multiculturalism as a national project, as a commitment to a vision of nation-building through diverse immigration. The settler societies had since the 1970s, in the normative turn from discriminatory practices to substantive equality, relied on the idea of multiculturalism as a profound and powerful idea that could bind together the increasingly diverse migratory flows reaching Western liberal democracies. Whether there was ever a truly multicultural approach is up for debate, and I tend to lean towards the answer that there was not. Yet, it was a central part of the normative turn that replaced discriminatory policies in the late half of the twentieth century. With its dismissal, a rhetoric of assimilation and the immigration-integration nexus that emerges through policies

targeting specific groups in the name of social cohesion and security provide a breeding ground for the resurfacing of discriminatory tendencies through proxies: age, salary levels, educational levels, language knowledge, occupation and so on.

These selective policies reflect premiums placed on short-term flexible hiring in an economy of greater expedience and more precariousness, appealing to societies that have experienced nativist and xenophobic backlashes to the multicultural and diverse aspect of global migration (Boucher and Gest, 2018:156). The Market Model serves governments in an extremely particular way, it allows governments to apply neoliberalism at the highest level, economicising the criteria and placing the burden of integration on the individual. This targeted policy fuels the idea that migration policy can and should control migration as a form of social design, allowing those who are the closest to the ideal citizen thus merging this archetype of desirable migrant to the middle classes and highly paid or in-demand professionals. Advanced industrialised states with shrinking working-age populations and limited domestic supplies of skilled personnel are turning to skilled immigrants, often from poorer and more populated parts of the world, to meet their labour market needs but also as a puzzle piece of their reshaping of immigration regimes in neoliberal terms.

In turn, international mobility is being stratified in a continuum where the ideal subject is the middle-class citizen and foreigners are assessed against that figure (Abu-Laban, 2024). On one end, you have skilled migrants and on the other, refugees and asylum seekers. In between, you have a variety of categories that each have a State-specific definition and different forms of access to rights in the receiving society. The matter of migrant categorisation has often been the concern of those researching those situated at the end of the spectrum that is being targeted the most, refugees and economic migrants that are understood as low skilled⁵. There seems to be consensus that the Global North has a right to choose the migrants they want and that rational individuals make their calculations about migration, selective policies are then portrayed as an ethical and non-discriminatory strategy (Carens, 2013).

The antagonistic view between human rights and economics in immigration policy is what Dauvergne casts as the nasty new politics of immigration in a mean-spirited and self-centred politics that does not reflect traditional left-right partisanship. She proclaims

⁵ I clarify this distinction later in this chapter when discussing which skills are considered for selective policies as we came to understand them.

that we have reached the end of the settler society as immigration policy is no longer designed to further and reflect national identity but has transmogrified into an ugly echo of its former self and designed to reflect ever-shorter-term national goals (Dauvergne, 2016: 183). Still, Dauvergne sees the settler society through its mythology. There is a lingering sense of nostalgia for that strategy of nation-building. The end would be from the good chapter of this story turned now into nasty politics.

I would like to argue that the settler society mythology relied heavily upon discriminatory understandings around race, class and gender and through legislative and bureaucratic mechanisms managed to do so alongside their metropolis. Be it the melting pot or the mosaic metaphors, they both used immigration as a nation-building imperative, but Otherness was at the core of this myth. There were British and there were migrants, with little room for indigenous populations in this narrative. The juxtaposition of the British Empire and its colonies that was true for the mythology of the settler society is now true for the neoliberal regime.

The legal framework built by the British Empire shaped Canada's immigration and when selective policies were then created by the former colony, there started a clearer distinction between both countries' immigration policies. The novelty of the points-based system, the humanitarian admissions and the multicultural experiences that shaped Canada's policies from the 1970s were indeed very different from the policies in the United Kingdom. Then, doors closing to the Commonwealth and former colonies in a post-colonial Britain, Great Britain had turned to Europe to frame immigration policies in a liberal project of free movement that would then turn into the European Union. With hindsight, I can say without any qualms that nativist understandings around migration got the best of Britain and Brexit is now a new chapter. As for Canada, the turn to temporary economic migrants with an ever-decreasing access to rights and pathways for citizenship, its liberal immigration regime is being eroded.

There is, in fact, a convergence between Canada and Britain again. The convergence of selective policies and stratification, of worthy Otherness being admitted only with a growing list of variables set out through criteria that hide away discriminatory practices. Thus, reaching the other part of my argument, the discriminatory practices of the settler colonies that were embedded in projects of White colonies has morphed into a fully-fledged neoliberal settler society. Where the mythology has not succumbed but transformed through economisation of immigration policies and society at large. As for the old metropolis, the nationalism that was ever so present in its Empire days has now

turned into a neoliberal nationalism that manages to adhere to the principles of the market at the same time as it relies on the resentment of its changes to fuel a mismatched resentment towards migrants.

The return of discriminatory practices that are hiding in plain sight in policies towards skilled migrants is one example of the possibilities of this neoliberalism that emerged post-financial crisis. The dethroning of equality and its reduction to isonomia is one of neoliberalism's most fundamental moves (Joppke, 2024:1661) and that is particularly important when discussing discriminatory practices that occur even in the presence of the equality under the law that immigration policies espouse. It is true that discriminatory practices no longer live on the text of the law, that is no longer acceptable and that was the normative shift post-second world war.

This thesis focuses on matters of substantive equality (Fredman, 2016). Substantive equality is, unavoidably, at odds with neoliberalism. It requires more of the state in its policymaking, it requires acknowledging that different outcomes might not be mere results of competition but consequences of existing inequalities in society that translate in inequality of opportunities. Child rearing and childbearing have been classic examples of constraints in women's career trajectories that should be considered during policy making. In the case of selective policies towards skilled migrants, as it will be discussed further in this chapter, it has a strong correlation to discriminatory biases when it comes to age limits and previous full-time employment.

Nationalism, according to Hayek, should also have no place in neoliberalism as national boundaries should not restrict the market as the fundamental institution but neoliberal nationalism is here (Harmes, 2011). A line can be drawn between theory and practice when it comes to nationalism and neoliberalism, argues Joppke (2024). He in fact proposes the idea of a neoliberal nationalism where the basis is not on ethnicities or nationalities, but is a non-ethnic community of worthy individuals. The distinction is between those who are valued in market-terms and those who are not, immigrants being placed on both sides of the scale. He proposes that neoliberal nationalism is clearly visible in contemporary social policy, citizenship policy and immigration policy.

Social policy has moved from social-risk-pooling welfare to individual-responsibility-tracking workfare (Joppke, 2024:1663). Individuals are now expected not to be a burden on the State, and self-responsibility is in the service of the common good for societies. It moves from solidarity to contract, in the most economic terms, where the language removes responsibility from the state but states the terms of individual conduct

that are accepted. Citizenship as the second site of neoliberal nationalism turns membership not into a right, but a privilege that ought to be earned (Joppke, 2021; Joppke, 2024).

This privilege is conferred to those who run the extra mile, who are better or brighter than the average, to those who have gone through the hoops of two-step migration. It is a prize at the end, no longer a tool for integration, but the last step of integration. State membership ceases to be imagined as a nation-building tool, and neoliberal nationalism becomes accessible for fewer and fewer cohorts of immigrants. Interestingly, Joppke argues that the porous boundaries of citizenship and market-inspired welfare of neoliberalism makes it possible for Western countries to keep true to their narrow understanding of diversity. As I hope to illustrate with both case studies, this diversity can cope with different sexes, genders and nationalities. The line is drawn at middle classes. Middle classes and up are acceptable within this neoliberal nationalism, as the proxy of desirability and worthiness under this system is the accumulation of capital. Salary levels, occupations, exorbitant fees, these are all tools of selective policies towards skilled migrants.

The third set of policies that Joppke discusses, and perhaps the one that is more bluntly neoliberal, is immigration policy. The economisation of immigrant policies is felt acutely through all categories, but family migration and asylum have been completely altered by this logic. The transposition of economic criteria normally associated with labour migration makes family migration a class matter, and only those who can afford the rising costs and income-based criteria can reunite their families (Kofman, 2018).

Asylum seekers are also the target of this economisation in a pervasive way that tries to exempt the State from fulfilling its commitments with the Geneva Convention, reifying asylum seekers as ‘bogus claimants’, ‘economic migrants’ and opening the doors for a stratification within the asylum categories where their worthiness will be assessed in economic terms. They are not entitled to protection but are expected to return the favour of being accepted in the most conditional terms. Selective policies towards skilled migrants are, undoubtedly, the breeding grounds for neoliberal policy making, where it is refined and reinforced to the point of spill-over to other categories. The floating signifier of skills can operate all discriminatory practices needed to select immigrants that are the neoliberal ideal subject. They did not cost the State any amount of investment through education, health, or social provisions through their non-working age years, yet they

contribute to the State on neoliberal terms and are expected to be the ‘best and brightest’, synonym for a maximisation of a truly cost-efficient policy.

If the closest equivalent to explicit nation building is no longer the admission of immigrants, but their integration, the immigration-integration nexus that is seen in immigration policies becomes clearer as a neoliberal undertaking. Integration is measured in neoliberal terms, through the lens of market integration. Other variables, such as language, are normally explained under the realm of social cohesion. But social cohesion in a neoliberal society is also measured through the market model, hence the ever-present tweaks and reports of immigrants’ salary levels, employment levels, tax payments, remittances. Concerns over integration in the labour market are the core of integration policies, and the nexus made between the variables at stake have been feeding the policy design of immigration policy. Neoliberal nationalism might not be equivalent to ethno-nationalism, as it does not rely on discriminatory understandings of membership, but it is highly capable of accommodating ethno-nationalism in itself. Brexit is an example of how neoliberal nationalism and ethno-nationalism can coexist, as chapter 4 will discuss. Although they are different, neoliberal nationalism’s capacity to blur lines also allows it to co-opt other forms of nationalism if they serve the purpose of economisation of the State policy. Unfortunately, the ethno-nationalism that fuels populist far-right rise in Europe and America adheres quite well to neoliberal nationalism.

The neoliberal state needs nationalism of a certain form to survive (Harvey, 2005), it does not discriminate what type of nationalism if it serves its purpose. A radically empiricist view of law emerges from that understanding, and the sovereign and normative dimensions of legislation are treated with ridicule as metaphysical nonsense in a world guided by the free market (Davies, 2010). Matters of justice, fairness and equity are set aside in the name of matters of efficiency. The guidance of a transcendental principal is rendered useless, and economic reason itself is the target of policies. Immigrants are the prime target for such reasoning, as they are understood by mainstream scholars, politicians and public opinion through the lenses of neoclassical theory. There is very little humanity left when immigrants are reduced to economic decision making and the increasing stratification of migrants reinforces the ideal economic migrant as the skilled migrant. The variables of policies in this promiscuous immigration-integration nexus are justified through a neoliberal understanding of the market informing policy making. The selective policies are the perfect ground for those market-oriented tweaks and a constant arena of trial and error for the neoliberalisation of immigration policies.

If once the economist provided economic evidence, within the limits and requirements of a legal procedure, now the economist deploys the presuppositions of neoclassical thinking and shapes what those limits consist of (Davies, 2018). In the name of this ideal economic migrant, anything goes. Family migration and humanitarian migration have other legal commitments that tie them with human rights conventions, while economic migration is void of the same requirements. The ideal immigrant is then the site of the neoliberal ideal without the constraints. The thin understanding of justice that has come to shape neoliberal societies, including their immigration policies, reduces fairness to the cost-benefit approach between what you put in and what you get out (Joppke, 2024).

The reduction of equality as equality before the law and the very own stripping down of rights in the name of the national social history, be it through security, welfare regime or ideological understandings around social cohesion, has sanitised discriminatory practices in immigration policies. Discrimination is at the core of immigration policies, one might argue, since they decide who is deemed acceptable within a country's border and in doing so it discriminates a priori (Dauvergne, 2007). But accepting that discrimination in that sense is unavoidable, how to reintroduce the idea of fairness and normative political metaphysics to immigration policies? How to analyse selective policies through the lens of substantive equality and not isonomia? And, also, why does it matter?

To be able to answer that, I could choose from a vast pool of variables where discrimination persists. Yet, I have decided to focus on three axes of discrimination that are gender, race and class. These three social divisions are ubiquitous and can rely on a longstanding scholarly debate that provides this research with a needed robust basis for my argumentation. The methodological challenge of the absence of disaggregated data, which will be further discussed in Chapter 2, is anchored in a debate that has guided our understanding of what are discriminatory practices. Gender, race and class might not hold the same buzz as intersectionality has in the current climate. Yet, they have the potential to frame the discussion on the discriminatory practices in migration in a broader historical and social frame. I then turn to dwell on these three categories in relationship with migration studies.

1.3 Selective policies and stratification of desirability

The stratification of migrant categories tries to box which type of migrant fits each category. It generally divides the migrant into three groups: ‘family’, ‘economic’ or ‘humanitarian’. Family and humanitarian migration are protected by a broader set of legislation that both protects the human right to family life and to safety. Economic migration, however, is not protected by the same legal rights and it is precisely the site of the advancement of neoliberal immigration policies. Through changes in this set of policies, neoliberalism is tested and gains ground in what is deemed appropriate for the sake of the immigration-integration nexus. It fuels a spillover effect that slowly pushes against the established right provisions for the family and humanitarian model, and becomes the benchmark for managed migration. The least disputed site for these changes is, however, skilled migration. The objective behind them is to fine-tune the variables that can select the ‘best and the brightest’ and through this stream meet both a demand for immigrant labour and placate integration concerns. Migrants coming through skilled visa streams are viewed as more easily integrated than their unskilled, familial or humanitarian counterparts (Boucher, 2016).

Skills, here, are a floating signifier for a certain type of economic migrant⁶. It is a highly malleable category, and its meaning can have a different content depending on the context⁷. The most stable meaning relies on a correlation to worthiness and desirability. Skilled migrants are less likely to be associated with negative feelings of changed cultural identity and are, generally, considered positive for economic growth (Carvalho, 2013; Cerna, 2016). Skills are valued, and in the spectrum of Otherness that migrants are often placed, they create leverage and privilege in accessing certain pathways to settlement and citizenship. Yet, the skilled migrant is an opaque category and behind it there is a set of variables at play. It is through the scrutiny of what is measured and amounts to skills in skilled migration policy that this thesis presents itself. As a floating signifier, I cannot

⁶ Here I use floating signifier informed by Levi-Strauss conceptualization, as an unoccupied place in the structure capable of receiving any meaning that we may want to put it in it, a sort of zero symbolic value that permits the replacement of any special symbolic value by any other (Levi-Strauss, 1963). For more on the term and its different uses, see Mehlman (1972).

⁷ For more on skills, see *The Oxford Handbook of Skills and Training* (Oxford: Oxford University Press, 2017). I suggest chapter 3 ‘The changing meaning of skills’ for how skills are discussed through different disciplinary lenses and its shortcomings and chapter 4 ‘A new social construction of skill’ for a suggestive direction for a definition of skill.

define what skills mean for either Canada or the United Kingdom without analysing the context of skilled migration policy that deals with this visa stream.

However, it is important to understand that notions of skills are often organised around educational, occupational and human capital arguments. Educational level is the most wide-ranging criteria when defining skilled professionals, as it looks for formal educational training to assess skills levels. Skilled professionals, then, would have the equivalent of post-secondary education or above. This approach is commonly used by the OECD (Chaloff and Lemaitre, 2009; Docquier and Marfouk, 2006), but has rendered criticism. One common criticism is that it does not acknowledge the different routes that degrees have to take to be accredited in a host country nor how they are valued by employers (Iredale, 2005). In that sense, formal education attained within the Global North and prestigious universities not only navigate legal routes to accreditation more smoothly but are also more readily recruited in the labour market. Many studies have addressed this issue in different contexts: Raghuram, 2004a, 2004b; Raghuram and Kofman, 2004; Li, 2001; Boucher, 2016, 2020.

Yet even educational level can be analysed through different international standards. The International Standard Classification of Education (ISCED-2011) was elaborated by UNESCO, and in its most recent categorization has made room for both formal and non-formal education programs, as long as they result in qualifications that are recognised by the relevant education authorities. It uses cross-classification variables, such as the programme orientation, completion of the ISCED level, access to higher ISCED levels, and position in the national degree and qualification structure, to further analyse both programmes and qualifications (UNESCO, 2012: 13).

Alongside educational level, occupation has become another important criterion in both international standards and policies towards skilled migrants. Another example is The International Standard Classification of Occupations (ISCO-08), an international standard from the International Labour Organization structured on 10 major groups, in which the top three categories are usually considered skilled or highly skilled (Boucher, 2020).

The Canberra Manual (OECD, 1995) is another international standard that provides guidelines for statistical analysis of 'Human Resources in Science and Technology' (HRST). Developed by the OECD and other international agencies, it provided a conceptual framework and guidelines for analysing a skilled labour force and to measure both national stocks and international flows (OECD, 1995:11). It defines HRST as a)

someone who has successfully completed education to third level in a Science and Technology field of study, b) someone that does not have formal qualifications in Science and Technology but is employed in an occupation that normally requires third level qualifications (OECD, 1995:16).

These three international tools are examples of theoretical and conceptual frameworks for defining skills and analysing data, based on either educational level alone (ISCED-2011) or including occupation as a proxy (ISCO-08, Canberra Manual). They are often used by policy makers and analysts when designing policies towards skilled migrants alongside other policy-criteria, such as salary threshold. The mismatch between theoretical approaches to defining ‘skill’ and actual domestic policies can lead to standardised but incorrect assumptions around stock and migratory flows numbers (Boucher, 2020:11).

Salary threshold and language proficiency, for example, are two criteria that are absent from international standards but are increasingly used by states as proxies for skilled labour force. Salary threshold is used under the argument that it protects national workers’ wages against wage pressures that might occur when immigrant labour is recruited through such policies (Cerna, 2016). Language proficiency and language tests are seen as predictors of integration, both in the labour market and the host society (Cerna, 2016:34).

Boucher (2020) contextualises this discussion further, examining skills definitions and approaches across five states based on a ‘most similar cases’ approach, and exemplifies in the following table policy examples to each skills approach:

Table 1. Skills definition and approaches across five jurisdictions

Approach	Policy examples
Skill as tertiary education	United States Professional Visa
Skill as occupational classifications 1–3 under ISCO measures	Australian Skilled Independent, Canadian Federal Skilled Worker and the United Kingdom Tier 2 Points Test
Skill as wages and occupation	United Kingdom’s Tier 2 Points Test and the EU Blue Card
Skill as on-the-job training	United States’ Third Preference Visa
Skill as work experience	Elements in Australian Skilled Independent and Canadian Federal Skilled Worker
Skill as language abilities	Strong language testing in Australia Skilled Independent and the Canadian Federal Skilled Worker visas; requirement in UK’s Tier 2 and under the EU’s Blue Card visas

Source: Boucher, 2020: 11

The human capital model is the one that informs selective policies towards skilled migration as it allows for a rather flexible and restrictive understanding of skill. It can combine educational and occupation understandings of skills and apply market model

demands to it. Human capital can be acquired either generally - as attributes relevant to working capabilities - or specifically - as the outcome of deliberate investment in education and work experience (Warhurst et al, 2017). It is acquired on the job with training in firms or educational institutions or through specific training. Human capital has been the most prevalent way of analysing skills in the last 50 years, and it has evolved into vast data-based correlations and causations that try to predict the nexus between skills, earnings and productivity (Payne, 2017; Warhurst, Tilly & Gatta, 2017). It is a product of neoliberalism; it is not trying to define or argue for the meaning of this floating signifier. Rather, it is trying to further the economicisation of variables at play so firms and states can hone in on the desired candidate.

Selective policies informed by human capital tend to rely on intricate calculations of life and administration of bodies, in a realm where the power of the sovereign over movement can be both discretionary and discriminatory for the sake of economic gains. It is a true exercise of biopolitics in the Foucauldian sense, born in neoliberalism not only as a modern response to the desire to see oneself as a self-sufficient object, but also building upon the popularity of *naturalness* (Foucault, 2008; Yeng, 2013). The *natural* act of governance depends upon the reduced prominence of the sovereign, the neoliberal subject and individual life are governed by the market economy. The entrepreneurial self is different from the man of rights (Yeng, 2013). The immigration-integration nexus built upon human capital theory can solely rely on market understandings and variables, it strips down the immigrant from any other form of humanity that does not serve competitiveness in the neoliberal sense. The migrant is defined as a hindrance to prosperity and incapable of self-improvement, hence the need for selecting the exclusive few who are deemed necessary for the knowledge societies.

On the topic of naturalness, I would like to discuss the extrinsic and intrinsic features of talent that are echoed in skills evaluation by selective policies. Intrinsic would-be innate qualities or abilities, those present in visas for sportsmen and artists, for example. Extrinsic would-be talent that can or has been cultivated as mastery of developed abilities. Yet, extrinsic definitions of skills presume that a state would or should be interested in investing in training to further talent, which seems far from the current skilled migration debate (Cerna and Chou, 2019). Talent is mostly used as a relational concept where performance, potential and competence are identified in a composite of features that can be measured against certain variables. Wages are seen as the strongest correlation to skills (Boucher, 2020).

Human capital theory runs up against a global reality of deeply entrenched gender and racial inequalities in the labour market and bears the question of whether these inequalities are attributed to differences in productivity or discrimination (Boucher, 2016). Neoliberal states shield themselves from criticism from the isonomia that is present in Western liberal democracies and praise themselves for the normative turn they took from discriminatory practices. Yet, inequality persists, and disadvantages are not only a result but a part of the evaluation of skills in selective policies. The design of selective policies has borrowed from the data-driven analysis of human capital theory to attract the ‘best’ and the ‘brightest’ with little concern over who gets to be the best and brightest in societies with rife and growing inequality (Stand & Rising, 2011; Königs & Vindics, 2021).

The stratification of otherness on a spectrum of desirability removes economic value from familial and humanitarian streams as they are considered a burden more than an asset. For economic migrants, the skilled are the desired ones as they are seen as an advantage in a competitive global market. Less skilled migrants are at best tolerable as the demand for less skilled and cheaper labour persists. As the stratification of desirability reflects the competitive state ambition of neoliberalisation of immigration policies, it is crucial to look beyond the semiotics and theories. The migrants themselves, lost as points in datasets, are the consequences to these policies of othering. If skills are a floating signifier to context-situated policies, who gets to be considered skilled? How is this visa stream divided? Why does it matter to look at this? Now it is time to turn to the human capital variables that are being used by states and to contrast them with the unequal realities of our societies to unveil the discriminatory mechanisms at play.

1.4 Gendered outcomes to selective policies

The feminist debate has not yet systematically related gender to the various migration paradigms (Harzig, 2003: 37). There have been several historical and contemporary studies analysing female migration through the main theoretical frameworks and paradigms. However, the mainstream debate generally frames the issue with a pretence neutrality that neglects gender as a crucial social division or, when acknowledging that, does not question how it can become more than an add-on category to theories and paradigms that were built under the assumptions of neutrality.

Gender has been dealt with as a social factor subsumed by the economy or considered to be a variable of analysis, like sex or age or education, that could simply be added to

the pre-existing migration studies (Cantú, 2001:115). Gendering migration does not only mean that one should be adding women where they are missing, it means to look at processes and discourses in migration involving women and men in their relationship to one another (Erel & al, 2003:11). Hence the constant need to dialogue with various theories to fully integrate gender in the analysis.

Recent scholarship has expanded the traditional understanding of migration patterns, particularly regarding female migration. As Harzig (2003) notes, contemporary studies have effectively applied the push-pull framework (Diner, 1983; Glenn, 1991; Yans-McLaughlin, 1977) to analyse female migration, demonstrating that women are often motivated by similar economic and social factors as men (Harzig, 1997). Moreover, the systems approach, which emphasises the interplay between individual, community, and societal factors, has provided a more nuanced understanding of gender dynamics within migration. By focusing on the meso level of analysis, such as neighbourhoods, communities, and family networks (Moch, 1992), researchers have been able to uncover the complex ways in which gender shapes migration experiences.

The relationship between the welfare state and the role that women and men play in social reproduction has also been an important question (Kofman and Raghuram, 2015). Through this lens, much work has been done on transnational households and the role of gender and social networks in the migration process, assuming a meso-level of analysis that is important to understand the agency of migrant women (Pessar, 1999a; Pessar, 1999b). Feminist debate has also focused on the diversification of society and the particular role women play in integration (see Anthias and Pajnik, 2014; Adsera and Chiswick, 2007; Kontos, 2009).

Also, much has been done around reproductive work and how the globalisation of the market economy has extended the politics of reproductive labour to an international level (see Parreñas, 2000; Kofman and Raghuram, 2015). Scholars have also revealed the ways in which the migration process is intricately tied to gender relations, from the decision to migrate through the period of settlement in and adaptation to the host society (Nawyn, 2010). Recent trends towards the feminisation of migration have primarily involved unskilled female migration in the care sector (Raghuram, 2004b).

Within most of these accounts, women are often in contexts of vulnerability, as low waged workers, as family workers in often unpaid jobs in family businesses or within households, as keepers of tradition, at risk of losing their citizenship rights through marriage, or objects of demographic analysis. The analysis is often framed in terms of the

exploitative effects that sexism and racism have on women who are marginalised, which has somewhat kept eyes on marginalised communities. The presumed ever-privileged skilled worker does not seem to match the narrative of female migration. Especially as women do not account for large numbers of migrants coming through these channels, but that is precisely why feminist scholarship should continue to address the issue of this gender imbalance.

Gender has many conceptualisations that reflect theoretical understandings of its analyst, with multiple meanings and analyses that include the production of sexuality, masculinities and femininities. Gender is, however, in its many accounts, a response that repudiates the axioms that tie gender to sex and, therefore, to 'natural' understandings of the differences between men and women. Feminist scholarship has tried to deconstruct and retract from such understandings that have claimed that there are behavioural or physical characteristics that belong to a specific gender (Hawkesworth, 2013).

Here, gender is used as an analytic category. This is to say, that gender is seen as a constitutive element of social relationships based on perceived differences between the sexes, and signifying relationships of power (Scott, 1986:1067). It is an important analytic category that helps us to look for how these perceived differences are operating in complex forms of human interaction and question how these social divisions operate. These pretence differences between male and female have become very material in the way they shape access to education, the labour market, and health. These patriarchal understandings of gender roles in a society are also carried, marked and reinforced by legislations in different degrees.

Policies towards skilled migrants use a combination of criteria to select those who are eligible to gain entry through its targeted visa schemes. Each of them has implications that are gendered and unveiling how they operated differently for men and women has been an important discussion. Skilled migrants are asked to fulfil all criteria at once or to amount to a certain number of points in order to be eligible, making each requirement crucial in obtaining a visa or not. Not only do immigration policies reflect to varying degrees the stratification of the desirable and undesirable knowledge brought by migrants, its valuation is gendered in its criteria and outcomes (Kofman et al, 2005; Kofman, 2013). Understanding how it operates within immigration policies is quite relevant to a comprehensive impact analysis. Even though states have paid considerable attention to gender mainstreaming across a variety of policy areas, skilled migration has not been one of them (Boucher, 2016). Especially because they tend to be considered a fair and neutral

approach based on an appraisal of human capital, relatively little attention has been paid to the extent to which it has gendered results.

First, I would like to make a distinction between skilled migrants and highly educated migrants. Skilled migrants, for the purpose of this thesis, are considered to be migrants that enter a destination country through specific forms of entry and visa schemes aimed at a particular targeted population. I borrow from Boucher and Gest's (2018:126) definition of visa mix as "relative distribution of immigrants entering a country under designated laws related to labour, family reunification, humanitarian refuge, or free movement". In this case, skilled migration as discussed here reflects a particular share of visas issued under laws related to labour immigration.

However, this does not mean that skills are only present through this flow. On the contrary, highly educated migrants, such as those who have attained tertiary education or an equivalent, are represented across the visa mix and stock migrant population. It has been noted that the educational level across the total migrant population has a much better gender balance than the flow of skilled migrants would suggest (Kofman, 2014; Boucher, 2016). Thus, making this distinction is important to acknowledge that highly educated women navigate different forms of entry and are in fact represented in high numbers across the migrant population. Thus, understanding why they cannot access the same pathways as their male counterparts is relevant to unveil discriminatory practices preventing them from doing so.

The gender balance of skilled women was present in the resident stock data, but the migratory flow through visa schemes for skilled migrants remained predominantly male (Brucker et al, 2013; Dauvergne, 2000). The discrepancy in the gender make-up of migratory flows when compared to resident stock data brought the central question of whether policy obstacles exist for the entry of women as skilled migrants and what they could be (Kofman, 2014; Boucher, 2016, 2020). Although the discrepancy between the demographics of resident stock and migratory flows was noticed early on, highly educated migrants are still perceived as only those who enter through specific visas. Highly educated migrants entering as family members, asylum seekers and other categories have been understudied (Kofman and Raghuram, 2006; Christou and Kofman, 2022).

The discussion of what skill is and who is deemed skilled has also been fundamental in showcasing how hierarchization of desirable knowledge has been translated into policies targeting skilled migrants (Kofman, 2014; Boucher, 2020). Skill is more easily

conferred to some occupational areas than others, without much criticism as to whether this process bears discriminatory understandings around education (Tannock, 2011). Destination countries employ different main strategies when designing policies towards skilled migration and use a variety of criteria to select a specific targeted population, but mostly they combine three criteria: educational level, sector of occupation and salary threshold (Batalova and Lowell, 2006; Cerna, 2016; Chalof and Lemaitre, 2009).

The global race for talent translates a patriarchal understanding of society into its policies, with significant implications for what is perceived as skilled work, labour market integration, rights of stay and citizenship, as well as gendered family dynamics. Opportunities behind such policies may be fair from a formal point of view, as women and men have equal treatment in terms of legislation. However, they are not equal in terms of substantive equality, due to the ways in which policy is designed and the different effects of policy upon the sexes (Boucher, 2016). For substantive equality to be addressed, immigration policies must acknowledge important differences in migratory projects for women.

Men and women may face various degrees of inequalities in their migratory projects, some are shared between them, but some are particular to the role gender plays in their migratory projects (Bailey & Mulder, 2017). As immigration schemes continue to deepen their hierarchies and grant privileges to those entering through selective policies for skilled migrants, it becomes even more urgent to understand who is in and who is out of this global race for talent. A lot has been done on social reproduction and the importance of this mobility around care, prompting a new terminology around care drain, nanny chain or international transfer of caretaking (Hochschild, 2015; Parreñas, 2000). The case of Filipino women is recurrent in literature not only because they represent an important share of this migratory flow, but also because of the role of the origin country in training women in welfare sectors precisely because they could then migrate and send remittances (Ball, 2004).

However, the divide between what is deemed 'brain drain' and what is deemed 'care drain' has also faced criticism, as it may unwillingly incur into methodological sexism, as pointed out by Speranta Dimitriu (2014). Dimitriu notes that educational qualifications of women in the care sector, even if equivalent to tertiary education or higher, do not confer the status of a skilled migrant. She argues that the assumption that women in the care sector have fewer qualifications or skills should be challenged. It echoes what I mentioned previously about highly educated women accessing forms of entry that are

neither based on their educational level nor reflect possibilities that are compatible to their skill level.

Qualified migrant women tend to face larger gaps in employment and occupational attainment in respect to their native-born counterparts and to migrant men (Organization for Security and Co-operation in Europe, 2009). On discussing matters of skill recognition, the existing literature has also focused on the process of deskilling. This mismatch between qualifications and labour market insertion can be felt through two different processes: deskilling, when professional women are working in sectors other than their original training, and downward mobility, where they are working in their area of training, but in a lower position than their qualifications (Iredale, 2005).

According to a Eurostat Report in 2011, almost 30% of migrants with high education in Europe are over-qualified and de-skilled women of active working age (Triandafyllidou et al, 2016). It is probable that European policies for the highly skilled produce and reinforce inequalities in gendered circulations, even though more research is needed to fully comprehend its causes (Kofman, 2014). For the purposes of this work, I will group both processes under the umbrella of deskilling. Some of the factors that lead to deskilling are common to both men and women: the process of recognition of qualifications; the lack of successful and effective formal channels for information about employment; and dominant stereotypes about different countries of origin; the lack of support structures for newly arrived immigrants; and the lack of language courses (Kofman, 2012).

Bruegel (1999) discusses how social mobility between single women and married women/cohabiting couples differs even more when they migrate. On one side, single women are 'less constrained' and more likely to migrate for job related reasons and have upward mobility. On the other hand, married women or cohabiting couples are more constrained, and it is likely that this alters the cost of a move to her job status. Conversely, there have been numerous studies that indicate that family migration and parental status have a negative effect on labour force participation, earnings and employment patterns (Boyle et al, 2001; Cooke, 2001).

On the matters of labour market segregation and occupational understandings around skills, there has been important sectoral analysis that tries to understand particularities within certain occupational areas in the fields of science and technology. It has been noted that men account for a disproportionate share of workers within these fields (Raghuram, 2004b), as women take a larger role around occupations relating to welfare sectors

(Kofman and Raghuram, 2015). A recurrent example is the difference between nursing and IT: the first sector is predominantly female, is far more regulated by the state, and has less transferability of skills across borders, and the second is less regulated, predominantly male and with a great degree of circulation of skills as it operates in a more universal way across the globe. Then, when policy criteria shortlists areas that are predominantly male – as is the case with IT – male applicants disproportionately benefit, which partially explains why they are overrepresented in skilled visa flows (Raghuram, 2004b; Varrel, 2011).

Also, the use of occupation and salary level as a proxy for skills has brought another layer of complexity in relation to gender. It has been shown that women tend to achieve high earning positions later in life than men and are often underrepresented in high-ranking positions (Boyle & Halfacree, 1999; Boucher, 2016). In addition, even countries that perform well in gender indexes have a persistent gender pay gap amongst nationals and immigrants (Kunze, 2018). If these differences in life course and career trajectories are not factored in, it increases the likelihood of disproportionately benefiting male applicants.

A life course approach is a more ordinary conceptual framework for demographers, and links contextual factors to the age structure of particular life course transitions, such as education completion, labour force entry, union formation and childbearing and rearing. In migration studies, however, this approach has been rediscovered to understand how migration interplays with such transitions. This approach conceives of the life course as social-structurally embedded sequences of age-related status configurations which refer to an individual's societal participation (Clausen, 1995; Wingers et al, 2011:5-6).

Although each course of life is unique, it is the relationship between individuals' life courses in their timing, pacing and sequencing of life-events to the dynamics of social structures and institutions that is central to this approach. It is particularly interesting to migration research when it comes to the immigration-integration nexus, as a person's life course and biographical continuity becomes fragile or even disintegrated (Idem). The gender blindness of human capital variables is an obstacle to women's subjective equality when it comes to criteria assessment in selective policies. Conversely, life course is a valuable approach to understanding gendered differences in the migratory process in relation to age-related events.

The literature on gendered career life courses is particularly important to understand how labour market integration has particularities for women that are not accounted for in

migration policies towards highly skilled migrants. The childbearing and rearing, for example, is a key life course transition that shapes the age profile of international migration (Bernard, Bell & Charles-Edward, 2014). It requires different strategies for women, who tend to leave the labour market following the birth of the first child and, when returning, look for alternative means of labour market insertion such as part-time jobs or home-based jobs (Boucher, 2016). There are also particularities in the strategies taken by highly skilled women, who still follow this pattern of intermittent work but are more likely to return following childrearing (Idem). These have consequences not only in terms of the time of insertion in the labour market, but also in the wages and abilities to reach the salary thresholds set by such policies. It has been discussed as a critical point for women's fair assessment in points-based systems that have an age cap or limitations, as they disproportionately impact women.

Skilled migration is often described only through the lens of privilege, since migrants coming through such migratory schemes tend to have access to more rights than others. Although that can be true, privilege should not be seen as a reason to dismiss skilled migration from a gendered analysis. Privilege furthers social divisions that reflect societal understandings around gender, but also race and class. If a group is deemed privileged, it is important to investigate further to whom such advantages are being granted. Thus, it remains important to add more narratives about women's migratory trajectories and expand our repertoire on skilled migration.

1.5 Race and its lingering effects in immigration policy

The normative shift that happened after the Second World War meant that Western liberal democracies could no longer justify their long-standing jurisprudence of discriminatory immigration policies based on race (Triadafilopoulos, 2013). There was a clear rupture in the way state racism could operate, and race as a criterion for entry was no longer deemed acceptable, which meant a quite radical shift for the United Kingdom and Canada. Both countries had heavily relied on race as the main criteria for entry and in a juxtaposition between race and nationality (Hawkins, 1991; Mongia, 1999; Price, 2013). During the 19th and 20th century, they worked together to elaborate an intricate strategy to contain mobility flows in the name of Whiteness within the Commonwealth. It was a tricky endeavour that tried to not alienate the Othered parts of the Crown, but strongly affirmed who was closest to the White British ideal.

The horrors of the Holocaust left many countries exposed as they struggled to move away from the overt forms of state racism that sustained immigration control. The strategies were multifaceted, from nationality bans and caps to bureaucratic obstacles aimed at diminishing the chances of applicants in origin countries (Brettel, 2018). Not as violent as the genocide inspired by nazi-fascism, but still part of a eugenics-based understanding over race and the nation state. Academia had long supported essentializing and racist views over the racialised Other and there was then a sudden need to rewrite a lot of that as the shockwaves of terror lived in Europe illustrated how pernicious it could become.

There was, indeed, a rupture to the racist thought and practice of race discrimination. Yet, it would be naive to interpret this rupture as the erasure of racism in immigration policies. The long-held biases and views over the foreign Other was not simply going to vanish. A country could not go from using racial discrimination as a guiding principle of its immigration policies to simply becoming anti racist and inclusive. It is simply not the pace of history. In fact, we are once again battling with similar ideas that have reemerged with far-right groups and the rise of populism.

The post-racist immigration policy here is not used as a marker of a normative flux so strong that erased any lingering effects of the racial discriminatory practices of before. It is post as what comes next, not because it represents a complete departure from the past. The decades and sometimes century long juridical tradition and societal racism was not and has not been put aside completely. It informs society and inequality to this day, even within wealthy Western democracies that have invested a lot of time and effort in anti-discriminatory practices. There seems to be more coexistence of racism and anti-racist practices in a moment in history where societies are being pushed once again to recognise their shortcomings to address this issue. Yet, the resentment and nostalgia that fuel right-wing violence against immigrants is palpable and sometimes tragic. Selective policies have, indeed, replaced previous race-based policies but they are neither a blank slate, nor do they exist in a vacuum. They have, I argue, managed to keep discriminatory practices through the floating signifier of skills.

Race is here understood as a construct, inspired by the writings of Stuart Hall and Paul Gilroy, a floating signifier, a coded message for something else. So, I would like to explain how I see the echoes of race in the skilled migration debate and how the ill sentiment around immigration mobilises similar crowds. Racism operates by constructing boundaries between racially constituted categories, typically in a binary system of

representation that constantly differentiates and attempts to fix and naturalise the difference between belongingness and otherness (Hall, 2021: 250). Race, Hall argues, works like a language where signifiers refer to the systems and concepts of the classification of a culture and gains their meaning in the shifting relations of difference, which they establish with other concepts and ideas (Hall, 2021: 362). Race is, too, a floating signifier and it is social, contextual, historical and relational.

Race as a political category can accommodate various meanings which are in turn determined by struggle, Gilroy exemplifies how it can move and expand from niggers to pakis as equally worthy of hatred (Gilroy, 1987: 39). Race today does not have an objective basis as described by the eugenics biology of before, yet it does not completely erase this connection. Race is socially and politically constructed, and the migrant subject is a complex one for racialization. Whiteness can also be stratified in racialised ways, as was the case for Poles and Slavs in Britain (Narkowicz, 2023; Carangio et al, 2021). There is more to it than biology when it comes to migrants: racial differentiation has become a feature of institutional structures in the realm of citizenship and membership. The new racism is, Gilroy (1987) argues, a cultural issue. The worries and woes of the unease around immigration is often portrayed as a tension around social cohesion and integration.

The functioning of modern history has a particular system of classification of this racialisation, one that couples together race, ethnicity and nationality. These three words are used somewhat interchangeably to mark the racialised Other, and rarely used for Whiteness. This complicates the analysis of migratory flows, as nationality is the organising category for immigration policies and data collection. To affirm race behind a nationality would be an erroneous assumption. However, the racialisation of certain nationalities operates through racism. Migrantisation has also been used to describe a similar process, where certain subjects are deemed out of place, not belonging to the places and societies they inhabit (Sharma, 2020:4). The reason is that the figure of the migrant has become a substitute for the biological notion of race (Balibar & Wallerstein, 1991).

Racialisation and migrantisation operate to denote Otherness on the basis of racist understandings. Those, outside the borders of Whiteness, are subject to biopolitics in clear ways where States govern these bodies' admission to the nation. Yet, the bodies of those in receiving countries are also constantly examined for their Otherness, and migrantisation keeps marking them as aliens, as foreigners. Citizenship and membership

is constantly put into question, and becomes a set of rights that needs to be restricted. Pathways to permanent residence and citizenship are narrowing and are often given after integration has been deemed successful.

The immigration-integration nexus can bring race to the fore without ever mentioning it. It is through culture that this is done. Skilled migrants, as privileged as they are, are the site for designing this ideal integrated type of migrant. The educational, occupation and human capital approach are, then, able to select this subject. No nationalities are barred from entry, it is important to be clear about this. Isonomia persists and anti-discriminatory legislation has in fact evolved tremendously since the 1960s and 1970s in both countries, as it has in other Western democracies. Yet, other categories are used to select the unequal advantages that create the skilled migrant. Here, I would like to discuss two important ways in which racialisation is instrumental in this process. Language and discretionary powers (bureaucrats and employers' biases).

Language has become a way to mark 'true citizenship' that evades questions of 'blood and soil' through mechanisms that legally codify language as integral to civic ideals of integration, participation and social mobility (Fortier, 2022). It allows for the disappearance of other categories, such as whiteness and middle-classness and are in fact a powerful drive of racialisation. Language requirements for selective migrants are ubiquitous and nonchalantly presented as a determining factor for social and labour market integration. Under this pretence, the bar for what is deemed sufficient has consistently been raised and the mechanisms for validating language skills have been refined in a widespread and wealthy market. Migrants or citizens who speak other languages or even with different accents from the norm in the receiving country are racialised through language and made into linguistically deficient subjects (Idem). This process of migrantisation cuts across citizens as well, if they happen to carry a foreign accent and might bring their own citizenship under question. At the point of entry, language has increasingly become a crucial variable in points-based systems and visas for skilled migrants.

The immigration-integration nexus places on language a hefty weight. It is seen as a key predictor of labour market success and, in turn, it is a crucial criterion for entry. For migrant integration, language is a proxy of sameness. The closest one can get to the fluent citizen, the better off they are in a scale of Otherness. The privilege that skilled migrants are able to attain comes after a lengthy selection process. As I will discuss in length about Canadian policies, language is routinely used as a tool for measuring integration prospects

and as an indicator of potentially higher wages. Language brings racialised subjects close to the 'zones of being' accepted by Western democracies.

It is an interesting one when it comes to its connections to racism due to the shared colonial history. English - and French - in the case studies presented here are valued as a safeguarding criterion to the social cohesion and as a proxy of skills by both the United Kingdom and Canada. Yet, the colonial/racial subjects of the Empire - Afro-Caribbeans, Indo-Caribbeans, South Asian, African, and other nationalities that were linked to the metropolis in an exclusionary way through the entanglements of power relations - can find in language a racialising tool (Grosfoguel et al, 2014). The colonial/racial English of these former colonies might not even always be recognised at the point of entry, and their knowledge of English is not deemed sufficient if not proven through formal tests. Even once they are selected as these privileged few, the various racialised English accents denounce their Otherness and creates a process of deskilling that, in turn, reinforces the idea that the bar should be set higher. There is no further scrutiny as to why employers' preferences are what they are, but a reifying mechanism where their biases are feeding the policy-making process.

Language fluency brings the immigrant closer not only to being an *honorary White* to those this is a possibility, but also brings them closer to an ideal of middle-class. The focus on the middle-classness of skilled migrants is a nation building strategy to avoid social cohesion woes wrongfully and frequently ascribed to migrants. The importance of culture in the racialisation process is clear when it comes to language, as the knowledge of the official languages is deemed necessary pre-entry. Language is closely tied to the cultural turn on racism, where foreign languages are increasingly associated with non-assimilable alterity and even danger. Thus, requiring of the immigrant not only the acquired knowledge of the official languages to increasing higher levels, but a sanitisation of one's own accent as a proof of knowledge of the receiving nation's social norms. The violent injunction to 'Speak English' constitutes racialising acts of purifying whiteness - 'speak white' (Fortier, 2022:452). This goal is now part of the feeding mechanisms of the immigration-integration nexus operating in neoliberal democracies' turn to selective policies. One major result of this shift in the global economy competing for foreign labour is that language is central, both as a process and as a product of work, in 'language

industries', which are gendered, racialised and also more likely to reinscribe class relations in powerful ways (Heller, 2010a: 352)⁸.

1.6 Matters of class

Gender and race can no longer - or at least for now - be present in any objective way in selective policies. The move away from discriminatory policies has created roadblocks to any practices that bring these two categories as a selective criterion. The strengthening of anti-discriminatory legislation reinforces the importance of objective equality and isonomia. Class, however, is not protected in the same way and it is an active and important part of both immigrant self-selection and selective policies. Before I dwell on that, I would like to clarify what class means in this thesis.

Class has many theoretical understandings, but the one that informs this thesis follows Bourdieu's characterization of class as a complex social construct based on various forms of capital (1984). The three main types of capital are economic capital, cultural capital and social capital. For immigration policies, economic capital is increasingly being taken into consideration for privileged routes with the rise of the investor visas, but more commonly assessed through wages and used for immigrant self-selection with the rising costs of visa fees (Chalof & Lemaitre, 2009). Economic capital, although one of the primary forms of capital, does not function in isolation, particularly because its value and influence are often mediated through other forms of capital.

Cultural capital is heavily mediated by economic capital and means of access to different non-economic assets that enable social mobility and confer social status. It is clearly the one that is mobilised the most by selective policies. Skills are, primarily, a floating signifier of cultural capital in the form of institutionalised cultural capital as academic qualifications and credentials. For immigrants, institutionalised cultural capital is crucial as degrees and diplomas are the easiest ones to serve as a certification of an individual's cultural competence and can play a crucial role in gaining access to these visas. Yet, not all diplomas are valued the same and institutionalised cultural capital alone is now rarely the most important criteria. It is in relation to other criteria that it stands. Language, occupations and wages or potential wages have taken the forefront. Embodied cultural capital is particularly important for this immigration-integration nexus, as it refers

⁸ Heller (2010a) describes how this mechanism goes beyond immigration, and how language is also a resource in the globalised new economy for the whole workforce.

to more subtle but deeply ingrained habits, skills, and dispositions that an individual acquires over time. This more ethereal criteria go under the radar as a powerful discriminatory selection tool, it looks for class and sameness in matters of language but also of habitus.

Habitus, to Bourdieu, is central to understanding how social structures are produced and reproduced. It is a set of durable dispositions, practices and habits that are acquired through life. They are deeply ingrained and operate unconsciously, guiding behaviour and translating the embodiment of social structures in which a person is embedded. It is transversal to family, education and social class. It is precisely what integration variables are about. The fine-tuning of these variables is in constant search of the right set of criteria to the closest habitus of the upper and middle-class of the receiving nation-state. The nexus between integration-immigration has tried to zone into habitus through different ways. Language, as discussed, is a skill that does not require any mentions to class. Yet, it precisely selects those who have the means to learn another language to a higher level and are both able to go through the hoops of certifying this knowledge through expensive types of formal testing that are now the norm of policies towards skilled migrants.

In a similar fashion, the turn to two-step migration shows an understanding of previous in-country migration as a form of migrant capital and habitus that are predictive of one's own integration potential. There is a premium placed on a previous migratory experience in the receiving country, and Canada is a great example of how practices that were once seen as discriminatory have been reclaimed through this neoliberal turn with the rise of Canadian Experience. Migrant capital is not only valued if acquired in the receiving country, it can also take part of a self-selecting two-step migration approach for those who are trying to access a competitive labour market in the Global North. First, as a student, a migrant can gain formal accreditation through universities that are deemed better for the advancement in their careers but also more readily transposable to other states. This makes the route for credential recognition more straightforward. Knowledge is valued differently depending on where it is coming from. Bourdieu would discuss the diploma inflation and the consequent reproduction of social inequality as those from more privileged backgrounds can offer higher degrees that maintain or assert their social position (1984). The increased access to education and the shift in the value of education has pushed the bar from tertiary education to PhDs in certain skill-based policies, for example.

The social reproduction of inequalities that operate at different layers of capital are reinscribed in policy criteria for skilled migrants. For the sake of selecting the privileged few, class becomes an organising feature of selective policies as they become more restrictive. It can be inscribed in the policy making without raising the concerns for anti-discriminatory practices that race, and gender would. Additionally, in the neoliberal understanding of human capital, class is both a synonym of a successful trajectory and of potential for future gains. Class or class fraction is defined not only by its position in relations of production (occupation, wage or educational level), but also a certain sex-ratio and a certain distribution of geographical space and by an intricate set of characteristics which may function as real principles of selection or exclusion without ever being formally stated (Bourdieu, 1984: 96).

These tacit requirements are secondary characteristics that are part of selective policies, though absent from the formal legislation, function as tacit requirements. Social class is not defined by a property, but by the structure of relations between all the pertinent properties which gives its specific value to each of them and to the effects they exert on practices. The factors constituting the constructed class are determined by those which have the greatest functional weight, and both the volume and composition of capital give specific form and value to the determinations which the other factor (sex, age, place of residence) impose on practices. The lowest positions are designated by the fact that they include a large proportion of immigrants or women or immigrant women (Bourdieu, p.100-102).

Selective policies towards skilled migrants were designed precisely to avoid the brutalities of discriminatory practices, but not for equality in means of access. The neoliberal turn they invoke allows the members the illusion of the election on grounds of personal uniqueness, as the 'best and the brightest', with the certainties of selection that ensures maximum group homogeneity through the immigration-integration nexus. The fine-tuning of variables that are predictive of success with very little concern for what success means in terms of gender, race and class are by default. Shielded by the objective equality of said laws, countries are not bothered by how this visa flow differs from the overall migrant population. The male-centric and middle-classness of skilled migrants is not an accident, but an asset of these policies that are targeting those most easily absorbed by segregated labour markets.

Chapter 2 - Methodology

The objective of this thesis is to further our understanding of the gender imbalance in skilled migrants coming through selective policies. Thus, policies form the core of this analysis: the criteria behind them, and the political, social, historical and economic context they are part of. There is a fair amount of descriptive work that has been done here, in retrospect. I aim to discuss this process by looking not at those at the margins and bearing the brunt of violent xenophobia and the rise of far-right populism, but at the privileged few that are constructed as desirable migrants. I argue that this construction is crucial for our understanding of who gets left behind at a time of growing restrictiveness. It has not been a straightforward research design, as I encountered roadblocks that will be discussed later in this chapter. Yet, this research has been defined by an approach to migration as a matter of ethics (Carens, 2013; Abu-Laban et al, 2022). This methodology is not neutral, and it does not pretend to be. The guiding principle behind the choices here is to consider not only existing political trends but also what they ought to be.

This chapter outlines the methodological approach employed in this research, focusing on the reasoning behind the methods used, their relevance to the research question and the steps taken to gather and analyse the data. That said, the structure of this chapter will be as follows. I will first present the research design in order to discuss the core questions, the paradigms anchoring my argument and present the methods used. Then, I will detail the strategies behind these methods, explain the data sources, the data collection and its procedures. Lastly, I will present the challenges faced and limitations of the present study.

2.1 Research design

This study aims to investigate selective policies and discriminatory practices, guided by the following research questions. These research questions are critical in determining the approach for data collection, sampling and analysis. The questions here emerged through an inductive research process between my dialogue with the burgeoning literature on skilled migration and the data available, discussed at length in Chapter 1 - Selective policies, discriminatory practices and its scholarship debate. The primary research question is: why is there a gender imbalance in selective policies towards skilled migrants? Born out of a normative shift in the sixties and seventies, these selective policies were hailed as the end of discriminatory practices based on race and nationality

that had guided many Western nations' immigration policies. Yet, when looking at the visa flows coming out of selective policies, there has been a constant gender imbalance that has tipped feminist scholars to look at this matter. I stumbled across this issue from works of other scholars that had raised the alarms over gender-based obstacles in accessing selective policies towards skilled migrants (Boucher, 2016; Kofman, 2014; Raghuram, 2004a, 2004b). There are reasons for concern over discriminatory practices that persist at a deeper level concerning gender. Moreover, they are often perceived as an outcome of the gender imbalance of selective policies visa flows as an unavoidable result and not the default of a gendered policy.

This main argument unfolds and structures the following secondary questions: What are the policy criteria that could explain these imbalances? Is it possible to observe objective equality and subjective equality in policy making? How did selective policies inform the normative shift in immigration policies in this period?

After dialoguing with the literature on gender and skilled migration, I identified that the criteria behind the policies were often seen as an explanatory factor for these imbalances. That is, age, salary level, occupation, and other criteria have been listed in the scholarly debate as roadblocks to many women's migratory projects. I focused, then, on examining the policies in that decade concerning their criteria. Since the normative shift from the sixties, anti-discriminatory legislation and the importance of isonomia in liberal Western democracies is paramount. There is objective equality *de jure*, the present discussion here is about whether there is equality *de facto*. Subjective equality in the means of access to these policies is at the core of the research question of why the gender imbalance remains in selective policies.

Immigration is managed from a state-perspective through policies that try to define in increasingly narrow terms who is allowed entry and who is not based on a set of complex intertwined political, social and cultural aspects, and one newer but very poignant category is the skilled migrant. Policies towards skilled migrants were introduced by Australia and Canada in the 1960s and 1970s after both countries had to address their previous blatantly discriminatory criteria. After a normative shift in the post-second world war period and the emergent civil rights movement, the racist policies that had lasted from the days of the Empire were under intense scrutiny. The shift from racism to meritocracy under selective policies was effective in changing the narrative and bringing their legal system in line with equality provisions that were permeating the legislative turn from that period. Making discriminatory practices illegal in immigration

policies does not result in “open borders”, precisely the opposite. There was now an ever-increasing need for immigration policies that targeted immigrants in innovative ways that matched the country’s nation-building strategies. The points-based system that emerged was a bold and creative way of selecting educated middle classes from abroad. After decades of being outliers, they became trendsetters and policies towards skilled migrants started to proliferate around the globe.

The United Kingdom, amongst many other Western democracies, was faced with a need for skilled labour resulting from labour market demands in an ageing country with an expensive national labour force. Hence a desire to open doors to the ‘best and the brightest’ without making room for any other migrant category. In the early 2000s, countries prepared themselves for the 21st century and focused on their competitiveness as knowledge societies in a globalising world, expanding the number of countries with such policies (Czaika, 2018). Their intent to attract this particular set of workers meant they would borrow from the Australian and Canadian examples. The UK has drawn mostly from the demand-driven Australian model, where Canada influenced those looking for a human capital model that focused on the supply of labour force. By the time the financial crisis hit in 2007, the UK had recently started to design its policy-based system, while Canada had amassed five decades of experience.

Even though both countries had very different political contexts and legislation, a convergence towards more restrictiveness was seen as a part of the response to their economic woes. Alongside that, immigration became a matter of security, social cohesion, collective identity and diversity, and at times the target of vile political discourses that resonated with public opinion. Family migration and refugees were on the frontline of this attack, but the multiple international agreements and human rights responsibilities towards both family life and asylum seekers meant that policy changes for those routes were more cumbersome. Skilled migration, however, was a simpler route to redesign and they quickly became an important part of the puzzle that attempted to bring down the migratory flow.

The decade between 2007 and 2017 will be the focus of this research, as it tries to unveil how both Canada and the United Kingdom made use of their policies towards skilled migrants to control immigration in general. To do so, one must look at the discriminatory practices behind these policies and not only at the letter of the law, but at its spirit as Dauvergne (2003) reminds us. I will address how gender, race and class interplay with the policy criteria used and what their implications are for migrants’

trajectories. My main argument is that these policies were built on proxies for discriminatory practices legitimised beneath a cloak of meritocracy, and these proxies indeed work in selecting educated male middle classes from abroad, the ideal type of economic migrant. This was only possible due to the immigration-integration nexus that these countries have been building into their legislation, with a blurring of the lines of immigration policies through biopolitics of race, class and gender.

Through a comparative meso level analysis between Canada and the United Kingdom, I intend to infer possible connections between the criteria set by policies for skilled migrants and how they interplay with discriminatory practices. As countries that have also shared a path through colonisation, they are culturally, historically and ethnically more homogenous. This case-oriented research relies on two selected cases that differ relatively little from each other concerning the outcome under investigation (Ragin, 2004), which in this case is the presence of policies targeting skilled migrants. Although there is a clear difference in how each country presents itself, with Canada branding its immigration policy as open and inclusive, and the United Kingdom relying on the restrictiveness of the selective policy to appease a hostile environment towards immigration, the overall picture is surprisingly similar. The similarities in the Global North, especially for Anglo-Saxon countries, be they White settler societies or the former Empire, are shaped by both culture and history. The competitiveness of neoliberal instruments suits these countries' dynamics well, and works in their favour in global power dynamics on their quest for the 'best and brightest'.

During the period in this study, policies for skilled migrants generally became more restrictive than in the past. This is especially the case after the economic crisis that started in 2007, following trends seen in previous moments of economic downfall. The persistent gender bias in employment and the cyclical nature of career success for women also shape the opportunities for female international mobility, with the deskilling of women migrants being a common feature of their migration and more acute during recession periods (Iasakyan and Triandafyllidou, 2016: 11). This shift from a friendly environment for skilled migration to a more austere context impacted policies in both countries, which means that these years carry special importance in the understanding of impacts of such changes along gendered lines, but also with a striking relevance for class and racialisation.

2.2 Methods and methodology

Virtually all empirical social research involves comparison of some sort, and in this broad sense it helps to contextualise the particularities and search for regularities where they exist. Traditionally, what distinguishes comparative research methods is the use of macrosocial units to study and explain variations and similarities, but also to interpret diverse historical outcomes and processes. For qualitative comparative research, seeking to understand and interpret specific trajectories and experiences of the countries studied is central and conducive to the interpretation of culturally and historically significant phenomena, the exploration of diversity and the lending of a voice, but not for the testing and refining of theories and concepts. This research is a comparative case-oriented study that looks at two nation-states as two macrosocial units, Canada and the United Kingdom, and delves into a specific set of policies for a given time. As interpretative work, it attempts to account for significant outcomes and processes by piecing together a broad array of information in a manner sensitive to historical chronology, and offering limited historical generalisations which are sensitive to the context (Ragin, 2014).

Although not solely focused on theory advancement, the research is heavily intertwined with the theoretical and conceptual discussions that inform my work. The capacity of migration studies to further our understanding of theories through qualitative studies has been a distinctive feature of this interdisciplinary field, alongside its capacity to generate new research questions as a goal of qualitative research rather than a shortcoming (Morawska, 2018: 116-117). Thus, this comparative case-oriented study has a broader range of goals than what the classic comparativists might expect. The methods described were used in order to conduct an interpretation of selective policies in a historically contextual manner, to explore matters of diversity and inequality, but also to test and advance theoretical knowledge at the same time as fostering a virtuous circle of research questions throughout. This inductive-deductive feedback anchored in a solid theoretical discussion was, in broader terms, the method of choice.

This research also required a fair amount of reflexivity from me as a researcher, and although I do not aspire to the positivist canons of neutrality and objectivity, I do aspire to transparency in this process. It was when I recognised myself as a migrant that I encountered migration studies during my masters, and that changed the course of my academic career. As a Brazilian woman in a Portuguese university, my *otherness* came as a surprise to me and a matter of fact to many. I experienced some facets of what being *Othered* means and, in turn, felt a strong desire to understand it beyond my personal anecdotes. I could sense the shifts that crossing a border had done both to my identity to

myself and others, it was both uncomfortable and fascinating to read more about migration. After the long road that has led to this thesis being completed, I think it is important to dialogue with my positionality and what it means to this work.

I remember I was confronted by an older male Portuguese student after presenting an early design of this research with a short and aggressive tone that asked me why I was studying myself for a PhD. At the time, I uncomfortably said that I was studying another migrant group that entered through a visa that I never used in countries I, then, had never lived in. I instinctively tried to reply within the logic of the insider and outsider categories I would stumble across a while later in the literature on positionality. I thought the distance from my subject and myself was clear for him to see since I was a student migrant in Portugal and did not come through any selective policy for skilled migrants. Yet, he saw a much closer picture since I talked about gender, race, class and the power dynamics of these differentiations while recognising the privilege this group has. The interesting thing about *Othering* is that differences stand out a lot more than similarities, and in that classroom, I was grouped with the *Others* in my research more often than not.

The biases I have and can recognise are undoubtedly different from biases held by researchers from dominant social groups. I am engaged in migration studies as an important tool for discussing discrimination at every step of the way, for any given policy and questioning what is done in the name of controlling borders as one of the most comprehensive forms of biopolitics in this century. In the nearly ten years I lived in Portugal and England, I have gone through the hoops of different seasons of one's life course and I have kept the perspective of being a female migrant central. I aim to discuss migration in a normative sense as I know the responsibility of researchers in informing policies, and I worry for the utilitarianism behind the immigration-integration nexus that breaks down human capital variables to adhere to neoliberal understandings of society.

I subscribe to the transformative paradigm proposed by Mertens (2008), as a philosophical framework that focuses on the tensions that arise when unequal power relations surround the investigation of what seem to be intransigent social problems. Here, I focus on privileged spaces, as selective policies toward skilled migration enable access to a set of rights that is constantly being stripped from other visa routes, if they were ever offered at all. This is, perhaps, surprising at first since discrimination is a lot more readily perceived in other spaces and by other groups. Feminist scholarship in migration studies is not always concerned with the space of majority, of privilege, because they do not represent the overall experience of the female migrant. Care work and family migration,

for example, are at the other end of the spectrum, with a marked presence of women due to the gender roles and sex-based segregation of the labour market. Yet, I would like to argue that if we do not inquire about who gets to be considered privileged, skilled and worthy of special treatment, the discriminatory practices in place that have upheld these gender imbalances remain unaltered. The methods used here have had this concern, and through a tapestry of data collection and analysis procedures, I was able to argue that the immigration-integration nexus inherent in neoliberal understandings of migration policies have solidified the role of discriminatory practices in policies towards skilled migrants.

I opted for a detailed, meso level inquiry on how inequalities are inscribed in selective policies and have shaped the current immigration regimes in the two countries. To do so, I have relied on qualitative content analysis to discuss the questions raised above, with the nation-states as macro units of analysis and detailed inquiry at the meso-level to answer how legislation, parties and organisations have shaped this current immigration regime. All research relies on the researcher as a key instrument, and I have continuously strived for reflexivity in this role. It led me to state earlier that I do not hope to be neutral, but to acknowledge my background, culture and experiences as a female migrant myself during this process. Yet, I do not write about a shared experience apart from the shared experiences all migrants have regardless of their receiving country or form of entry. The research design previously discussed is an emergent design that surfaced after a long process of data collection and dialogue with the scholarly debate. The primary research question, on whether the discriminatory practices have been abandoned, emerged earlier on.

To answer that, I used an inductive process and descriptive work that dwelled on the policy changes of this decade. I collected data from secondary sources, mainly governmental bodies and international organisations. This was primordial for the inductive data analysis, allowing me to build patterns, categories and themes from the bottom up. Then, I could work on the concepts that help interpret the data so that systematic patterns could be identified and interpreted.

First, I mapped the available data disaggregated by sex and visa flow, sadly finding big gaps. This is a persistent problem to the point of negligence, where countries routinely distribute disaggregated data in relation to gender (Donato & Gabaccia, 2015). That, in turn, altered my initial plans and moving forwards I had to build robust theoretical grounds to further my analysis and built my hypothesis through deductive data analysis. Dealing with multiple sources of data, there were times where the comparative analysis

between Canada and the United Kingdom proved challenging, as will be discussed later in this chapter. This initial mapping of data proved that the gender imbalance persists in Canada despite attempts on gender mainstreaming and multiple reshuffles of the points-based systems. In the United Kingdom, the gender imbalance was there from the get-go as well, and the policies have seen a similar distribution of female and male primary and secondary applicants. After reports on both countries regarding the data available with the initial mapping of sources and complexity of disaggregated points of information, it was possible to engage with the secondary questions.

For Canada, I have relied on publications from CIC, later IRCC, Annual Report to Parliament on Immigration, Facts and Figures and multiple tables with data sources on immigrant distribution. I have also analysed reports and publications commissioned by the government on the matter of skilled migration. I have also read a vast array of pieces of legislation regarding policy changes and ministerial acts. For the United Kingdom, I have mostly relied on publications and reports from the Home Office, MAC and SOPEMI. I have used OECD reports and information where needed for both countries. Also, I have analysed party manifestos, public speeches and other pieces of news when elections happened in both countries. In the case of the United Kingdom, that was more salient due to the turmoil of Brexit. Also, I have referred to archived websites from both countries to analyse how changes in policies were published to the larger audience.

Then, to better follow changes relating to the gendered analysis of the criteria in these policies, I built a grid to instrumentalise this qualitative content analysis in a way that was both comparable and replicable in further studies. As an example, I will explain the entry in the table below. It is one point of entry in the grid, illustrating how each policy was examined and analysed. After a long dialogue with the empirical analysis and the theories, each column in this grid was a relevant part of the puzzle to answer the research questions of this thesis.

Table 2 - Grid Entry Example United Kingdom	
Published in	2008
Titled	Tier 1 - General (30.06.2008)
Specify	Points-based policy replacing HSMP
Prime Minister	Gordon Brown (PM 2007 - 2010)
Home Secretary	Jacqui Smith (HS Jun 2007 - Jun 2009)
Skills definition	Qualifications; Previous earnings; UK experience; Age
Age considerations	Yes (Under 28 20p; 28 pr 29 10p; 30 or 31 5p; 32 and over 0p)
Educational level	MBA selected list 75p; PhD 50 points; Masters 35points; Bachelors 30points
Work Experience	Not relevant to this policy
Salary Threshold . Investors?	Wide range, linked in comments
Demand-driven, supply-driven or other*	Supply-driven
Sponsor needed	No
Freedom to change employers	Yes
Occupational sector list	No
Language test	Yes (IELTS 6.5 or over, exception in some cases)
Quota	No
Route to settlement	Yes
Rights to family reunification upon entry	Yes
Observations	Extra points if earnings or qualifications in the UK Eliminary criteria: FUNDS
	Eliminary criteria: Funds
	https://webarchive.nationalarchives.gov.uk/ukgwa/20081105162944/http://www.ukvisas.gov.uk/en/howtoapply/infs/inf21pbsgeneralmigrant#3906078
	https://webarchive.nationalarchives.gov.uk/ukgwa/20081105162944/http://www.ukvisas.gov.uk/en/howtoapply/infs/inf21pbsgeneralmigrant#3906078

I discuss this particular entry in chapter 4 on the United Kingdom, highlighting that Tier 1 General focused on the highly skilled and was the only one that did not require a job offer, being supply-driven and applicants were successful if they reached 75 points, including an eliminatory 10 points that showed their ability to fund their stay in the country and another 10 proving at least intermediate level of English. Tier 1 general focused on tertiary education or above (Bachelor 30; Masters 35, PhD 50 or MBA from selected elite universities 75), previous earnings (different points according to a scale from 16k to 40k+), points for younger applicants (varying points to younger applicants up to 32 years), and bonus points for qualifications or work experience gained in the UK (5). Tier 1 did not require any sponsors and allowed family members to enter as dependents. It was arguably the most liberal policy to attract skilled migrants to the PBS. This is how one point of entry in the grid fitted into the thesis as a puzzle piece of the qualitative content analysis.

I followed the policies from 2007 to 2017, after contextualising what was already in place before the onset of the financial crisis. I gathered publication date, title, prime minister and ministry, if applicable, and the criteria I set out as pertinent to my analysis: skills definition; age considerations; educational level; work experience; salary threshold; demand-driven, supply-driven or other; sponsor needed; freedom to change employers; occupational sector; language test; quota; route to settlement; rights to family reunification upon entry. Other observations and particular criteria were analysed on a case-by-case basis. It was at this stage that matters of class became clear as an unexpected but most salient criteria behind discriminatory practices within selective policies. Only after mapping changes in salary thresholds and following the trends associated with the rising costs of the application process for both Canada and the United Kingdom, that a major piece of my argument was built. This is one example of how this data analysis procedure was helpful in bringing to the fore a criterion that, at first, had not been at the core of my analysis.

This grid mapped the policy changes and was helpful to build an analysis that was, at first, descriptive of the changes in the period. I looked at the available disaggregated data in relation to these changes, looking for patterns that could emerge and causal-relational explanations for the persistence of this imbalance. In the case of Canada, I have also kept track of changes in their caregiver visas, albeit more loosely, as it provides such a stark contrast of a flow heavily gendered and is helpful to the discussion of who gets to be considered skilled in a segregated labour market. Similarly, I have followed trends in

other visa flows, such as family reunification, and overall migrant sex-composition through censuses to contextualise this gender imbalance. This systematic collection of data and narration of the facts that followed is rather important to be able to portray a holistic picture of skilled migration, one that does not simply put them as ‘best’, ‘brightest’, ‘privileged’, but one that makes room for a nuanced approach to skilled migration as a way of modelling migratory policies in general. After triangulating the data and mapping what I had gathered, describing what there was, it was time to turn to why it was so.

2.3 Advantages and limitations of the study

Comparative analysis is at the core of many disciplines in social sciences, as the goal of identifying similarities and differences among macrosocial units provides the key to understanding, explaining and interpreting diverse historical outcomes and processes (Ragin, 2014). To reduce the likelihood of misinterpretation, various procedures are employed, especially the redundancy of data gathering and procedural challenges to explanations – these procedures are generally called triangulation (Stake, 2005). Hence, this qualitative analysis required multiple sources to minimise further problems in reading the gathered data.

In migration studies, this brings a multitude of challenges to the researcher. Migration is one of the most important demographic variables, but unlike birth and death that are unique events, it is a continuous process across time and space between the movement from country of birth and country of residence (Skeldon, 2012). Thus, it makes data gathering a much more complex phenomenon with cross-country variations in its concepts and methods. It might even vary in one country, depending on the objectives of those defining migration. Skilled migration, in this case, refers to visa flows through channels designed to target a specific group in trying to address labour market needs. The concept is in flux and, as I argue, it is a floating signifier of other markers of differentiation that are deemed desirable to approach the integration-immigration nexus. Hence, the purpose of entry normally comes to aid as well as the immigration regime of each country, with the need for particular visas which comprise migrants into several different categories.

The purpose of entry through the immigration procedure, which is, in itself, a result of state policy, defines concepts and categories that will hold variations across countries and complicate comparability. Also, the number of countries that can collect and process

continuous entry records is limited to the more highly developed countries that can count on a relatively efficient bureaucratic body (Skeldon, 2012:232). Yet, no matter how good the data gathering of an individual country might be, difficulties will emerge when researchers try to compare data.

Among other challenges, two stand out and had to be addressed through a careful methodology in my research: different concepts used in a data archive and different methods of collecting it. It is necessary to ask whether data generated via different sources or methods take a similar or complementary approach in a technical or organisational sense, so that they can be aggregated in a straightforward manner, or grouped together, or made comparable in some way (Mason, 2002:34). Thus, I have strived to use official data from annual reports, censuses and international institutions to be able to compare data at a macro-level. Yet, I cannot guarantee that the methods of data collection are similar but I can say they are sufficiently similar for the scopus of this research. To understand the reasons for the imbalance of the proportion of male to female primary applicants, I decided to use the data analysed at the macro-level through official sources and discussed the inconsistencies of skills-definition for the theoretical discussion advanced through the thesis' main arguments of skills as a floating signifier serving the neoliberalisation of the integration-immigration nexus.

I have opted to utilise the purpose of entry as the main criteria for data selection alongside what both Canada and the United Kingdom define as selective policies towards skilled migrants. There are other forms of entry for skilled migrants in both countries, such as investor visas, talent-based visas and so on. Purpose of stay is, alongside time, a particularly important criterion in defining international migrants' status. It is increasingly important in a world where migrants are being divided between a greater number of categories based on the purpose of stay or form of entry. Thus, change in policies might change datasets in a longitudinal analysis according to new visas and new categories. Together, the duration and purpose of stay are often closely linked from the regulatory perspective and, together with citizenship, they provide the most useful elements in determining the migrant category appropriate for classifying someone on entry into a country (Bilborrow et al, 1997:25).

I brought gender to the fore of my analysis and the challenges with the data disaggregation were many. Initially, my research design relied more heavily on comparing data disaggregated by purpose of entry, citizenship, and sex. Yet, I have found that many publicly available datasets do not disaggregate data at this level consistently.

It is often the case that the purpose of entry is presented with one other category at a time. The roadblocks required an emergent research design, mapping the possible pathways to inquire the inequalities at play. Policies and their criteria became the centre of my analysis. This required an inquisitive approach to methods and a broad base for theoretical analysis.

Instead of shying away from the lack of disaggregated data, I relied on the scholarship on gender and selective policies to interpret even its absence. Who did it serve? Nation states who used the amorphous category of skills to select the closest-possible ideal to the middle-class citizen, with the racial, gendered and classist implications it has. The human capital model fine-tuning of variables that could predict integration mirrored the inequalities in both receiving countries, reinforcing them as a criteria for entry. It is not a coincidence that selective policies were born out of racist policies, I argue they were not the rupture they set out to be but a way of achieving similar results under a new normative paradigm.

The conception of points-based policies as a way to remove discriminatory criteria such as race and nationality was not a move towards open borders. It was a process of liberalisation of immigration policies in market-oriented ways. This tension between economic pressures and political objectives has been extensive in migration studies, be it the liberal paradox as Hollifield (1999) or the discursive gap discussed by Boswell (2007), this tension has now reached higher levels. The neoliberalisation of immigration policies comes as an answer to these increased opposing forces in a hostile environment, it doubles down on the market model as an answer to the political and societal unease around migration. If migrants are necessary but undesirable, it tries to make sure they are being selected to the highest level and not disrupting social cohesion.

The predictors of integration were often discriminatory biases of the labour market, the case of the Canadian Experience being the most blatant one. It was once considered an unfair and discriminatory practice that should be avoided, but later became a successful program in the eyes of progressives and conservatives alike. Selective policies towards skilled migrants have a powerful way of normalising discriminatory practices due to the mere fact that they are trying to cherry-pick the ‘best and brightest’ in the name of social cohesion and labour market integration. As a researcher, it is a challenge to maintain your gaze at the places of privilege without losing track that there is nuance in who gets access to such privilege.

The neoliberalisation of immigration policies moves through selective policies towards skilled migrants with a spillover effect into other migrant categories at a much faster pace than is possible for other categories. If humanitarian and family migration are still tied to somewhat liberal and consolidated jurisprudence, with international law and human rights ties, skilled migration is not. Its sole connection is made to labour market needs, they are the privileged guest workers of the 21st century but they are also the goal post for what is desirable of a migrant. They embody the biopolitics of immigration policies, they are the site of tensions between the life of the individual and the life of the nation. As migrants are now placed at odds with nation-states' integrity, the ideal type of migrant is also a yardstick for the rest of the immigrant population.

By evoking neoliberal principles of national prosperity and self-improvement, opponents of immigration can shield themselves from allegations of racism (Yeng, 2014: 31). In doing so, they chip away at rights and dehumanise immigrants further and those at the margins are being targeted through neoliberal policies towards skilled migrants. This was a pivotal change in my understanding of selective policies through this work. I had assumed, as much of the literature, that the goal to erode rights for those at the margins of society and the receivers of the blatant xenophobia was targeted only at policies aimed at these groups. I now argue that selective policies serve particularly well for this process, as they have opened the way for market-oriented policies that normalise discriminatory practices and can influence the policy design of family reunification and humanitarian visas.

I would like to bring examples that illustrate this spillover effect and are possible routes for future research. One is the Canadian temporary public policy to facilitate the granting of permanent residence for certain refugee claimants working in the health sector during the COVID-19 pandemic (Mendicino, 2022). This temporary policy targeted skilled migrants within the humanitarian visa stream, hoping to address healthcare shortages during the COVID health crisis. The wording is unequivocal, the labour market need of health care personnel could benefit from the labour available in-country of those with pending or failed asylum claims. This new route was possible in the name of market needs, not humanitarianism, the vulnerability of these claimants was recognised alongside their assets to society. Yet, a route for their permanence was only possible due to the extreme context of a pandemic. Their value was only recognised as needed as other routes to immigration had to close due to the exceptional border restrictions during the COVID health crisis. This temporary measure made way for a new visa stream that indeed created

the category of skilled refugees in 2023, merging humanitarian visa streams with skilled migration (Government of Canada, 2023, June 28).

In Britain, Brexit was perhaps the grand opportunity to rewrite policies of immigration in market-model terms. The racism that erupted during this process that culminated with the departure from the EU and is mobilised until today begrudgingly makes room for only one accepted form of migration: skilled migration⁹. The overhaul of the previous policies made way for a points-based system that organised all work-related forms of entry. Thus, the apparatus of selective policies towards skilled migrants is used for both temporary, permanent and seasonal work (Great Britain. Home Office & UK Visas and Immigration, 2020, January 28). A route for health and care workers was also introduced, with lower costs than other skilled routes, which should be of interest for a gender-based approach to scrutinise the criteria and outcomes.

Apart from the seasonal work visa, less skilled migrants have no routes available to them. There are no provisions for work visas that are not deemed skilled by the new points-based system. Work-related migration only has forms of entry if deemed skilled, or in this case seasonal as an exemption relating to the many difficulties in the British agricultural sector without access to the free movement of cheap labour from the EU. Understanding what is behind skills, how it organises this new points-based system and how discriminatory practices might have been shaped into policies is also another important avenue for future research in this country.

Apart from the limitations and roadblocks, the tapestry of this work was built with a multitude of data sets, analysis and an interdisciplinary approach to migration studies. By building upon the concept of skills as a floating signifier (Abu-Laban, 2024), I hope to have advanced the understanding of how neoliberalism has embedded itself in immigration policies. I have demonstrated how market-model variables have become increasingly a part of selective policies towards skilled migrants and how it makes room for discriminatory practices to be legitimised across other categories as a spillover effect. The meritocratic contours and presumed neutrality and fairness of these policies have left them undisturbed. Scholars hoping to discuss the erosion of rights for migrants and the growing restrictiveness should be reminded to interrogate privileged routes, as there also

⁹ As I finish this thesis, the country has seen the rise of Nigel Farage's Reform Party and troubling racist summer riots that left the newly elected Labour Prime Minister, Keir Starmer, with the challenge of addressing the violent tensions around immigration in the country.

lies a part of the answer on what is being delineated for the future of immigration policies in its neoliberal era.

To summarise, the gender imbalance that was noted within visa flows for skilled migrants (Boucher, 2016; Kofman, 2014) remains unaltered by the policy changes that occurred during the decade following the financial crisis. The short and more established answer in the literature is that there is little to no interest in changing it and that the policy outcomes are the intended result of a selective policy that privileges male areas of a segregated labour market. Before even addressing the why behind the primary research question for this study, it was important to entail a descriptive analysis of the visa flows. I encountered similar challenges that have been documented by feminist scholars (Zlotnik, 1990, 1999; Donato & Gabaccia, 2015), with data being inconsistent and not published disaggregated enough. This limits certain quantitative routes for the methodology, and requires a robust theoretical discussion to situate this study both within the scholarly debate and within the gaps left by the data.

The secondary questions that followed enabled me to select criteria to build a grid for the analysis of policy changes in the decade between 2007 and 2017. In an inductive process of analysing the data gathered in relation to the scholarly debate, possible routes for explaining the persistence of this imbalance emerged. In doing so, class emerged as an organising criterion for discriminatory practices behind the immigration-integration nexus. It was hailed as a necessary criterion for selecting high-earning individuals, guaranteeing social cohesion and integration in the labour market. Class was openly targeted and designed into these policies, in a way that both gender and race, which are subject to regulations over anti-discriminatory practices, could not be. The avenue of selection through salary levels, occupations and procedural fees for immigrant self-selection are powerful in replicating discrepancies that are gender-discriminatory and racialised in the labour market. In doing so, the labour market segregation becomes an informative piece of the puzzle for policy making. Countries are not interested in scrutinising their inequalities and are rapidly using their outcomes for justification of the policy design of skilled immigrant selection.

The convergence of these policies in Western countries that has been noted (Boucher & Gest, 2018; Cerna, 2018) became clearer on the background of the financial crisis. Canada and the United Kingdom have reinforced the idea that selective policies protect their labour market and are strategies for immigrant selection in a world of rampant right-wing xenophobia. I argue that this period was instrumental in the neoliberalisation of

immigration policies in a way that has not reversed since. This market-oriented immigration policy does not require moments of financial instability to further restrictiveness, it has an inbuilt distrust of migrants as dangers to the economic health of Western countries. They are seen as constantly targeted by overwhelming flows of immigration, and this mass of immigrants as a pool for human capital that needs to be harnessed.

The descriptive effort that dominated a large proportion of this research, then, gave turn to the analysis of the context of these macrosocial units from an interdisciplinary perspective. Context is the most important both for the cases here studied but also for my positionality as a researcher engaging in transformative research. As much as predictability is impossible and ‘practice has a logic, which is not that of logic’ (Bourdieu, 1977:109), the outcome of this study is an explanation of the cases presented here and a refinement of the concepts for the analysis of future cases. By creating a web of interpretations and concepts particular to the contextual circumstances presented, I have leaned into qualitative research methods to delve into why this gender balance persists and what are the criteria behind it. Conversely, I have presented an argument for the theoretical understanding of this neoliberal shift and how selective policies serve to catapult this understanding of market-oriented human capital to other categories. It serves to stratify and categorise immigration in a sophisticated and pervasive way that spillovers to the whole immigration regime of Western neoliberal countries. The methodological challenges and limitations to further this line of research are many, but should not prevent the questioning of these policies as a site of potentially unrestricted discriminatory practices.

Chapter 3 - Selective Policies in Canada

Unlike the UK, the Canadian selective policies were a well-established legislative body by the 2000s, and one that had a much more prominent liberal aspect to it. It had withstood the test of time through multiple crises and changes in government. The coordination between lobby groups, civil society, industries and support from different ends of the political spectrum made it into a much more robust policy that could not be meddled with on a regular basis. The comparison between both countries might at times make Canada seem like the least turbulent case-study, but the convergence towards more restrictiveness is an interesting one to delve into. It has similar driving forces, but the specificity of Canadian policymaking and its history of diversity-seeking actors' involvement makes it into a more restrained exercise. Thus, the importance in inquiring why such different approaches had suddenly started to move towards similar political contexts, and how the echoes of racism and discrimination were also present in the Canadian shift.

Canada was one of the first countries to discuss and implement selective policies based on skill. It was a response to diversity-seeking groups, civil rights movements and a normative change from race as a selective criterion used so predominantly in the country's historical immigration policy. The Canadian approach was the creation of a points-based system for immigrant selection, and it is within that framework that selective policies operate until today. However, a lot of changes have been made since the creation of the PBS in the seventies. The first comprehensive reshape was done through a decade-long effort to redesign immigration policies that culminated in the publication of the Immigration and Refugee Protection Act, in 2002. Canada committed at the time to refrain from having a single economic goal guiding its immigration and refugee policy, which would have been objectively simpler and had support from many political actors and researchers, pursuing instead a more diverse set of socio-economic goals for its policies (Dauvergne, 2003).

At this time, Canada committed to a human capital approach to the PBS, with a comparatively lower points test mark, fewer threshold criteria, a wider age limit, flexibility around work experience, as well as less stringent language testing (Boucher, 2016). This was not the result of the initial plans for the PBS reshape, but the result of continuous debate around the possible discriminatory outcomes and how to best avoid them. This approach also involved the creation of a Gender-Based Analysis Unit and implemented a gender-auditing tool Gender-based analysis (GBA) that was to be

published annually and presented to Parliament. This is particularly relevant because there were no bodies for gender mainstreaming regarding immigration and it was prominently part of the Citizenship and Immigration Canada, not merely an ad-hoc exercise during the policy-making process. It went beyond providing input during the legislative process, it would also review implementation and discuss this on a regular basis with the Parliament, providing a certain level of accountability for the governments' commitment to gender awareness.

These efforts resulted in a very particular model at the time, one that distanced itself from the newly reshaped Australian PBS and soon-to-be-created British PBS, as these two countries converged towards a 'demand-driven' approach and focused on a narrower understanding of targeted skills. Yet the Canadian model and its general human capital approach was challenged after the onset of the global financial crisis in 2007. This resulted in new selection grids that focused more strongly upon both formal language abilities, as well as a shift towards employer sponsorship (Boucher, 2016). It is at this time that PBS converges towards a more restrictive approach and that discriminatory practices in the name of economic safeguarding become a staple of the discussion around selective policies in the country.

This chapter will discuss the context of the changes up until the financial crisis to present the model that was then the stage of the debate of immigration policies during a moment of financial instability. To understand more about the shared past and the echoes of the Empire's management of migration through race and nationality, I will go back in time a bit further than other points of this thesis. It is not my intention to write in detail about the history of Canadian immigration, but it is important to understand why selective policies were the country's answer to the normative changes of the post-war period. The institutionalised racism inscribed in the policies and politics was not erased, and I discuss these policies also to address the objective of bringing historicity to migration studies. Especially, as these crucial years in immigration, as Freda Hawkins (1991) describes them, are inherently connected to the history of selective policies. Seeing them as an answer and a continuum of nation-building strategies adds much needed depth to the nuanced discussion around discriminatory practices that I engage with.

I will then explain the legislative context of the years before the financial crisis and what was the PBS at the beginning of the decade that matters most to this study. Thus, turning to the detailed analysis of the policy changes in the years between 2007 and 2007

in relation to the criteria as discussed in Chapter 2 - Methodology. The particularities of the Canadian model, how it navigated this turbulent decade and what impact it had based on gender, race and class will be the core of this analysis. I will finish this chapter with concluding remarks.

3.1 From race to skills, the history behind selective policies towards skilled migrants

Canada can be described as a settler society, alongside Australia, New Zealand and The United States, as immigration is the core of its mythology and nation-building. This powerful mythology is around the idea that they were built from the ground up by people who left European nations and sought permanent homes in the new states, dismissing its indigenous population and how violent this history was (Dauvergne, 2016: 11). They also share a component of whiteness that placates tensions from the process of decolonization, where the process of independence was incremental and more amicable than in countries where slavery was at the centre.

This mythology has served multiple purposes but has mainly managed to conceal the violence involved in both the colonisation and state-building post-independence. By evoking this mythology, Canada has turned the lens away from indigenous genocide and onto a welcoming nation to immigrants as they implemented selective policies towards skilled migrants. It did not try at the time to conceal the Whiteness involved in their nation-building, as both countries decided to find political strategies to remain White while being a part of the not so White Commonwealth. In a coordinated effort with the Colonial Office in London, Australia and Canada built a hefty body of legislation around immigration in the 19th and 20th century that had race as a main selective criterion. Both Canada and Australia were known for their ‘White Canada’ and ‘White Australia’ policies, and similarly, have turned to selective policies as a way of detaching themselves from this racist past. I will at points refer to Australia as another example of how these colonial ties informed the shift from race to skills.

Between 1887 and 1937, the British government held colonial and imperial conferences where the matter of ‘Alien Immigration’ was discussed in length and strategies to prevent immigration from non-traditional/non-white sources of immigration, especially Asians (Price, 2013:630-631). This was a matter for concern both for colonies and the colonial power, trying to balance the tightrope of a shared space of Commonwealth, citizenship and racism.

As the world watched this new nationalism embedded with racism erupt in its maximum expression with the Second World War, views on race and discrimination started to be more widely questioned. Nazism and fascism's take on eugenics and social Darwinism led to the imprisonment, torture and execution of Jews, Slavs, Roma, disabled, homosexuals, blacks, targeting every other group other than that contrasted with the 'Aryan race' (Kuhl, 2002). When the war was over, the old conceptualizations over race, racism and anti-Semitism gained a marginal position in the political sphere (Sobral, 2015). Theories around race as biological differences were discredited, although now differences were explained in cultural terms and that has implications of its own (Idem).

This body of immigration policies worked to racialise the nation and define access to citizenship until the 1960s and 1970s (Thobani, 2000). But as the normative context changed, discriminatory practices that were behind immigration policies were also the subject of scrutiny (Triadafilopoulos, 2013). This was both due to internal and external political pressure, from civil society, institutions and States that were arguing against discriminatory policies for its citizens' entry. It became a lot harder to justify how two liberal democracies were so illiberal in their policies towards migrants.

Skills emerged as an effective way of selecting migrants from middle and higher classes, with a high level of educational attainment and who were ready to work in competitive areas of the labour market. Their focus on a skills-based approach in the late sixties and early seventies has been consolidated and evolved into different policies until today. But for most of the 20th century, they were the only two countries doing so. In fact, as much as their policies have similarities between them, each country took a different approach. Canada moved towards a more liberal route and Australia has remained a more restrictive route.

At the turn of the 21st century, other highly industrialised Western countries started to work on their own policies, drawing from both Canada and Australia's now longstanding tradition. Before we turn to present day politics, this subchapter will briefly describe the rise and fall of racist policies and the emergence of selective policies on the basis of skills in both Canada and Australia. Although I focus later on Canada as a case study, I think it is important to see how the White colonies policy informed the shared history between these two former colonies and the Empire. This is helpful to contextualise the limitations of this turn and of the rupture it proclaimed and brings to the table the depth of the structural racism that lies behind immigration policies and their history.

In a combined effort coordinated through the Colonial Office in London, with six important acts in 1869, 1906, 1910, 1952 and 1976, as well as several minor and amending acts and legislation aimed to discourage or exclude Chinese and later non-whites from entering the country (Hawkins, 1991). It is estimated that two and a half million immigrants came to Canada between 1896 and 1914, while the majority were English-speaking from Britain and the United States, as well as returning Canadians, there were considerable numbers from other European nations, and it was the beginning of the diversification of Canada's population and the point of origin of some of the largest communities present to date (Hawkins, 1991: 5). The Chinese community was far from being a large community, but the government feared Chinese migration as a response to the gold mining that was happening particularly in British Columbia. The Sinophobia was present in ministerial cabinets and on the streets of Canada, with riots targeting the country's Chinatowns and civil society organisations against Asian migration spreading (Hawkins, 1991:18).

Although there was no single immigration restriction act, each act brought elements of restriction that targeted initially Chinese and that was later used against all non-white immigrants in an ever-changing understanding around Whiteness even amongst European nations. Language, disabilities, gender, geographical area, race, and other markers of difference were present throughout these acts and pieces of legislation. The main goal for Canada, and Australia, was to develop these new societies and colonise their vast areas mirroring Britain, and it was widely believed that the homogeneous and unified character of the British people was contributing to that. This was a strongly held belief that saw no dispute in the political realm, as these restrictive policies were supported by every government until they were revoked. It was not a contentious policy, rather a well-established part of Canadian nation-building.

The Immigrant Act of 1919 granted Cabinet power to create regulations to control immigration on the basis of nationality or race, and other eugenic views (Matas, 1985). Canada's tradition of regulating immigration for nation building was divided in three classes of immigrants: preferred, non-preferred and excluded. The preferential system that derived from this settler-colony strategy, until 1947, gave preference to: first, British subjects from the United Kingdom or from any of the British Dominions and citizens of the United States of America; second, to Northern Europeans; third, to Central and Southern Europeans who were agricultural workers, domestics, or a close relative of a

Canadian, with the exclusion of Greeks, Italians, Spanish and Portuguese (Vineberg, 2011:200).

People from the rest of the world could only migrate to Canada by exception, and many Asian nationalities were barred. Citizens of China were barred in 1923, all other Asians except wives or children of citizens, and in 1931, a limit was set to immigration to British Subjects from the UK and the Dominions and United States' nationals, as well as wives and children and fiancées of Canadian resident males and agriculturalists that possessed sufficient means to farm in Canada (Vineberg, 2011:201). Women from non-preferred races were particularly targeted for exclusion, and men from this class were only allowed into the country to provide cheap labour (Thobani, 2000:36).

New norms concerning racial equality and non-discrimination left the country in a difficult position and urged innovative takes on policy changes, leading to the points systems (Lieberman, 2002:704). Yet, the process there was not a clear cut one and did mean the country had changed its understandings around immigration and race. Rather, it showed that White Canada had to be dismantled to appease pressures from international bodies, Asian countries – namely China, and civil rights movements. It was a change in circumstances, not necessarily a change of heart around the importance of Whiteness to the nation.

The immigration act of 1952 showed signs of how the post-war tensions were going to reshape Canadian immigration policies in the near future, trying to adapt and removing 'race' from its documents. 'Ethnic groups' was used instead as a way of softening the blow. It was clearly not enough to address the intrinsic racist connotations of these policies and Canada was soon going to be challenged on this matter. The country was facing pressures from the United Nations to support the goal of eliminating discrimination but was still convinced to avoid Asian and non-white immigration. Revisions started to happen not to change the core of the legislation, but to adapt its language to this new paradigm.

In the post-war period, between 1947 and 1952, reforms were made to adjust the legislation but not alter its intent: to keep non-whites from entering the country. The goal remained the same, even though there were constant tweaks into legislation to try to dismiss claims of discrimination (Triadafilopoulos, 2013; Hawkins, 1991). Symbolic quotas were put in place to appease claims of discrimination against other nations of the Commonwealth, allowing for a very limited number of immigrants: 150 Indians, 100 Pakistani, 50 Ceylonese (Triadafilopoulos, 2013: 20).

These changes had limited success in appealing critics, especially as the Immigration Act of 1952 had so many similarities to past ones. It did not specify any group as preferred or non-preferred but sustained the discretionary power of Cabinet to limit entry of aliens on similar basis. This left the country in an uncomfortable position on the world stage, Canada championed progressive positions in the United Nations and British Commonwealth but had to face the backlash from countries that were barred from entry, especially other members of the Commonwealth, such as Barbados, Jamaica, Trinidad, and other islands of the 'West Indies' (Triadafilopoulos, 2013: 21). The mismatch between Canadian foreign and domestic policy made it rather tricky for government officials that were challenged on it on a regular basis.

The Canadian critical stance on apartheid in South Africa proved to be a particularly difficult one to navigate, as officials knew the anti-racism stance on the international arena could invite criticism of the country's racist immigration policies. Diplomatic personnel reported their worries and difficulties of navigating this dissonant politics. Meanwhile, Canadian civil society started to organise in a more vocal way against the country's own bodies in the closet. Advocacy groups challenged the government's commitment to anti-discrimination and liberal democratic principles by exposing the persistent racial bias and maintenance of discriminatory policies, and virtually all of these appeals included arguments about how Canada was failing to live up to its international commitments to human rights and the elimination of discrimination based on race, colour or creed (Triadafilopoulos, 2013: 22).

It was in 1962 that Canada moved towards a less restrictive policy of skills-based selection criteria, primarily aimed at appeasing critics of racial discrimination rather than opening up to new sources of skilled migrants (Triadafilopoulos, 2013: 24). It reflected a contemporaneous view emerging from within the bureaucracy, from officials to diplomats, in a response to changes in the normative context and not necessarily in response to a labour market need for skilled migrants (Hawkins, 1991). This first move away from racist policies was not a comprehensive one, it was in 1966 that the White Paper on Immigration Policy made clear that there could be no longer discrimination on the grounds of race, ethnicity or religion, but it still lacked clarity in how criteria were going to be employed (Hawkins, 1991: 39).

As a result of a governmental task force to clarify how selection criteria would work, the points-based system was created in 1967 with nine categories and a score of one to ten 'assessment points'. Categories were age, education, training, occupational skill in

demand, personal qualities, knowledge of English or French, presence of relatives in Canada, arranged employment and employment opportunities in areas of destination (Marchand, J, 1967, April 18).

This was a particularly astute strategy, as it both appeased international actors and provided a consensual approach to immigration in the eyes of the public opinion. The new points system was applauded for erasing any formal discrimination and selecting immigrants on a merit-based approach. The creation of PBS is mostly seen as a dismantling of White Canada policies and as a tremendous political shift that erased discriminatory practices from immigration policies in the country (Triadafilopoulos, 2013; Czaika et al, 2018; Koslowski, 2018).

In 1968 Pierre Eliot Trudeau became leader of the Liberal Party and Prime Minister of Canada, it was a government marked by ministerial changes and unstable public support. It was also at a moment of economic turmoil that would mark the following decade with oil prices skyrocketing and economic recession spreading across the globe. Population was part of the Trudeau government as an area of particular interest, and this interest grew during his time in power with discussions both at the domestic level and in the international stage with the role of United Nations once again being a driving force for political change in the country (Hawkins, 1991: 42-45). During this time, Canada saw a sharp increase in the number of immigrants from a more diverse background.

It was a period of some economic and societal unrest, and the influx of immigrants created a backlog of cases that urged the government to make swift changes in its processes. A special task force named Canadian Immigration and Population Study was created within the Department of Manpower and Immigration to review policies, involve provinces in this political debate and, ultimately, publish a Green Paper with clear policy objectives. This task involved a level of research that had yet to happen and was a concerted effort between politicians and academics, resulting in the Green Paper submitted to Cabinet in the fall of 1974 that unfortunately did not live up to expectations and clouded the quality of the debate that followed (Hawkins, 1991: 53).

The national debate on the Green Paper involved fifty public hearings held in 21 cities across Canada, with around 400 witnesses and gathering more than 1400 briefs that turned into the Report to Parliament submitted in 1975. The Committee's document was clear on non-discrimination, the need for a more robust legislation on family migration and asylum, and a focus on quotas amongst other recommendations. This one-time consultation mobilised politicians and academics in a way that was not usual at the time,

it was a special task that paved the way for changes in the following Immigration Act of 1976 but also set the tone on how important in the political agenda immigration policies would be in the following decades. It positioned immigration, demographic and economic concerns at the core of the Minister for Manpower and Immigration.

The Immigration Act of 1976 marked a clear change from its predecessor in 1952, it was a liberal, innovative and effective piece of legislation that clarified how Canada would remove inequalities in the present law, with major provisions on skilled migration, family migration and asylum. It set out ten principles of immigration policy:

(...) enriching the cultural and social fabric of Canada, taking into account its federal and bilingual character; family reunion; federal-provincial-municipal and voluntary sector collaboration in immigrant settlement; the fostering of trade; commerce, tourism, cultural and scientific activities, and international understanding; non-discrimination in immigration policy; refuge policy; economic prosperity in all Canadian regions; the health, safety, and good order of Canadian society; and the exclusion of persons likely to engage in criminal activity. (Hawkins, 1991:71)

The Act and Regulations established three classes of immigrants who will be admitted in Canada: family class; refugees, and applicants admitted through the points-based system and their relatives. It also set out that visas should be dealt with prior to arrival and once admitted, their visa categories could not be changed and anyone overstaying their visas would be subject to removal. From 1965 to 1975, skilled migrants had made up 50 per cent of permanent intake to Canada, but from 1976 the family class was increasingly overrepresented until the 1990s even despite changes that were yet to come (Boucher, 2016).

The points-based system was revised through the Immigration Regulations 1978 maintaining the same basic structure as the 1967 version. Numerical weights are attached to a set of 10 factors as opposed to 9 in the earlier version with a pass mark of 60/100 points which attempt to assess the qualifications of applicants in the broad areas of education, training and experience, occupation and intended destination, age, knowledge of English and/or French, personal suitability, and the presence or otherwise of relatives in Canada (Hawkins, 1991: 77). There were some significant changes in this revised policy. First, immigration officers may not issue an employment authorization unless they have first considered whether the prospective employer attempted to fill such vacancy with Canadian citizens or residents. Second, the revised points system placed more emphasis on training and experience than on educational achievements. Third, 'designated area' and 'designated occupation' were strategies used to both steer

immigrants from metropolitan areas and into other provinces and to shortlist areas of the labour market that would be considered.

These changes in the late seventies have become today a prevalent part of policies towards skilled policies in most knowledge societies. They illustrated an attempt to fine tune at a detailed level who is going to be allowed entry, and also opened the route for policy change, either by changing shortlisted areas or understanding around skills, two strategies that are at the core of the policy debate today. Another strategy widely used today was implemented in Canada a couple years later, in 1982, as a response to economic recession and that is to require some sort of arranged employment before arrival (Hawkins, 1991: 256).

These changes alongside annual quotas have been incremental in regulating the number of migrants arriving through points-based systems. It showed the versatility that governments could have by simply changing what they deemed as skilled and how liberal or restrictive the access to labour market would be. They also allowed the Canadian government to control the immigrant mix between the three classes (family, refugees and skilled migrants), which became increasingly important to the government in the nineties. It was a moment where the class of skilled migrants was seen as the preferred class due to their contribution to the Canadian economy (Boucher, 2016).

This shift from family class to skilled was a rupture to previous understandings around immigration in Canada, as up until the mid-eighties there was a major emphasis on close family and refugee migration, alongside a substantial reduction or tight control of numbers of skilled migrants, that had previously made up for half of the annual flow (Hawkins, 1991). From the late eighties until the early 2000s it becomes clear that family migration lost its prevalence as we can see on the table below. It is also in that period that the competitiveness of knowledge society for skilled migrants starts to expand with more countries subscribing to these policies and this narrative.

3.2 The pre-financial crisis context

The PBS in Canada was a rather stable set of policies, when in 1994, Canada began consultations around the country that were later incorporated into the 1995 Immigration Plan for Citizenship and Immigration Canada, titled *Into the 21st Century: A Strategy for Immigration and Citizenship*. Another round of discussion and consultation followed and in 1996 a three-member Legislative Review panel was appointed, publishing a document called *Not Just Numbers: A Canadian Framework for Future Immigration* in the

following year. Canada Immigration and Citizenship (CIC) conducted further consultations about the recommendations from this panel and issued a response in the form of a White Paper entitled *Building a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation* published in 1998. This was the basis for the bill to replace the former Immigrant Act of 1985. The bill was discussed extensively and led to further consultations but had not passed by the time Parliament was dissolved in 2000 for a snap election. The governing Liberal Party of Canada won a third election and achieved an even greater proportion of seats, securing its majority in Parliament in a feat that up to 2023 has not been matched by another incumbent government. Immigration was not a hot topic for this election, but the new government moved quickly with an immigration bill and presented the Immigration and Refugee Protection Act (IRPA). It passed through Parliament and was enacted in 2002.

Here, I will lean into Dauvergne's (2003) analysis of the IRPA and discuss the changes in three sets: changes made to adjust the law to common practice, halfway measures that sought to address the concerns raised by the extensive consultation period, and changes coming from globalising changes. All these changes point to the shortcomings of this reform, but also to the constraints that were already shaping immigration policy in the early 2000s as the topic gathered increasing attention from both politicians and the public. The lengthy process of the review and its attempt to accommodate different voices and concerns was very unlike the swift changes enacted by the UK government: as immigration policy was not in the hands of an elected official or a few elected officials, it required a tremendous bureaucratic effort. Consequently, the IRPA was simultaneously addressing issues stemming from the past decades and trying to address concerns with the future of immigration law, thus finding itself moving slowly between those two forces and not particularly able to do either of them in a significant manner.

The IRPA was not a complete reshaping of the immigration system in Canada, instead it played catch-up with bureaucratic changes that had occurred in practical terms but had not yet been addressed in legislation. Specifically, this related to family reunion, as it brought the law into line with established exemptions that were made for applicants. This meant that same-sex partners could now apply on the same grounds as heterosexual couples; the age cut-off was extended, and partners and children were exempted from restrictions on the basis of health-related concerns. For refugees and asylum seekers it streamlined the process, abolishing the need for two members of the tribunal to judge

their cases, and although that in theory removed a layer of protection for claimants, it did not alter the reality of what was already common practice before the changes.

Of the various proposals coming from the decade-long process, many recommendations did not make the cut. Dauvergne (2003) highlights two examples of how these turned out to be halfway measures with two overarching recommendations in the Legislative Review that were not addressed. First, the call for two acts rather than one, since refugee law and immigration law have two different sets of objectives and legal framework. Hence the suggestion to integrate immigration and citizenship law in one legislative body and turning refugee law into a separate protection act. The IRPA ends up being one final document for both groups and tries to reach many objectives at once - 25 listed to be precise - and in trying too much, 'they serve no purpose other than to announce that government is aware of how thorny an issue immigration is' (Dauvergne, 2003:732).

A second overarching recommendation was that discretionary decision-making should be curtailed, and legislation needed to ensure a framework that would make a standard regulation of practices that did not require discretionary powers to decide. In doing so, it would be unlikely to rely on exemptions and play catch-up as it was now doing. Also, it would add transparency and move away from the malleable terms of 'national interest', 'humanitarianism' and 'compassionate grounds'. Again, that was not the case, and the IRPA continued to operate on broader terms that opened the door for an increasing amount of discretionary powers in immigration legislation. These halfway measures are an example of the enduring strength of the status quo, where the resilience of the former legislation won and the decade-long effort of reviewing it was only able to achieve limited success.

However, it was not immune to the globalising changes and the politicisation of immigration as something to be both restricted for the masses, and eased for specific groups. It was responding to an impetus of 'cracking down on migration' equating it to various violations of legislation in a constant rhetoric and practical effort of criminalising immigration, but alongside the desire to attract qualified migrants. Here lies the converging driver of immigration policies for most western countries: a quest for control. Dauvergne (2008; 2016) argues that the labelling of part of the nation's population 'illegal' - and those from abroad if tempted to enter without adhering to the formal routes - ensures a clear distinction between us and them, which enables the nation state to enact its narrative of control and sovereignty in a way that is very particular to immigration policies.

Only this set of policies can so powerfully address real or imaginary concerns from international and domestic policies at the same time. Control over visas, residency, citizenship, national identity, belonging, and safety within and across borders. The IRPA was not a product of these concerns, but it was the first piece of immigration legislation in the country to adhere to this logic. It broadened the concept of ‘criminal inadmissibility’ and removed rights from those in the most serious categories, also introducing new penalties for trafficking and smuggling. It streamlined the procedures for national security certificate procedures, keeping its secrecy. The ‘crack down’ rationale not only in Canada, but in other countries, sets a different set of rights and obligations to members and outsiders (Dauvergne, 2003). This process was not initiated after 9/11 and the increasing securitisation around immigration, but that terrorist attack intensified its trajectory and led both the public and governments to accept higher levels of discretionary policies in the name of national security.

Alongside that ‘cracking down’ rhetoric, another one was increasingly important: the need to find the *right* immigrant, the best and brightest, the ones that would only add to the economic and societal gains, without asking much in return. Canada had by then a robust set of legislation on selective policies, and the PBS was also revised after this comprehensive decade-long review of their immigration system. Again, the focus on skilled migrants had already started in the 1990s as Canada moved away from family migration and chose to focus on economic migrants for their policies. It intensified in the 2000s as the country reshaped its policies and drew from its nation building mythology around the hard-working immigrant, in this case skilled migrants, to provide much needed workforce. The importance of this mythology as a settler country explains partially why Canada built a system hoping to deliberately attract certain immigrants decades before these policies started to become widespread. It was a strategy for nation-building in a country with specific demographic challenges that relied on immigration to populate its vast territory, address labour shortages and maintain population growth.

Economic migrants were then vital for the government’s demographic planning, and immigration policies were always centre stage of Canadian history. The settler society mythology put immigration at the core of the national identity and argues that they were built from the ground up by white people who left European nations and sought permanent homes in the New World, dismissing the indigenous population and any history pre-colonisation (Dauvergne, 2016). It was a distinct chapter in an era of colonial empires, but extremely important to place both whiteness and an allegiance to the

metropolis at the core of the nation-building efforts. Whiteness had not been abandoned during the process, and the importance of selective policies and Canada's vanguard in this matter shows how adequately a policy can operate abolishing discriminatory practices from the letter of the law, but not from its spirit.

Yet, immigration remained largely family-based and the diversity of the migratory flows that endured the racist policies from the previous century was again at the centre of policy shifts. The settler mythology was shapeshifting to adhere to this new political context of immigration stratification. The new IRPA moved towards this as it is grounded in sharp distinctions between sought-after skilled individuals and criminalisation of migration on various fronts. The IRPA maintained the key features of Canada's immigration, but showed that the importance of global trends in its policymaking outweighed findings from its own extensive decade-long review and chose to start the process of reshaping its own mythology to make room for changes. The core topics around immigration - how many get in and when - were not present in this text, not even the pass marks for the PBS, leaving a door open for important changes that were to come after the financial crisis.

The tradition of supporting high immigration levels maintained by arguments about the economic, demographic and humanitarian benefits started to shift in Canada during the 1990s and 2000s. The reforms that followed this decade-long consultation have been restrictive in all directions, including measures to reduce the proportion of family migrants, and an increase in the proportion of migrants entering Canada with temporary visas, and restriction on sponsorship of overseas relatives for lower-income families (Stasiulus & Bakan, 1997: 32). The 'settler' society that relied on permanent migration was no longer the goal, temporariness here served a two-fold objective: (a) it allowed immigrants to maximise the needs of neo-liberal economies, with business forming the majority of the stakeholders in policymaking from outside the state sector, and (b) it minimised the perceived costs in security and integration of permanent residency. The hierarchization of immigration policies in this context gets more pronounced, and social divisions become less subtle markers of access to these policies.

After the IRPA, regulations were passed to clarify how the PBS would change and, as presented in the table below, the points-scheme was considerably altered. The emphasis here was now on education, language and work experience, moving away from a targeted model of skill through occupational lists and towards an assessment of human capital. This approach was lauded by the GBA as a gender-aware achievement, since it

did not restrict the PBS to certain sectors of the labour market, which could have created different paths in a segregated labour market (Canada. Citizenship and Immigration Canada, 2001). This move towards a human capital approach is less restrictive than a demand-driven policy, yet there are persistent ways in which skills definition under such schemes can still prove to be discriminatory. One very particular distinction in Canada is the existence of another selective policy, also on the basis of skills, that operates outside the PBS: the Live-In Caregiver Program (LCP).

The LCP (1992 to 2014) had its origins in the Foreign Domestic Movement (FDM) that started in the 1980s, and both programs were set to provide care workers willing to live and work at their employer's house. The FDM had lower entry requirements and was replaced by the LCP in a turn towards more selective and restrictive criteria for care workers coming into the country. The LCP required grade 12 education, the ability to speak, read and understand either English or French, and 12 months of training within a set period prior to the application. After being accepted, the caregiver would be granted a temporary visa tied to its employment status and could acquire permanent status once that period was over. The LCP is rather interesting as a route for those who would not be eligible under the PBS, but still need to undertake a selective process, and quickly became a particularly important route for Filipino women.

By the late 1990s, the Philippines had become the de-facto source for live-in caregivers contributing to 87 percent of workers on the women-dominated program (Pratt, 1999). Both Canada and the Philippines have played a major role in this, showing the importance of the relationship between country of origin and country of destination in shaping migratory flows. In the 1970s, the Philippines government instituted a labour export policy as a major strategy and by the early 2000s it became one of the main labour exporting nations in Asia (Goli, 2009). The role of remittances in the Filipino economy is vital, and there is a strong correlation between nationality, gender and labour market sector in this case, with 95 percent of Filipinas living abroad engaging in domestic labour and caregiving (Parreñas, 2001; Collantes, 2016).

When Canada created the FDM and later turned it into the LCP, the role of Filipinas in sustaining the care sector in the country showcases perhaps one of the strongest correlations between race, gender, class and segregated labour market. The program fails to acknowledge the skills-levels of these women, minimising their chances of entering the country by other routes. The symbiotic relationship between Canada and Philippines

in the care sector has been extensively researched¹⁰. Although LCP is not the centre of analysis in this research, it would be a gross negligence to not present the stark hierarchization between this program and the PBS, as it is one of the most poignant examples of how selective skills can foster a racialised and gendered labour market stratification that alters the paths available to migrant women from the Global South. Hence, the discussion of some of the changes in this program throughout this chapter in comparison to the PBS.

One selective criterion present for both the PBS and LCP is language level, either in English or French. The importance of this criteria as a marker of integration has gained increasing attention, as more studies emerge linking language proficiency to labour market integration and social integration. The leap from language as a matter of integration policy to an immigration policy criterion should not be understated. It now extends to most routes and forms of entry but is particularly prominent in selective policies and citizenship acquisition. It is so because the rationale that validates language fluency adheres very well to the discourse of skill-selection and social cohesion.

What some scholars discuss as *jus linguarium*, a term coined by Gramling 2016, is how national language(s) fluency indexes the integrability of migrants and is then positioned within broader governing strategies that emphasise ‘added value’ to the migrant (Fortier, 2022:448). Language is seen as a resource, a part of cultural capital that cannot be understood outside of its intersections with class, gender and race if one is discussing migration from countries from the Global South. Acquiring language fluency is, for most, a costly and lengthy investment, especially if it is not the national language of one’s home or host nation. Language requirements tend to look for formal assessments through international accreditations that are also costly and are increasingly asking for higher levels of fluency. Language is also seen as a legitimation when non-national languages are seen as markers of inequality to be overcome by governments, which in turn should boost national language acquisition to take them out of poverty, segregation, isolation and foster social mobility (Fortier, 2022:449). By doing so, it further stigmatises non-national languages and reifies social inequalities when it is present.

Language as a resource and as a legitimation operate within the growing neoliberal understanding of immigration policies, adhering a meritocratic veil to language fluency that makes it particularly salient in selective policies. However, it masks a colonial legacy

¹⁰ For more, see: Barber, 2013; Parrenas, 2015; Ronquillo et al, 2011.

that in the absence of other socially accepted markers of whiteness and middle-classness. Fortier (2022) discusses this legacy and the role of Britain and the English language. In the case of Canada, a more multicultural approach to national language has been present, but not enough to counter the logic of the importance of a national language to social cohesion, merely extending this logic to another Western language spoken in the territory, French. *Jus linguarium* as it was coined by Gramling pointed towards a ‘post-ethnic’ model, but it has been proven to further ethnicise and racialise language. White English Britishness is again the default or ideal subject, and other languages are hierarchised in relation to it, even other Englishes from former (less powerful) colonies.

In this context, the IRPA changes translated into the following reforms to the points-based system. As can be seen on the table below, the move away from occupations meant that after reforms there were no points assigned based on this criterion. The three main criteria were education (25 points), English or French language (24 points, 16 for first language and 8 for second language) and work experience (21 points). It is worth noting that language is not a mandatory threshold criterion, but the preponderance of points assigned to it made it a particularly hard one to overcome. The age gap where points were awarded was extended by five years, which could theoretically make it less burdensome on women’s career trajectories.

Another very interesting change is that now there were points awarded based on the spouse’s application under the ‘adaptability’ criteria, with 5 points for spouse’s work and another 5 for spouse’s education, recognising the added value of joint applicants with similar skill sets. The ‘adaptability criteria’ can be an important deciding factor for families planning to migrate together and, in doing so, recognises that spouses can play an important role in the admission process and in the receiving country’s labour market.

Table 3. Canadian Federal Skilled Immigrant points test before and after the Immigration and Refugee Protection Act (IRPA) 2002 reforms

	Before reforms	After reforms
Points		
Occupation (based on general occupations list)	10	0
Occupational/training-based factor – based on particular skill	18	0
Education	16	25
Languages (English and French)	15 points in total	24 points in total
First language	9	16
Second language	6	8
Work experience	8	21
Age	10 (ages 21–44)	10 (ages 21–49)
Demographic	10	0
Relatives in Canada	5	5
Arranged employment	10	10
Adaptability	10 points in total	10 points in total
Spouse's work	0	5
Spouse's education	0	5
One year's work in Canada	0	5
Two years' work in Canada	0	5
Arranged employment	0	5
Relative in Canada	See above	5
Pass mark	70	67

Source: Boucher, 2016: 102

Canada's reforms spanned over a decade, were politically thwarted and the eventual selection grids after the IRPA reforms were questioned on legal grounds, a strong sign of the endurance of the country's immigration policies. Yet, a couple of shifts can be noted. The focus on human capital not only meant that the PBS was supply-driven, but also that it was informed by a particularly neoliberal understanding that designed its criteria to select a pool of desirable immigrants to enter the country.

Meritocracy here was heavily employed to justify and reinforced the idea that this selection was fair, and any discriminatory practices were justified by the need for a competitive role in the international labour market of the knowledge societies. It is important to delve a bit on how meritocracy was operationalised through these policies, at the individual level. Meritocracy was rewarded by the analysis of an individual's potential success in the labour market through the criteria set out by selective policies, it did not account for equality of opportunities or impartial competition. Hence, allowing a very neoliberal take on meritocracy where hidden non-meritocratic elements (such as family wealth, migratory status, citizenship and so on) were not taken in consideration for the purpose of these policies (Kim and Choi, 2017).

It goes back to the discussion of subjective discrimination, where one finds oneself in a privileged or disadvantage position depending on non-meritocratic elements

combined with a narrow, individualistic analysis of what constitutes an ideal economic migrant for Canadian society. The line becomes blurred when it comes to language as a selection criterion, but it makes it one of the most interesting criteria when discussing discriminatory practices and meritocracy. It is one of the threads shared through colonisation to some, a social marker to others who could gain proficiency in a foreign language, and a growing not-so-subtle proxy of race and anti-immigration discourse.

Language, as other supposed markers of adaptability, was also strongly embedded in the new PBS, with a potential for further racialised bias in the selection criteria to operate under disguises. Even though the work experience criteria recognising non-continuous and part-time work, which benefited women who paused their careers for childbearing and rearing, seems to suggest that all work experience would be recognised in similar terms, the resulting gender balance in this stream seems to suggest otherwise.

The flow of migrants during that period shows the resilience of an unequal balance between male and female as primary applicants of the points-based system, with little change in its distribution after 2002. The number of total applicants through the skilled route, including dependants, is also somewhat stable throughout the period, and within the targets set out annually by the government in their report to Parliament. The skilled worker, as it appears in most official data, is the one of the most male-dominated visa flows and the live-in caregiver is the most female-dominated one. The percentage of male primary applicants for skilled workers is consistently between 74 and 76%, and for secondary applicants it is around 62%. This percentage is surprisingly even higher for male applicants when looking at the business¹¹ and provincial categories¹², but their overall absolute numbers are quite low in comparison to the number of entries through

¹¹ According to the CIC Annual Report (2007), Canada's business immigration programs are designed to attract skilled individuals who can contribute to the country's economic growth. The Entrepreneur Program targets entrepreneurs with business experience and significant net worth, who are willing to establish and manage businesses in Canada, creating jobs for Canadian citizens and permanent residents. The Self-Employed Program focuses on individuals with experience in cultural, athletic, or agricultural fields, who can establish self-employment and contribute to specific sectors of the Canadian economy. Lastly, the Investor Program seeks high-net-worth individuals with business experience to invest in Canadian economic development through government-approved projects or investment funds.

¹² Canada's federal government and provincial/territorial governments collaborate on immigration through framework agreements. Most provinces and territories utilize a model where federal agencies administer settlement programs, while third-party organizations deliver services. However, Manitoba, British Columbia, and Quebec have unique arrangements. Manitoba and British Columbia deliver settlement programs directly, while Quebec has full authority over its settlement and integration services (CIC, 2008:13).

the skilled route. When looking at the LCP, the proportion of female primary applicants is a little over 80% during the period¹³.

By 2007, five years had passed since the reforms of the 2002 IRPA and neither the human capital approach nor the existence of a governing body overlooking the gender implications of these policies had made a dent in this unequal flow in terms of gender. During that time, GBA itself had sustained some losses as in 2005 it was dismantled and turned into the responsibility of one civil servant. This is not to say the changes and concerns addressed by the GBA were not valid to start with, but they have not altered the landscape of gender distribution for skilled migrants. One could speculate that the absence of occupations as a criterion that dominates demand-driven models does not explain the persistent discriminatory patterns of skilled visas. Especially when there is a route for a particular sector that is dominated by female applicants, as is the case of the LCP, and funnels women's applications through that channel. A high number of women in the care sector cannot access the PBS in the same way, as they would probably not meet its stringent criteria around education, work experience and language. These three criteria and their assessment are, then, a likely gatekeeper of women's applications through the PBS. Thus, creating two different pathways for tertiary educated women and barring their access to skilled visas that are not linked to a caregiver role. Also, as discussed, the preponderance of Filipino women as applicants through the LCP points to a racialisation of this program.

When looking at the PBS visa flow, no nationality stands out the same way, but throughout the year there is an increasing concentration among applicants that were either from English-speaking countries or self-identify as having knowledge of one of the two official languages. The main regional area for migrants coming through the PBS is Asia and the Pacific, which is also the case for most permanent residents in Canada, in a long-established migratory flow between the regions (Canada. Citizenship and Immigration Canada, 2015; Ghosh, 2014).

By 2007, when ripples of the financial crisis started to reach Canadian shores, the IRPA reforms from 2002 were still in place and they can be resumed as a human-capital approach with a neoliberal understanding revolving around meritocracy that values education, work experience and language. The following years would bring change at a faster speed than had been seen in Canada, with legislative changes coming not through

¹³ From CIC Immigration Fact Sheets series between 2002-2009.

long processes of consultation, but through executive powers that justified this by the changing needs of the Canadian economy and society. The turmoil created by the economic crisis enabled legislative changes without the participative nature of the previous reforms, creating a distance between civil society, diversity seeking groups and the Canadian government.

3.3 The financial crisis and the policy changes that followed

The financial crisis started with the US subprime mortgage collapses in 2007, but quickly turned into a global financial crisis when in 2008 banking institutions started to file for bankruptcy and disrupt a highly interconnected financial market that did not have the tools to address this chaotic scenario (Mishkin, 2011). It involved years of very low-interest rates between 2001 and 2005, which allowed for high-risk taking from both lenders and borrowers, and operated under the assumption that the Great Stability that western countries had experienced since the 1990s would persist and, in the case of the USA, a reliance on the Federal Reserve to swiftly act in moments of crisis to steer its economy back to course (Goodhart, 2008a, 2008b). This scenario led to a sceptical and slow response to the turmoil that started in 2007, and neither the north American country nor the world anticipated what was to come in the following year. In 2008, the crisis went global with the bankruptcy of Lehman Brothers, the AIG collapse and the inadequacy of the Federal Reserve and US Congress to put a lid on this crisis meant that financial markets globally felt this hit.

Mishkin (2011) argues that, in hindsight, many other routes can be imagined, but that at the time neither markets nor policymakers were aware of the fragility of their financial systems and the degree of risk behind the operations of these banks. So, at the time, the US Government showed little capacity to handle this and the shocks that were felt across other financial markets were in itself an eye-opening moment of the interconnected nature of a market that moved from goods to finance. Crotty (2009) offers us a critical analysis of how the cause of this crisis lay in the flawed institutions and practices of the current financial regime known as the New Financial Architecture (NFA). The NFA incentivises risk and excessive gains, creating a market that is opaque in its pricing and operations (Idem). This excessive risk-taking by financial institutions was a step into a further financialisation of markets that had become intertwined at a global level, and when in 2008 major institutions started to crumble, the wealthiest nations had to deal with the collapse of their stock markets.

Yet, not all markets felt the intensity of this financial crisis in the same way. The UK, alongside the USA and other European countries, felt the shockwaves of this crisis a lot more than Canada. The comparative stability of the Canadian economy during this period makes the country a notable exception, and the main factors that have been proposed to explain it are an innate Canadian conservatism and superior banking regulations. Bordo et al (2015) discuss that throughout the 19th and 20th century the country also managed to steer away from big financial fallouts, as it created a system of large financial institutions centralised in a way that provided robustness and limited entry to the industry. In this context, Canada did not experience the same upheaval that the United Kingdom did - and did not have to deal with the growing tension of being a member of an economic bloc that relied on the free movement of people.

Moments of economic distress have long been associated in migration studies to moments of restrictiveness and greater xeno-racism towards immigrant communities (Massey et al, 1999; De Hass et al, 2019, Castles, 2013). From the oil crisis in the 1970s to the 2008 global financial crisis, mainstream scholars have shrugged their shoulders as they observed moments of backlash against migrants as an unavoidable collateral damage of a troubled market. On one side, rationalist approaches argued that this derived from a sum-cost appraisal of the benefits of migration to the economy and society at large. On the other, structuralist approaches focused on capitalist mechanisms that left national and domestic workers in precarious conditions and led to resentment towards foreigners. It was assumed that in difficult economic contexts, immigration policies would turn to restrictiveness. In this subchapter I will look at the decade spanning from 2007-2017 to try to address whether Canada turned to restrictive policies or not and particularly how skilled migration was managed. I argue that the stability felt by Canada did not translate into a moderate political scenario, instead the neoliberal agenda of the Conservative party with Stephen Harper as Prime Minister (2006-2015) meant that immigration was also tied to the narrative around economic woes that the country felt during that period regardless of its severity.

Stephen Harper was the leader of the Canadian Alliance Membership from 2002-2003 and sought to unite its party with the Progressive Conservatives to make one united party on the right, which resulted in the creation of the Conservative Party of Canada in October 2003. He was elected as the first party leader in 2004 and lost the federal election that year, as the incumbent Paul Martin from the Liberal party won with a minority government. Paul Martin and the Liberal Party had lost seats to the newly formed

Conservative Party which, in 2006, narrowly defeated Martin's Liberals, who conceded defeat after not reaching a majority government. Stephen Harper managed to sweep voters in opinion polls as he navigated media in a much more effective manner, dominating the public debate around the Party's policies and embodying in himself a persona that mimicked Reagan and Thatcher, with a background in economics and a tough discourse on societal issues. He was known for giving divisive political statements, criticised Canada's position on the Iraq war, flirted with a cultural conservatism, and argued that the country lacked a 'can-do' attitude to boost its economy.

The pillars behind this newly elected minority government were accountability, security, environmental protection, and strong economic management. When the US financial crisis evolved into a global crisis in 2008, Canada felt it mostly through the depreciation of its export goods, such as oil, and of its currency au-par with the US dollar (Dodge & Dion, 2016, October 19). The banking system was protected from the same risk-taking undertaken in the neighbouring country, so the initial mild collateral damage was quickly seen as a win for Harper, who insisted on its agenda of low-taxation and low investment in the public sector to control debt and navigate this moment. For immigration policies, this translated into an increasing concern on how to guarantee that immigrants' integration in the labour market could be harnessed to yield better results, i.e., higher salaries. Thus, generating an increasing juxtaposition between integration and immigration policies' criteria. For this to be done, another major shift had to occur, immigration policies had to leave the bureaucratic realm of legislative powers to the opaque but swift powers of the Executive. What can be seen during Harper's years is a successful turn to administrative power on immigration matters and a further stratification of immigrants around skills and its narrowing definition in the name of integration for economic and societal gains of the destination country.

3.4 Conservative Government

In 2006 The Ministry of Finance published a document outlining economic goals of the newly established government, and among a discussion of lowering debt and taxes, there was also a focus on the country's changing demographics and labour shortages that could be met through immigration. It stated that Canadian immigration policies should be more closely aligned with labour market needs and regional demands for local shortages, and that particular attention should be given to skilled temporary foreign workers with Canadian work experience and foreign students as they 'are well placed to adapt quickly

to the Canadian economy' (2006:49). It argued that there had been a worrying deskilling of immigrants and that their insertion in the labour market and income had slipped under lower levels than similarly educated Canadians (Idem). This concern was addressed in the budget of the following year, when the Canadian Experience class was introduced.

Harper's move to include immigration policies amidst budgetary documents was a very astute way of centralising power on immigration matters at administrative level and removing it from the legislative, opening a pathway for a very different form of policymaking to what Canada had seen previously. In 2007, the budget listed fiscal and monetary goals, and in addition listed the 'creation of a new avenue to immigration for Canadian-educated foreign students and experienced temporary foreign workers' under the goal of strengthening the economic union (Canada, Department of Finance: 2007:17). It argued that for Canada's competitiveness in the international labour market for the best and the brightest, this new avenue would allow for these particular immigrants a route to settlement as they were seen to have higher rates of success in Canada, measured in higher salary levels and occupational levels. The Budget Plan 2007 also suggested an incoming overhaul of the FSWP under the same premise, guaranteeing a higher *quality* of those entering the Canadian labour market.

The Canadian Experience Class (CEC) was then introduced after the Budget Plan of 2008 as a pass/fail program for skilled workers who had been in Canada for at least two years, or students in Canadian institutions that had at least one year of work experience, and both were required to be proficient in either French or English. This two-step migration approach was highly vaunted as a way to promote success in labour market integration and overcome the mismatch between occupations and salaries that had been highlighted by studies in recent years and governmental publications (Crossman et al, 2020). This juxtaposition between integration and immigration is further justified by the economical and societal gains of doing so, disregarding completely that the requirement of Canadian experience by employers had been the focal point of numerous judicial disputes as it can lead to discriminatory practices in the workplace. The bureaucracy involved in a complex and stringent process to achieve permanent residence draws out the burden of the vulnerability that comes with a temporary visa and can compound into legal violence in the name of improving market integration (Schmidt et al, 2023). Yet, this seems to be used as a selection tool to make sure permanent residency is an exception and not the norm.

Canadian experience becomes an institutionalised prerequisite of inclusion, one that overlooks with insufficient curiosity why skilled workers coming into Canada are not being paid similar amounts to their national peers and dismisses any probing into deskilling and how employers themselves set different salaries for immigrants in the country (Bhuyan et al, 2017:52). The responsibility of this mismatch relies solely on the individual, and their lack of experience in Canadian soil, again relying on a neoliberal meritocratic ideology. This visa category further stratifies skilled migrants, and the profile of its main applicants has contours, as it is a young and single workforce, predominantly from China, India and the Philippines (Ku et al, 2019). It is also a notable small number of possible applicants, as it is dealing with applicants who have already been granted a visa, have regional work experience and are in-country. This privileged route to permanent migration is unmatched to other streams, and concerns are raised regarding the government focus and budgetary commitments to this class in relation to refugees and family migration (Canadian Council for Refugees, 2008).

Also in 2008, Bill C-50 was introduced as an amendment to the Immigration and Refugee Protection Act and granted powers to the Minister for Citizenship and Immigration to issue ministerial instructions and organise the process of offshore immigration applications for economic migrants (Canada. Department of Finance, 2008; Boucher, 2016). This Bill was presented as an important step to overcome the sizable backlog of migrant applications and to trigger changes to the FSWP, but it went much further than that. It granted power to the immigration minister to make changes that had previously had to go through the Parliament. Approved as a budgetary bill in the background of the looming global financial crisis, it stressed the Canadian government's needs to responsibly address budgetary concerns relating to economic migrants, specifically skilled workers (Canada. Department of Finance, 2008). This allowed the government to win court cases challenging the ministerial instructions that followed, as it created a jurisprudence for the reduced role played by other arms of the government in the development of skilled immigration policy, at the same time it alienated diversity-seeking groups.

Bill C-50 was brief, vague and flexible enough to grant ministerial powers that initiated a reform of policies towards skilled migrants in Canada. It was a back-door solution to policymaking for skilled migrants, clearing the Conservative and following governments from consulting with the legislative to make changes for these categories (Canada. House of Commons, 2010). To be charter-compliant it had to adhere to non-

discriminatory principles and could not instruct on family migration and asylum, as these were not within the scope of the bill. However, the changes that were now possible after that changed Canada's stable jurisprudence and opened the IRPA to important Ministerial Instructions that could change large portions of immigration policy without consulting anyone. Many critics were vocal and opposed both the way the bill was presented, tucked away in a Budget Plan and later altering the IRPA, but also how it could lead to an abuse of power and a return of discriminatory practices.

Even in the context of comparable economic stability and with a government lauding itself for avoiding the repercussions of the economic crisis, Harper's government was able to instrumentalise this moment to change how immigration policies for skilled migrants were both discussed and enacted. Using budget bills to allow its minister to instruct legislative changes and to create a new category for Canadian Experience were perhaps the most significant changes to how legislation was then going to proceed in Canada. The long consultation process, with an active civil society participation, was no longer going to be necessary for this particular group. Skilled migrants were seen as the ideal prototype of economic migration and *bettering* their economic contributions to the country was now a budgetary concern.

The conservative government was moving away from the human capital model at a rather fast pace. Thus, considering an active - and supposedly - objective way of rationalising policies to optimise economic gains that were aimed at a better integration into the labour market, especially when it came to their potential salary gains. A lot of feedback from academia and scholars was sought to justify these measures, such as Hawthorne (2008) who published a comparison of Canadian and Australian labour market outcomes for immigrants and concluded that the Australian model of a two-step migration was conducive to higher earnings. This study was commissioned by the Canadian government that used it to model the CEC, and informed changes on the FSWP. The FSWP was becoming more and more geared towards temporary migration, sedimenting the two-step approach to Canadian immigration for the sake of immigrant integration.

This neoliberalisation of immigrant policies is an important tool to create otherness within specific boundaries, and the class boundary being of utmost importance to grant access to permanent residency. It was important to maintain Canada's positioning as humanitarian and multicultural, a narrative built in contrast to its neighbouring nation that allowed Canada to exert soft power and position itself as a welcoming nation. The

discriminatory practices that were reemerging through CEC and FSWP were then sanitised through a neoliberal discourse. One that continued not to make any reference to ethnic, racial or gender preference, but that interpreted the different outcomes in the labour market not as the results of obstacles faced by migrants in the process of deskilling or even employers' strategies to curtail costs, but as a disadvantage of individuals who did not possess Canadian work experience or did not have proficiency in either English or French.

Further moving integration away from society and individualising it by turning it into a quality possessed by some migrants but not all. Integration as a matter of individual responsibility clears the State and society from responsibility, so if an individual is lacking in 'integration', the individualised responsibility is also shared by its immigrant group (Schinkel, 2018:4). Hence, the argument for neoliberal immigrant policies that target individual characteristics for optimising immigrant integration. In doing so, discriminatory practices become acceptable as a way of guaranteeing socio-economic integration and better outcomes for the country as whole. Class becomes the most important measurement of success and potential success, hiding away its gendered and racialised contours. The context of the global financial crisis was the perfect storm in which class could be made the most important marker of integration and of protecting the Canadian labour market from *too much* otherness. If class and socio-economic integration could be protected through selective policies towards skilled migrants, then the society at large was seen to benefit from this particular stream of migration. So, the need to trial out which individuals would be able to gain access to the desired class made the shift from a nation of settlement to a nation of temporary migration.

For the sake of clearing Canada's FSWP backlog and modernising the system, Harper's government managed to introduce section 87.4 of the IRPA in 2008 after passing Bill C-38, which allowed them to alter categories, criteria, and processing procedures even retrospectively through Ministerial Instructions (Grey et al, 2019). It meant the termination of applications received before February 27, 2008, and still unprocessed as of June 29, 2012, excepting FSW with an Arranged Employment Offer. As stated in the Economic Action Plan of 2012 (Government of Canada, 2012), changes were to be made to the FSWP to align it to temporary and quick-changing labour market needs, as well as making room for a demand-driven strategy.

Also, the implementation of credentials recognition assessment at the time of application was set out as an important measure to guarantee a fast and successful

integration of the labour market. As for the backlog of applications to the FSWP that had reached over 600,000 applicants in 2008, the Budget stated a somewhat controversial plan to refund all of the applicants who had applied under the criteria prior to February 2008, erasing all those applications and returning \$130 million in fees. This action was justified by the suggestion that ‘the best and the brightest’ potential migrants were looking elsewhere as they did not want to wait for long processing times. At the time, there were 280,000 applicants in that position and, although court battles ensued, they did not gather enough traction to change governmental plans.

In 2012 the changes to the FSWP that would be valid the following year were published through Ministerial Instructions. A cap of 6000 applications was set out for those without a job offer, where a maximum of 5000 would be considered under an occupation list stream and within that there would be a cap of 300 applications for each eligible occupation from the 38 listed. The remaining 1000 applications would be considered for processing under a PhD/Student graduate stream each year. There was no limit to the number of new applications with offers of arranged employment to be considered for processing. In doing so, applications were now separated in three streams: offer of arranged employment stream, occupation list stream and PhD student/Graduate stream. Under the occupation list stream, there were 24 occupations listed, made up mostly of different engineering pathways, such as civil, mining, petroleum and mechanical engineers, and rather specific healthcare sector occupations, such as respiratory physiotherapists, speech therapists and sonographers. For the research and student stream, they should be enrolled in a provincially or territorially recognized private or public post-secondary education institution located in Canada and not be under any requirement of returning to their home country as part of their funding.

The erasure of the backlog through a top-down decision was contested and *Tabingo vs. Canada* is a great example of racialised implications of this backlog, as 92% of the applicants whose applications were scrapped were from Asia and Africa and only 8% from Europe and the Americas. Again, there was no curiosity as to why the backlog regional distribution was so unequal, whether it meant that processing times for certain areas of the Globe took longer due to bureaucratic procedures being more burdensome due to credentials recognition or whether it was just a mirror of the make-up of most applicants. Similarly to other legal challenges to changes made through MIs after Bill C-50 and Bill C-38 were not successful, as there was enough jurisprudence and openness to both bills that could sustain their legality.

In fact, *Tabingo v. Canada* went further in the stratification of citizens' rights and immigrants' rights, as the Court ruling reinforced that migrants are not the recipients of Charter rights in Canada. It joined other extra-territorial cases where Canadian courts have interpreted that Charter rights are for citizens or those with a 'connection' to Canada, thus denying Constitutional rights as human rights that protect everyone and using borders as the limits to those same rights (Dolloway, D. in Dauvergne, 2021:210). Thus, the backlog erasure went ahead, and its success was trifold: it attained a political goal of erasing the backlog, it added to jurisprudence against extraterritorial challenges of Canadian immigration law and it strengthened the role of Ministerial Instructions that were set out by Harper's government as a strategy to control immigration policies without lengthy legislative proceedings.

In 2013, Harper's government implemented substantial changes to the Foreign Skilled Worker Program and created a new stream for skilled tradespeople, the Federal Skilled Trades Program (FSTP) that had been announced the year prior. In January 2013, CIC launched the new FSTP as a response to both regional and occupational labour shortages. The program accepts applications from skilled tradespersons who demonstrate basic language proficiency in either English or French; have a valid offer of employment or a certificate of qualification from a province or territory; and have two years of work experience within five years following their qualification (Citizenship and Immigration Canada, 2013).

As a pass/fail program, the main hurdle here consists in obtaining a job offer or having trained in Canada, as both require a great deal of networking or previous resources in a two-step migration approach. The lessened importance to language and educational level as a response to labour market needs again illustrates the discrepancy between a discourse that focuses on the 'best and brightest' but demands jobs that are not exceptional in terms of skill, but middle-ground/average/trying to think of a word here. In its first year, the cap was 3000 to certain occupations, while others would not be subject to limit. In total, there are 43 eligible occupations, 17 of which are subject to sub-limits of 100 applications each. This was arguably to ensure that applications are dealt with in a 12-month period so as not to generate another backlog.

As for the FSWP, it had changes tied with new strategies to curtail backlog as well. The program had been paused at the end of 2012 and reintroduced in 2013 with new criteria and a priority occupations list. The criteria here have arguably been informed by studies commissioned by CIC and that aimed at selecting immigrants that could have

higher potential salaries and labour market integration. Language became the single most important factor on the grid, representing a total of up to 28 points and it was seen as the main predictor of better rates of employment, appropriate employment and higher earnings in the country. Age became a central criteria as older applicants seemed to have lower earnings, so points were distributed as 12 points up to age 35, diminishing points awarded from 35 to 46 and no points awarded for applicants aged 47 or older.

The new educational credential assessment could award up to 25 points and implemented a mandatory assessment of foreign educational credentials to determine their equivalency to a completed educational credential in Canada. This requirement would be assessed by governmental agencies that would award points on the value of the educational credentials in Canada in a discretionary manner. Foreign work experience was seen as a weak predictor of labour market integration and the total number of points was now reduced to 15 from 21, and the years of experience required to achieve full points was also increased. Language and age received the points redirected from this criterion as they were deemed better suited as proxies for integration. Arranged employment now accounted for up to 10 points and created a route for employers to get a Labour Market Opinion through which they could recruit foreign workers quickly on a work permit while the worker's application to immigrate permanently was being processed. Lastly, adaptability could award up to 10 points that replaced a spouse's educational attainment for language requirement and or previous work experience or study in Canada.

As for application backlogs, in 2012 CIC had launched the FSW Backlog Reduction Pilot to reduce applications by spreading them through other regional programs if they could meet their criteria for possible nomination under Provincial Nominee Programs (PNP). Conversely, another piece of legislation was passed that retroactively terminated nearly 100 thousand FSW applications dated prior to February 27, 2008, that had not received a decision by March 29, 2012. All fees were returned to the applicants. A halt on applications, apart from PhD Candidates and those with valid job offers, had also been introduced in July 2012 and a further pause at the end of the year as the new criteria discussed above was redesigned.

Considering that the new FSWP had more stringent criteria, the government was successful in curtailing applications by the end of 2013. During that period, applications for visa schemes that granted permanent residency were dwindling and the opposite was true for temporary residency visa schemes. The turn towards a two-step approach was evident as Canadian work experience or education was now permeating even the FSW

and was part of the new FSTP. Language is now the most important criteria, even more so than tertiary education, changing profoundly how skills are assessed and defined. This affords a privilege to those from English or French speaking countries, while representing a burden upon those who do not share those colonial links nor have the means to access extensive training in a foreign language. It was argued that this in itself could be a discriminatory policy due to its regional implications, but also due to the fact that women seem to have fewer opportunities to foreign language acquisition due to gendered patterns of income and cultural imbalances in their access to education (Hyndman, 1999: 7; Arat-Koc 1999; Chiswick and Miller, 2007).

The importance of language as the main criteria cannot be overstated, as it also eliminated educational levels as a criterion for the ‘adaptability’ of spouses. Both criteria now relied on nationality serendipity or good fortune to access English or French language courses, which could be challenged as not representing meritocratic elements. Instead, they point towards the rise of hidden variables that were coming to the fore of these policies. As for age, life course scholarship discusses in length the impact of childbearing and rearing years to women’s career trajectories and how a reduction to the age range for which the maximum points were awarded could then cause undue discrimination against female applicants (Moen, 1996). The number of females as primary applicants has seen a slight growth over the years, and by the end of 2013, 38% of primary applicants were women. In 2004, after the new IRPA and prior to the changes in 2008 and 2013, women represented only 26% of primary applicants (Citizenship and Immigration Canada, 2015). The GBA welcomed this increase as a promising sign, and the increase of women as primary applicants was seen as a successful recognition of skills and experiences of women. Yet, it recognised that the disparity persisted in other streams, such as the FSTP and the Canadian Experience Class.

In 2013, the CEC merged the students and worker streams into one stream that required 12 months of work experience in the 36 months prior to the application; occupations in a NOC level 0, A or B; as well as meeting the language requirements for their respective occupational level. The emphasis on Canadian work experience was again justified as a precursor of successful integration of applicants once they were able to access a permanent visa scheme. In the first three years after the creation of the CEC, the earnings of those entering through CEC were higher than under the FSWP and Provincial Nominee programs and were also higher for those entering through work streams compared to those under the student stream (Immigration, Refugees and Citizenship

Canada, 2015:7). Work experience in-country was then assessed as a better predictor to higher earnings and, in line with CIC goals, became central to the 2013 CEC. The program had a slow start, and the admissions target ranges set by the CIC were rarely met until then, the worker stream required 2 years of work experience in 36 months prior to applying and the student stream required 1 year of work experience in the 24 months prior to applying. The merged CEC in 2013 proved to be more attractive and attainable to applicants and numbers grew considerably from then.

The amalgamation of Canadian Experience as both a precursor and predictor of integration into policy is, in itself, the institutionalisation of a discriminatory practice. One that had been challenged in Canada before, as the Ontario Human Rights Commission (OHRC) had described the requirement of previous work experience in Canada as a barrier to equality in the workplace and not within best practices. The OHRC had produced the Code to recognize the inherent dignity and worth of every person and to provide equal rights and access to jobs without discrimination and vehemently opposed the ‘Canadian Experience’ practice commonly applied by employers when recruiting immigrants (OHRC, 2013). The Code explicitly describes that a job ad, hiring or accreditation process can be seemingly neutral but adversely impact migrants. Although this practice is being questioned as a workplace barrier, it is not farfetched to apply the same rationale to immigration policies. The CEC is built on the premise of a discriminatory practice in the workplace translated into a visa scheme. It institutionalised employer biases that are nuanced and sometimes subtle, making it harder to proclaim its unequal grounds. The CEC turned an employer bias into a systemic discrimination that can grant the only pathway for temporary migrants in-country to permanent residency.

The loss of engagement of diversity seeking groups that were no longer successful in challenging selective policies towards skilled migrants as Bill C-50 and C-38 acted as shields to any judicial routes to challenge CEC’s discriminatory practices. As the program acts as the sole bridge between temporary migrants and permanent residency, it gains tremendous importance, and the roadblocks faced in this pass/fail policy can have the final say on the projects of many migrants already in Canada. This policy, informed by researchers and scholars, and anchored on the premise of maximising one’s salary gains in the local labour market astutely brushes off any concern over inequalities that the CEC itself reiterates. In the name of integration, difficulties in accessing the labour market faced by previous migrants were turned into data without enough context as to whether

they are the result of patterns that create or continue a position of relative disadvantage for migrants in Canada's workplace.

In 2015, during Stephen Harper's final year as an MP, there was a major redesign to the selection process, not exactly on the selective criteria. The Express Entry, an Australian-style online expression of interest programme, was created, allowing candidates to create a profile and compete to be accepted in the Government's pool of candidates for permanent residency visas. The Express Entry is a selection process, it does not interfere with the selection criteria of the selective programs that already existed in Canada and was designed to create a ranking system for the FSWP, FSTP, CEC and a portion of the PNP (Koslowki, 2018:120). Anyone could apply, and once accepted into the profile pool, the candidate's profile would be valid for a year and could be updated or resubmitted after that period. Any candidate can be invited to apply for permanent residency if they make the EE pool, and those who do not have a job offer are linked to a government-hosted job bank where they can connect with employers. There were no quotas relating to applicants' occupations and no caps to those admitted, the processing time was aimed at 6 months or less for most applicants. The EE as a process merged different selective policies schemes under one ranking and it did so according to the Comprehensive Ranking System (CRS).

The CRS is a scoring mechanism that tied in the most intricate way policies of immigration with policies of integration, it is built as a predictor of a candidate's chance of succeeding in the job market. Again, success here is seen as higher wages, and the predictors are in tune with policy criteria that are already in place in selective policies. The CRS looks at four core human capital factors: age, level of education, official languages proficiency, and Canadian work experience. The CRS awards points for spouses in an application, with a maximum of 500, and the scoring is calculated differently for those applying with a spouse or common-law partner and those applying solo (Government of Canada, 2015a). There are also additional points for those with arranged employment or a PN nomination, with 600 points for each case. Once ranked, this pool can be used for employers to find workers and for rounds of invitations done by the Government. These rounds of invitation then issue an Invitation to Apply (ITA), and once they are done, CIC will then communicate the lowest points score for each round. If a candidate does not receive an ITA, it can update its profile at any point if their situation has changed.

The core factors of the EE had a stronger emphasis on applicants between 20 and 29 years old, PhDs, proficiency in one of the official languages, and Canadian work experience of the main applicant with 5 years or more. Those who could meet these criteria would earn the maximum number of points for each core factor, but there was a large scale of points awarded (Government of Canada, 2015a). Spouses were also assessed in similar terms, minus the CE category. The CRS also awarded points for skill transferability factors as a response to the deskilling faced by many migrants once they were competing in the Canadian job market, awarding a maximum of 100 points divided through some particular assessments of these transferability factors, such as two or more post-secondary program credentials, at least one of which having been issued on completion of a post-secondary program of three years or longer, or Canadian work experience and a Canadian post-secondary degree. These transferability factors were quite specific and could not particularly tip the scale but showed the government's attempt to design an online tool that accounted for integration concerns that had been raised through different evidence-based approaches used in the elaboration of the EE.

In 2015 alone, there were 23 rounds totalling 31,603 invitations issued to applicants and around 60 per cent of those had 600 points or more, which means they either had a job offer or a provincial nomination additional points (Government of Canada, 2015b). Those 31,603 were divided as: 4,105 PNP (13%); 13,214 FSWP (42%); 2,516 FSTP (8%); and 11,228 CEC (36%). The two main invited occupations were Food Service Supervisors and Cooks, both representing 8% each of the occupations invited through the EE. If one looks at the country of residency of invited candidates, India was the main country of residence of candidates with 6% of ITA, followed by USA with 2.2% and China, 1.4%. Interestingly, the distribution by country of citizenship of invited candidates differs considerably, with India representing 22.4%, Philippines representing 12.6% and China, 5.9%. When looking at the distribution of candidate's citizenship prior to the EE, one can see that the UK, Ireland and USA have moved considerably up the list, suggesting that the criteria emphasis on language plus the CRS reinforcement of that preference might have increased the number of English-speaking applicants.

At the end of 2015 and Stephen Harper's second premiership, selective policies in Canada looked rather different from the early noughties. Selective policies of immigration under both Conservative premierships were arguably central to the discussion of immigration per se, by delineating the desirability of the right migrant to succeed in the Canadian labour market. The emphasis on higher wages and integration as meritocratic

objectives of governmental policies was tremendous and I here argue that they changed Canadian policy in a long lasting and profound way. Skilled immigration policies became a key site for the exercise of nationalist ideologies, and they reify, reassert and realign the nation in its traditional form at a time when an increasing web of transnational circuits of capital and labour challenge old markers of belonging of nation-states (Chatterjee, 2015:546). The Canadian Experience Class introduced a marker of *Canadianess* that could be aspired by immigrants in a two-step migration system, in which the desirable worker subject could compensate its lack of citizenship if they could build on a national cultural habitus through previous contact with the country. The clear conditions for the accumulation of human capital in these acclaimed human capital-based policies steer them towards an understanding of the ideal skill as Canadian, while immigrant's skills were treated as deviants that had to be corrected by guaranteeing their closeness to the insiders.

The CEC was able to reintroduce the historical preference for White European cultural habitus and institutional capital among Canadian employers as a liberalisation tactic that could most readily predict the right fit for the country's labour market. Meritocracy here is a crucial part of the ideology holding this argument together as it first constructs highly skilled professionals as deficient, leaning onto scholars' research on wages and deskilling of professionals entering through the FSWP. Once the idea is normalised that immigrants coming through this channel are lacking - either in language proficiency, sub-standard credentials that are not comparable to Canadian certificates, lower salary levels than nationals - it becomes feasible to propose policy solutions such as the CEC, which prevent the entry of racialized immigrants in large numbers while prioritising the entry of those with stronger potential to assimilate (Chatterjee, 2015:553-554).

Skills, then, are articulated in relation to Canadian experience and those are constructed as the best skill set to succeed. The two-step migration approach not only relies on a probationary period that bridges temporary migration to permanent migration of a small subset of migrants, but it also allows for this discourse of desirability of those who are less deviant from the Canadian norms. The importance of this shift - or return to old ways of exclusionary practices - also reverberates on the FSWP. The new selection grid implemented in 2013 introduced an agency tasked with assessing the equivalence of foreign educational credentials to Canadian standards, much like the language proficiency. This system operates under the assumption that non-Canadian credentials are

substandard unless proven otherwise. When combined with a higher number of points given to those with experience in Canada, it presents a discriminatory leverage for those who have obtained Western skills and credentials or have had access to Western labour markets.

The pervasiveness of Canadian Experience both in the CEC and FSWP makes what Bhuyan et al (2017) describes as an ambiguous and yet beholden signifier. It is an opaque but readily accessible concept that is presented as something that a migrant lacks, and this deficit must be corrected not by adjusting the labour market and refraining from discriminatory practices, but by pre-emptively selecting migrants who can offer that as a guarantee to Canada's competitiveness and to fix problems of integration. This constant stratification poses a challenge to the needs of a large demand of a labour market that needs cooks and not PhDs, hence the creation of the FTSP as a middle-ground solution to open doors to tradespeople. Yet, they are not to be talked about too much or they might show the incongruences of this discourse that sees success and the highest possible wages of highly skilled migrants who have paid their dues and done their time in Canada. I argue that skills are the floating signifier being once again used here for stratification of desirability and as an *Othering* mechanism, Canadian Experience builds on the idea of migrant habitus as a skill to be harnessed through appropriate visas.

At the end of the Harper's administration, Canada was left with a complete reshuffle of both the policies surrounding skilled migrants but also the process, due to the implementation of the Express Entry. The importance of the global financial crisis as a background to these changes relies not only on the financial indicators, salary levels or the rise of unemployment, but on the rise of the neoliberalisation and meritocratic ideology that were by 2015 seen as intrinsic to a successful and well-managed immigration system. In that sense, the stratification and the staggering imbalance of gender distribution between selective policies towards skilled migrants on one side and caregivers on the other remains reasonable under this rationale.

Skills stratification and its gendered outcomes are not taken into sufficient consideration throughout the policymaking, and the GBA reports have limited impact. The increasing focus on language requirement as a predictor of labour market integration, driven by concerns over social cohesion and conformity to the White Anglo or French Canadian, also leaves room for concerns over their converted use as exclusionary criteria. Yet, it is with the institutionalisation of Canadian experience in the CEC, as points

awarded within the FSWP and reinforced through the CRS process of ranking that discrimination in a more blatant form becomes normalised by the Harper administration.

The background of the global financial crisis might have been particularly important to explain the speed in which the move away from somewhat liberal selective policies was possible in a country that had until then relied on lengthy constitutional efforts to review these matters. Bill C-50 and C-38 have shielded the Conservatives and made possible the five Ministerial Instructions that altered the course of skilled migration schemes in Canada. As the memory of the financial crisis faded, what was left was a meritocratic and neoliberal understanding of how to prioritise the best and the brightest to maximise salary levels. This approach lacked recognition of its interplay with axes of differentiation that had been well documented in Canadian society. Thus, the immigrant solely carried the burden of integrating itself by adjusting to exclusionary practices that neither the labour market nor the government were willing to challenge.

3.5 The 2015 election and the Justin Trudeau brand

The election campaign officially started in August 2015, but since the rise of Justin Trudeau as the leader of the Liberal Party in 2013 the dispute between Liberals and Conservatives had contours of a ‘permanent campaign’. The Conservatives started campaigning as the incumbent government long before then, and the Liberals followed as it was presented as an opportunity to elaborate on their plans for the next mandate. Justin Trudeau was portrayed by the Conservatives as a celebrity that was not ready, with superficial understanding of the role, who was American-like and self-centred with his use of selfies and social media (Lalancette and Cormack, 2018). Both Harper and Trudeau embodied their parties’ ethos and campaigned along the lines of restrictive and progressive policies, fear versus hope, negative campaigning and positive campaigning. Masculinity was also made an explicit theme where Trudeau portrayed ‘new masculinity’ ideals and was seen as a metrosexual, with the odd shirtless picture and emphasis on his good hair (Idem).

Immigration and citizenship were also part of this negative campaign by the Conservatives and a number of negative policy initiatives were announced, such as the removal of citizenship from naturalised Canadians, banning the Niqab at citizenship ceremonies, limiting access to refugees and immigrants, among other policies and discourses that relied on mistrust and fear-mongering to portray the incumbent government as the right one to deal with the international economy and global terror

embodied by racialised migrants. By contrast, Trudeau mimicked his father's political persona, building on it to offer 'hope' through progressive policies that would welcome Syrian refugees and a return to romantic constructions of identity from olden progressive days.

As for skilled migrants, they did not embody the same archetype of migrant that is normally passionately thrown around during political campaigns. As a part of a pledge to return to focusing on family migration, Justin Trudeau vouched to review the Express Entry to include an assessment of family ties to Canada, such as a sibling, in a way that could redeem points for the applicant. The candidate also argued that permanent migration should again be the focal point of immigration policies targeting new migrants, condemning the turn to temporary migration amidst criticism of how it created obstacles to integration and the acquisition of Canadian citizenship.

Trudeau's party manifesto, named 'Real change: a new plan for a strong middle class's proposed changes in immigration policies under a chapter on security and prosperity (Liberal Party of Canada, 2015). Opening the door to prosperity and immigration was divided into 4 strategies. Reuniting families was the top priority, doubling the number of applications allowed for grandparents and parents to 10 thousand a year, doubling the budget for family migration processing, and more opportunities for applicants who have Canadian siblings to gain points through EE. As for international students and temporary residents, it was said that the government would make it easier for them to gain citizenship and reduce barriers to immigration imposed on international students by reforming the CEC. Remittances was the third focal point with the pledge of simpler and cheaper ways of sending money abroad. Lastly, hiring caregivers should then become easier and more affordable by scrapping the \$1,000 labour market assessment fee imposed to recruiters, while vaguely suggesting a reform that would make it easier to recruit caregivers on behalf of families and allowing change in employment in the case of bad relations or abuse. Immigration accounted for 2 pages in this manifesto and two other mentions on a budget and a timeline table. It was a rather succinct approach.

As for the Conservative Party platform, named 'Protect our economy - our conservative plan to protect the economy', immigration was unsurprisingly on the roll of things that Canada needed some protection from (Conservative Party of Canada, 2015). Apart from singing their own praises for the changes that were made, the immigration system was still presented as in need of protection from abuse and procedural backlog. The 'cracking down' rhetoric of crimmigration is present on multiple fronts: crooked

immigration consultants, fraudulent marriages, bogus refugee claims, human smugglers, strengthening immigration control through biometric and bureaucratic means and deportation were all listed as goals to maintain the integrity of the generous Canadian immigration regime. Proposals that were not dealing with crimmigration were lacking, the focus was again on negatives or restrictive policy goals.

The Liberal Party won the election and made staggering seat gains with an increase of 150 elected MPs since the 2011 election at the expense of 67 seats from the Conservatives and 5+9 from the New Democratic Party (NDP). Thus, the LP was able to form a majority government, Justin Trudeau became Prime Minister with a rather substantial mandate for his party's manifesto. The appeal of hope and progressive reform embodied in its discourse, coupled with his political persona, had a strong effect on the Canadian public who seemed to refuse Harper's social conservatism and return to an old view of Canada as a liberal nation in opposition to its neighbouring country (Ives, 2015). It was not only the success of the Liberal Party leader in projecting his political profile and navigating social media, but Harper's dismissal also came as a concerted effort from the left through strategic voting at the expense of the NDP. It was also the first election after the implementation of a First Past the Post system, and many Canadians simply wanted to oust the Conservatives using this new opportunity.

Trudeau, a self-proclaimed feminist, made headlines appointing a cabinet that had gender parity. It was a big step for women's political representation, the first time Canada's cabinet had seen that many female ministers appointed, and it was also a political strategy across his mandate (Paterson & Scala, 2020). A feminist government was also part of Trudeau's branding. Feminism, diversity and equity were brought to the centre of the government. There were 30 cabinet ministers, 15 male and 15 female, in what was Canada's most diverse and youngest cabinet to date. It was also the first time a Minister of Women and Gender Equality Canada was appointed, Maryam Monsef. As tempting as it is to delve into the Liberal party premiership to discuss how this approach was used strategically for political gains, I will focus only on how little it did for immigration policies (MacDonald & Dobrowolsky, 2020). It meant a discursive and somewhat practical return to the idea of a progressive and welcoming country for immigrants, not only the economic class, but family migration and refugees as well.

John McCallum was appointed as Immigration Minister and, curiously, he did not represent diversity through any lens. If anything, he embodied the profile of a traditional politician, an elderly white male. Nonetheless, as the government was vested in this

rebranding of Canadian politics, the CIC (Citizenship and Immigration Canada) was renamed as Immigration, Refugees and Citizenship Canada (IRCC). John McCallum marked this stance on the annual report of 2015's message by saying that 'Canadians have a long history of doing the right thing and welcoming to our country displaced people from all over the world' (IRCC, 2015:1). Evoking Canada's compassion and humanitarianism, McCallum reinforced the idea of an ethical and morally conscious immigration system that could also benefit Canadian society and economy. The echoes of ethics permeate this document, and it is part of the branding of Trudeau's premiership, and Canada is celebrated as a progressive, open and fair nation.

This shift towards compassionate immigration policy was mainly focused on family migration and additional reforms to the refugee system. The clearest gender-based concern was around the Caregiver program, allowing families and governmental bodies to hire caregivers and allowing caregivers to change employers in case of abuse or bad relations. The Express Entry was lauded as a success, and it was to be reviewed solely to ensure that processing times were efficient. As for the CEC, the government suggested reforms to reduce barriers to international students and to restore the residency time credit given to them and other temporary residents on their path to citizenship. In section 5, the GBA+ is highlighted as a new process that 'goes beyond gender to consider diversity and aspects of identity such as age, education, language, culture, ethnicity, geography, income, sexual orientation, ability and Aboriginal identity' (IRCC, 2015:29)¹⁴.

Yet, only sex-segregated data is concerned when it comes to the figures discussed throughout the report. There is no mention of any subjective discrimination other than for caregivers. The selective policies' tendency to a male imbalance is minimised. EE is defined as 'gender-neutral and no negative impacts on the representation of immigrant women are anticipated' (IRCC, 2015:32). The persistent discrepancy between visa streams for skilled migrants is seen as an unintended consequence of occupational gender distribution. Although the gender gap for FSWP was, indeed, lower than in the early noughties, men still accounted for roughly 71 percent of primary applicants (IRCC, 2015:30). The CEC, however, showed a further decline in female representation without any signs of increasing since its implementation (Idem). In addition, research conducted by the IRCC concluded that education and knowledge of official languages, as well as earnings, were higher among female spouses of male economic principal applicants than

¹⁴ GBA+ had been introduced in 2011, but was not explicitly invoked until the IRCC, 2015 report.

for their family class counterparts (IRCC, 2015:33). All these were told to be monitored and not acted on, the GBA+ report was lacking and there were few signs of any *pluses* as other variables were missing from both data and the analysis.

In line with the government's plan to mainstream gender-based analysis, IRCC hosted an event as part of the “Embracing Diversity, Delivering Results” GBA+ Awareness Week in May 2016. Often cited as a leading example of how GBA+ can be used as the IRPA required an annual report before parliament, the IRCC lacked substantial examples of how this process enhanced gender-awareness in the policymaking and design. It was slow to progress as it acted retrospectively at best, analysing the consequences of policies and then trying to lobby for changes. Under this premiership, policy towards skilled migrants remained largely unchanged. Indeed, it seemed that what this government achieved was to shift from one form of neoliberalism to a scant version of neoliberal feminism embedded in human capital ideals, echoing the multicultural policies of the past. As a response to an Auditor General’s report, the Ministry of Women and Gender Equality released the GBA Action Plan (2016-2020) which detailed actions to support the mainstreaming of GBA, and the IRCC reports change considerably from then onwards on how the GBA+ analysis is presented¹⁵.

Looking at admissions in 2016, Canada saw the highest levels since 2010 and saw an increase in family reunification and humanitarian visas (Immigration, Refugees and Citizenship Canada, 2017). Syrian refugees accounted for a large increase, with more than 62,000 admitted. This influx was part of the administration’s renewed commitment to provide routes for settlement through both private sponsors and resettlement programs. As for family class, there was a 19% increase from 2015, with 78,000 permanent residents in this class being admitted. As for the economic class, there was an 8% increase, with nearly 156,000 permanent residents. Looking at all economic class admissions, there was some gender balance, with 42% female primary applicants and 58% male (IRCC,

¹⁵ It was part of a concerted effort for gender mainstreaming across the government. The action plan was elaborated to expand GBA+ and to strengthen its intersectionality lens. A standing committee also produced a report called “Implementing Gender-Based Analysis Plus in the Government of Canada”. Both the report and Government Response can be found on <https://www.ourcommons.ca/documentviewer/en/42-1/FEWO/report-4>. I would highlight how IRCC is used as a model, it also argues that it was done so by necessity since the IRPA legislated on its annual release but created a culture where GBA+ had a cascading effect throughout the department. It is a unique body for immigration policy, and I admit that although I am critical of its depth, it is a step in the right direction. The Government’s action plan and response to the Committee are both very interesting discussions on how to expand a gender-based analysis.

2017:7). The IRCC 2017 report hailed this as a step in the right direction, as this 16-percentage points gap was narrower than the 30 percentage points of the late 2000s. Yet, as acknowledged in the GBA+ section, this gap was not diminishing across all visa streams. The Caregiver stream was the main source of female economic migrants. The FSWP was also showing signs of a slow move towards gender balance (35% of primary applicants were women), but both the CEC (36% of primary applicants were women) and FSTS (5% of primary applicants were women) were predominantly male-oriented in comparison to previous figures.

The GBA+ section of this report does show some signs of improvement as the analysis gained depth in comparison to previous years. It discussed how Canada's own gender pay gap imposed difficulties for native women and immigrant women, how their earnings differ and how long they differ for. As mentioned, it admitted that the Caregiver program was responsible for narrowing the gap among economic migrants' distribution and that the design of both the CEC and the FSTP meant that this disparity persisted. Yet, it does not provide any guidance on how to overcome these gender imbalances. As previous GBA+ analysis of economic class migration, it is descriptive, not prescriptive. It vows to 'monitor' these disparities among skilled migrants. Perhaps the subjective nature of inequalities amongst this group, so commonly seen through a prism of privilege, makes for a less active engagement. There were relevant changes made to prevent gender-based violence for family visa applicants, for example, when the conditional permanent residence two-year cohabitation requirement was repealed in April 2017 as it could compound vulnerabilities in situations of domestic abuse (IRCC, 2017:31).

Also in 2016, the Global Skills Strategy was announced by the finance minister Bill Morneau as part of the Fall Economic Statement, and later implemented in 2017 following IRCC instructions in June 2017 (Government of Canada, 2016). It was presented as a speedy processing visa stream for 'low risk, high skill' work permit. The fast processing was to be completed within two weeks, allowing foreign workers to stay up to 30 days and researchers up to 120 days. It is a work permit exemption aimed at employers who need workers to come to perform crucial and timely jobs in Canada for a set period. For a 15-day exemption, the waiting period to become eligible again is 6 months and for a 30-day exemption it is 12 months.

In September 2017 another temporary visa was presented for skilled migrants, the Global Talent Stream. It committed to a 10-business day application process, and the key element was that the employers should commit to creating jobs for Canadians and

residents, and to transferring knowledge to local workforce through a Labour Market Benefits Plan. Wages either had to match the prevailing wages for the Canadian workforce or adhere to minimum annual or hourly rates set by the government, and only listed occupations could apply. There was a language restriction that required either English or French, other languages required further justification. Another particularity is that there were two eligible pathways: category A, where there was a list of partners which could access this category; or category B, where a global talent occupation list defined eligibility (Government of Canada, 2017). These two categories tried to aim for specialised jobs within small sectors of the labour market, resulting in a favoured client relationship between governmental bodies and IRCC.

What the first two years of Trudeau's government show is that, as selective policies go, discriminatory practices are not to be questioned. The GBA+ could not engage beyond a report after the fact, not for skilled migrants. The privilege encapsulated by this category resulted in blindness in analysis across the spectrum: neither gender, race nor class were seen or perceived as the axis of differentiation they genuinely represented for such a male-oriented visa stream. The economic category had only one anomaly, the Caregiver Program. It was the main reason why Canada's economic migrant stream could see a narrowing of the gender gap. Yet, it was not perceived or promoted as a selective policy for skilled migrants, furthering the stratification between care work and other occupations. Additionally, the government did not seem bothered by the temporary shift of the two-step migration. It doubled down on the Canadian Experience and criteria that could pre-empt labour market integration in a segregated society.

The Global Talent Stream and the Global Skills Stream point at another possibility envisioned by the government, a client-relationship with certain firms to open doors for both short work permits and investment in the form of the Labour Market Benefits Plan. Where companies were expected to prove their investment in the Canadian workforce, at the same time they could access special visas for work mobility. It also created a pathway for a client-relationship between larger companies that can access this visa stream and the government. The Labour Market Benefits Plan (LMBF) is seen as an investment made by those companies to access privileged routes. This is not guaranteed across all skilled occupations, there does not seem to be any form of concern about how discriminatory this practice is from the get-go.

The neoliberalisation of immigration policies in Canada has moved the country to a demand-driven approach where human capital is understood as market-oriented variables

in an immigration-integration nexus. What the Trudeau era has pointed from its inception was that the neoliberal model that Harper took further with the implementation of the two-step migration, the focus on temporary admissions, and the promiscuous relationship between integration policies and immigration policies was now normalised. It was the emergence of a new moment for Canadian immigration policies that went beyond party partisanship. It was the end of the Canadian settler society model and the start of a neoliberal settler society. One where the mythology of a settler society was instrumentalised around floating signifiers of race, class and gender through the narrative of human capital and selective policies.

3.6 The emergence of a neoliberal settler society

As the decade from the onset of the economic crisis came to an end, the arbitrary and necessary cutout for the analysis in this thesis, selective policies in Canada were embedded in neoliberalism. The legacy of Harper's government as the Express Entry and the CRS have not been questioned or severely altered since. The self-proclaimed feminist government of Trudeau could not provide an alternative, nor did it try to do so. That is because its government is from a particular strand of feminism, the neoliberal feminism combined with long-standing market and human-capital ideas (Dobrowolsky, 2020:24). The convergence of both Conservatives and Liberals when it comes to selective policies relies on an understanding that the skilled individual migrant can always be better and more precisely selected through tweaks and variations of criteria that closely approximate the immigrant to the true ideal, White Canadians.

The persistent discrimination on the basis of gender, race and class in immigration policies today has little to do with absolute exclusions, but it has to do with imbalances and inequalities in overall numbers and opportunities (Tannock, 2011). Selective policies for skilled migrants have been very successful in both normalising de facto discriminatory practices transcribed into criteria that in turn should guarantee integration in both economic and social terms. Canadian immigration policy through its use of education as a selective criterion is unavoidably sexist, classist and racist, in part at least, precisely because of the use of education and skills as a criterion in a world where access to education and skills is severely impacted by those axes of differentiation (Tannock, 2011). This is true to any selective policy based on skills, as skills are an amorphous entity that can shapeshift to be conflated with age, occupation, salary level, language knowledge and so on. However, this argument is insufficient as it presupposes the reader's agreement

with a rather radical viewpoint. Skills have been so prevalent and nonchalantly used as a means of justifying selective policies that it is safe to assume that this line of thinking does not resonate with those who are not immersed in readings of discriminatory practices in immigration.

Neoliberalisation was also steadily gaining ground under Trudeau's years. This neoliberalisation was not started by Trudeau nor Harper, despite its bad reputation. It was a seed planted in the core of the human capital rationale behind selective policies themselves that opened the way for the changes in the 1990s and early 2000s. The securitisation that came after 9/11 gained new contours with the global financial crisis that started in 2007. Immigrants were a menace on a multitude of fronts. The fragility of the labour market and the uneasy presence of the Other made the human capital approach palatable, and, in many ways, 'skilled migrant' became a dog whistle not only to the far right but to the mainstream public opinion (Saul, 2018). Not because it invokes the usual imagery of the far-right dog whistles around refugees, sham marriages and the myriad of fear-mongering hot topics that since then have turned even more inflammatory, but because it denotes its opposite, the presumed neutrality around the acceptance of the good immigrant, the best and brightest and, amongst those, the ones with higher wages and ready to integrate are signifiers of their closeness to the White Canadian ideal.

To conclude, I would like to discuss why Canadian immigration policies remain discriminatory on the basis of gender, race and class. First, the outcomes of these policies are gendered in their numbers and the continuous imbalance of the FTWP, CEC and FSTP are evidence that should not be ignored. The narrowing of the gender gap in FTWP from the noughties until the end of our analysis in 2017 is not considerable, although it is hailed as a success of this program to recognise women's skills. Yet, men are predominantly the main applicants and the fact that the gap was at its narrowest at 16% in 2016 points to the conclusion that it cannot truly be considered a move towards gender balance. As for the CEC and FSTP, the discrepancy did not show signs of decrease and the constant monitoring of the GBA over the matter did not materialise into any policy change¹⁶.

In fact, both programs were implemented after scholars had already raised concerns over the discriminatory aspects of the FSWP and none of this translated into a further assessment of their criteria. In fact, the Canadian Experience institutionalised a pervasive

¹⁶ The GBA findings of the FSTP's inequality were hailed as proof of the importance of its reports, even though it did not turn into a policy shift.

discrimination from employers into a government policy and the FSTP had more male-oriented occupations as a focus. The Caregiver Program, however, received more attention as a virtually all-female stream had strong problems around worker vulnerability, and changes were made to both its live-in requirement and its obstacles to changing employers. Even then, it was not considered a skilled stream by the Government and this fact in itself showcases gendered dimensions of the Canadian immigrant regime that leads us to our next argument.

Second, the neoliberalisation of immigration policies in this decade cemented the role of individual migrants in overcoming one's own obstacles, even discrimination. By the time Harper's first government begins with the background of the financial crisis, the neoliberal turn that had started in the 1990s over economic migration and its role in Canada is taken one step further. Immigrants' wages, for example, were seen as a shortcoming of selective policies that had to become more stringent rather than a symptom of deskilling in the Canadian labour market. The human capital and supply driven approach of the nineties is transformed in a two-step migration process that favours Canadian experience over other criteria (Abu-Laba, Tungohan, and Gabriel, 2022). This creates a precarious in-between place where the migrant can only access citizenship after going through both steps. Both the CEC and the EE have cemented Canadian experience as the most valuable predictor of 'successful' migrant integration. Success here is measured by salary level with disregard for the different salary levels between men and women and their career trajectories in relation to childbearing and child-rearing. Immigrant integration equals approximating the White Canadian salary level, and that is the only gap which governments seem concerned about. As the policy changes implement more restrictive and stringent criteria, whether it be age-based points or language fluency, the immigrant is asked to provide proof that they will prevail in an unequal and discriminatory labour market.

The Canadian government's prolific relationship with scholars in commissioning studies or accessing them as a means to prove an evidence-based policy design is nothing but a shield from a deeper questioning of such inequalities. A migrant's precarious insertion in the labour market is considered the migrant's fault and the solution is to add to human capital a set of market markers that are prescribed to avoid such discrimination from ever being needed, rather than preventing them from taking place. This refers especially to markers of class, but also those of nationality or immigration status. The

research on integration is being instrumentalised to justify stringent measures (Schinkel, 2018).

Third, the market model operating behind this process (Boucher & Gest, 2018) is the foundation on which immigration policies lay. This is true across party lines differences, the economic crisis that started in 2007 in a context of growing uneasiness and hostility towards migration has sedimented the neoliberal underpinnings that guide policymaking for Liberals and Conservatives in the country. The tensions around immigration are often placated through justifications on the basis of skills selection as the true marker of immigrant desirability. The spillover effect of this rationale has been felt in other migrant categories, with skills being used to stratify other migrant categories. The most surprising example is on humanitarian visas, with the country trialling measures that would grant asylum to claimants that could work in the health sector during the COVID-19 pandemic. Later this went from an exemption to a visa category, when in 2023 the category of skilled refugees was created. The sustained erosion of immigrants' rights at the margins is also construed at the centre, where the ideal subjects become a moving target with continuous changes in policy criteria and a narrowing in the country's understanding of what skills mean and who gets to be considered skilled.

Chapter 4 - Selective Policies in the United Kingdom

The United Kingdom has a particular history around managed migration as a former Empire and its role in shaping policies in the Commonwealth. In its imperialist pursuit, it maintained elites united around White Britishness and alienated racialised nationals from access to full citizenship. The 20th century saw an emergence in immigration and race remained the main criteria used by Britain to select its migrants until the aftermath of the Second World War. At that point, the country was navigating a normative change away from racist understandings and needed access to a readily available workforce from the Commonwealth to rebuild the nation. Hence, Britain fostered migration to the country between 1948 and 1971, with arrivals from Jamaica, India, Pakistan, Kenya and South Africa. The arrival of workers from the Caribbean, the Windrush Generation, is perhaps the most known chapter of British migration history in the 20th century.

As in other European countries, this guest-work approach was short-sighted for assuming that these migrants were only economic beings without family life and long-term ambitions about their new home (De Haas, H., Castles, S., & Miller, M. J., 2019). It also revealed fraught relationships between Britain and its colonies, exposing a tension between Britishness and Otherness. Their arrival caused a political stir, with racist opposition being met from both the public opinion and politics alike (Slaven, 2022). The 1970s brought a period of economic recession and, like many other European countries, Britain also ceased to see migration as desirable. Restrictive measures came in the late sixties with the Commonwealth Immigrants Acts of 1962 and 1968. The former implemented that only holders of work permits could stay in the country, acting as a proxy for selective policies around skills. The latter barred entry to those who did not have family ties through a parent or grandparent living in the UK.

The Commonwealth Immigration Acts started a shift from the way Britain understood its relationship with the Commonwealth and created a layered and discriminatory understanding around nationality in objective terms that were heavily opposed by activists and some members of the Labour party. The Immigration Act of 1971 put an end to the idea of Commonwealth citizenship, restricting policies even further and establishing a new chapter in managed migration for the country; one that established the model of how immigration legislation would be laid out until the late 1990s and early 2000s.

Immigration legislation has historically played a significant role in institutionalising racism. In both the USA and Europe, while immigration laws may not have been overtly racially discriminatory, they have often produced such effects. These policies tend to either block entry for certain groups or limit further immigration from specific populations. As Goldberg (1994) argues, immigration restrictions, though rarely racially explicit, effectively restrict entry or employment for groups deemed “undesirable,” often implicitly categorised in racial terms. For instance, post-World War II policies in Europe limited entry for specific migrant labour groups, effectively labelling these populations as “surplus.” Even with subsequent measures to “integrate” those already residing in Europe, including second and later generations, these communities are often pre-defined as “problems.” This categorization exposes them to racially exclusionary practices and, at times, violence (Phizacklea, 1984).

The Patriality Act (1968) restricted entry of black Commonwealth citizens while largely continuing to allow white migration (McGhee, 2009). The response to immigration in the 1960s shifted dramatically toward stricter controls on the arrival of Commonwealth citizens, with a disproportionate impact on non-white individuals (Miles, 1990: 284). From this period onward, political discourse redefined Commonwealth citizens from “fellow subjects” to “immigrants,” marking a significant shift in their social and political status (Erel et al., 2016: 1343).

The country saw many subsequent Immigration Acts and Immigration Rules that built on these restrictive policies, narrowing even further what it meant to be a British national. Unlike Canada and Australia, the United Kingdom did not experiment with selective policies on the basis of skills until the turn of the century. It was with a Labour party majority under Tony Blair that a reshaping of British immigration policies took place, with an impressive liberalisation of policies towards a specific group of migrants: skilled workers. The Highly Skilled Migrant Program launched in 2002 was then replaced by the Points-Based System Program in 2008, which further entrenched the notion of a desirable migrant as a skilled and/or high net worth individual. The New Labour initiative marked another moment of immigration policy in the country, one where meritocracy and neoliberalism were at the forefront of immigration policy. Where desirability was the criteria and worries around integration informed immigration policy to protect British values. Refugees and Asylum Seekers were the other side of the coin, misrepresented to illustrate flaws in migration control that had to be remedied by ‘*rigid but fair*’ approaches (Anderon, 2013).

The HSMP was then replaced by the Points-Based System, which streamlined the immigration rules into tiers in a complete overhaul of British immigration policies. This moment saw greater liberalisation of policies in an attempt to attract particular types of migrants, especially around certain skill sets. These tiers were launched in different moments from 2008 and tweaked very regularly, as migration control was a key part of New Labour's goals. These will be discussed in detail through this chapter, but it is notably the moment where the UK shifts towards a meritocratic approach to visa schemes that had not been seen before and which reshaped the whole discussion around migration on both sides of the aisle in Westminster. Since then, skills and managing migration through selective policies has been at the core of British politics in varying degrees of restrictiveness.

The liberalisation created by the PBS is a conditional one, based on a neoliberal and meritocratic understanding around who is allowed to enter the country. Skilled migrants, portrayed as beneficial to the UK economy, and who had the right number of points, were the end goal of this liberalisation. Throughout the White Papers published by Tony Blair and Gordon Brown's governments (Secure borders, safe haven, find the names of other ones to put on endnote), that was made clear alongside the other goal: control immigration and limit numbers of entry, particularly of asylum seekers.

When David Cameron became Prime Minister in 2010 under the Conservative Party, the existing migration framework remained in place but took on an increasingly hostile tone, particularly during Theresa May's tenure as Home Secretary. The divide between "desirable" skilled migrants and "undesirable" irregular migrants—often bluntly labelled as "bogus" asylum seekers—intensified. The relative liberalisation of immigration policies seen during the New Labour years appeared to be a short-lived exception. Certain tiers within the points-based system were closed, while others redefined "skills" through an income-based approach, focusing more on earnings as an indicator of value. This shift indicated a clear trend toward more restrictive policies. States have been instrumental in facilitating the migration of individuals with "shortage skills." However, this valorisation of skilled labour migration has been accompanied by a devaluation of lesser-skilled migrants, who face increasing limitations on their rights. While skilled migrants are encouraged and supported, lesser-skilled migrants experience a parallel process of restriction and marginalisation (Raghuram, 2004a; Raghuram & Kofman, 2004).

The resentment towards migration in sectors of the public opinion and far-right parties slowly made its way into mainstream politics when a referendum on the

permanence of the UK in the European Union went ahead in 2016. Leaving the European Union was proclaimed a matter of sovereignty, of taking back control, and closing the doors to free movement. Migration would then be managed solely by selective policies with stringent criteria that were seen to protect the national interest and domestic workers. The rhetoric was at best unconsciously racist, and at worst an exercise of instilling Otherness and proclaiming hate on a scale that seemed at odds with liberal democracies.

4.1 The emergence of policies towards skilled migrants

The turn of the last century was heavily marked by the foreseeable changes in both the labour market and the demographic composition of advanced industrial countries (Kofman, 2014; Cerna, 2016). Increasing reliance on technology and an ageing-population posed a challenge to countries in post-industrial societies, and they had to look outwards to fulfil the growing demand for IT-related occupations. This post-industrial knowledge-based society had to adjust its immigration policies in an attractive package for competing with other countries for the ‘best and brightest’ (Papademetriou & Hooper, 2019). Policies towards skilled migration were then debated as bearers of, mainly, three advantages (Cerna, 2016).

First, there seems to be a link between competitiveness, innovation, economic growth, productivity, and an overall increase in the rate of scientific discovery and entrepreneurship with the increase of skilled migration (Boeri et al, 2012; Borjas & Friedman, 2007; Chiswick, 2005). Second, skilled migration was seen as an alternative to fill occupational shortages rapidly, while countries gained time to respond to these shortages by training or reskilling their domestic reserves – particularly women, young and older workers, as well as present migrants – in the medium to long term (Cerna, 2016:6). Third, they contribute to the demography of a country with an ageing population not only as a young reserve of labour force, but as taxpayers that contribute to welfare systems (Ruhs, 2008).

This reasoning was behind Tony Blair’s approach to immigration as he became Prime Minister in 1997. Tony Blair’s first mandate as a Labour Prime Minister started in 1997 and the country began to reassess its migration regime as a way of modernising the labour force. An early sign of this approach was the Treasury, and the Department of Trade and Industry (DTI) White Paper published in 1998, titled ‘Our Competitive Future: Building the Knowledge Driven Economy’, which questioned whether it was possible to lower entry barriers for skilled migrants. The DTI pushed for a review as they raised concerns

about Britain's competitiveness in the global market and asked for routes for skilled migration. In response, the Labour government started to work on a review of its policies under minister of immigration Barbara Roche and minister for competitiveness Alan Johnson (Cerna, 2016).

Barbara Roche's role as minister for immigration (1999-2001) was brief but instrumental, as she called for relaxation on immigration laws to attract 'wealth creators' and highlighted the success that other countries had had in using managed migration as an economic tool (UK Politics, BBC News, 2000, September 18). She also argued that, as the UK was competing for the best and brightest international talent, it had to alter its immigration laws. The Tories' opposition to this strategy called for the training of Britons instead, but a very comfortable victory in the British 2001 general election gave New Labour another mandate and a chance to implement these changes.

Blair's second government introduced a policy shift on the management of labour inflows (Carvalho, 2013). The following year and under the leadership of Home Office Secretary David Blunkett, the 2002 White Paper entitled 'Secure Borders, Safe Haven – Integration with Diversity in Modern Britain' was published (Great Britain. Home Office, 2002). This document discussed the state's role in managing migration, as a way to ensure a positive contribution of migration to the country's well-being and economic prosperity (Idem). Integration policies, then, were a focal point in how the Labour government intended to manage migration and ensure social cohesion in the UK. For economic prosperity, the focus was on the creation of a skilled migration programme.

Until then, labour migration to the UK from outside the European Union encompassed mostly the work-permit route in use since the post-second world war. From the 1970s, work-permits were no longer granted to lesser skilled jobs and were restricted to those coming to a specific job. In the eighties, the number started to rise consistently, showing an increasing internationalisation of the labour market. Another route to the UK labour market at the time was also the Working Holiday Scheme, addressing temporary jobs in lesser skilled areas. The free movement of people from the EU also provided a lot of workforce to the UK that escaped visa routes and could be recruited more easily.

The Highly Skilled Migration Programme (HSMP) had a supply-driven approach to skilled migration for 'highly skilled professionals'. The selective criteria were based on qualification levels, past income and job title as a proxy for professional achievement (Messina, 2007). It officialised a human-capital approach for skilled migration, liberalising immigration policies to address skill gaps. These skills gaps correspond

mostly to computer services, health and medical services, as they accounted for most of the labour visas issued before 2002, 20 and 23% respectively (Great Britain. Home Office, 2002: 40).

As the inaugural strategy for selective policies in Britain, the HSMP introduced the main marker for 'highly skilled' in the country: class. Skills definition for HSMP was around a combination of variables that assess whether the applicants 'will make a successful contribution to the UK economy and society through employment, self-employment or engagement with business' (Great Britain. Home Office, 2002:43). These included criteria around mostly cultural and economic capital in a Bourdiesian sense. For cultural capital, formal education in accredited institutions, language knowledge proven by expensive international exam boards such as IELTS or Cambridge Assessment English, and previous salary levels attainable only to a small number of applicants from the Global South. Economic class was a proxy for skills throughout the program, it was also the only social division with a provision, albeit insufficient, to mitigate discriminatory practices. The salary levels were adjusted for country of origin, as a universal threshold would be blatantly unattainable to most applicants and inhibit the programme's feasibility.

The HSMP did not require a job offer, but an applicant had to reach 75 points in its points-based criteria plus further proof of means of subsistence to support themselves and their families. This system heavily rewarded formal educational attainment and continuous education, translating an understanding of skills as such. Points were assigned as follows: a graduate certificate would score 15 points; a masters' degree would grant 25 and a PhD would account for 30; 5 years' experience in a graduate-level job position would add 15 points; and previous income would be assessed according to a global pay scale to account for regional differences. If that was the case, the applicant would have a year to find a job and in being successful they would be granted further leave to remain (Great Britain. Home Office, 2002). This route allowed for family reunification and could lead to settlement and a long-term residence after four years, which made for an attractive policy. The route for settlement was open to those entering the HSMP.

In its first year of operation, the program attracted over 1100 successful applicants, which led the government to reconsider the application criteria and make adjustments to encourage more applicants. In 2003, the HSMP was reassessed and the points threshold needed to gain entry was lowered to 65 as the response was not as immediate and numerous as the government had expected (Carvalho, 2013). The following years saw an

increase in this migratory flow, the number of HSMP approvals increased rapidly to peak at 28,090 in 2007 (Salt, 2009: 104). The political context, however, changed not only internally but externally. Blair's government ended in 2005 under the weight of criticism for its involvement in the Iraq War and the alliance with the Tories to push for it, which fractured the Labour Party. At the same time, the politicisation around immigration in the political debate was growing in the UK mainly around asylum-seekers and refugees (Carvalho et al, 2015).

This liberalisation meant a simpler bureaucratic process, with a regained focus on the employer as a customer and a clear guide that the objective was to meet customer' needs (Sommerville, 2009). The influence of business and stakeholders was felt, especially in the IT sector as it managed to lobby heavily for these policies, but there were also pressures from the public sector, such as the health and educational sectors that were also seen as of importance for these measures (Boswell, 2003, Cerna, 2016). The National Health System (NHS) was also a concern for Blair's government, as it was part of their electoral campaign to modernise and expand the NHS and skilled foreign labour was the alternative of choice from the government (Carvalho, 2013).

In 2005, the government published a new White Paper titled 'Controlling our borders: Making Migration Work for Britain, Five Year Strategy for Asylum and Immigration'. Tony Blair's foreword says that 'we will replace out-dated and confusing rules with a clear and modern points system, so we only allow into Britain the people and skills our economy needs' (Great Britain. Home Office, 2005). Conversely, the government celebrated a decrease in numbers of asylum claims, an increase in removals and that there were policies that enable skilled migrants to fill shortages. At different ends of the spectrum, both asylum and skilled migration were focal to this plan. It focused on a discourse around controlling migration, assessing asylum-claims through a 'rigid but fair' approach, and on skilled migration, through the design of a points-based system.

It is important not to lose sight of how policies towards skilled migrants have gained ground as a less contentious and more desirable form of migration. Hence the importance placed by Blair's government both to increase the numbers of skilled migrants and to decrease the number of asylum seekers simultaneously. The UK had yet to see the increase of numbers in asylum applicants that the next few years would have, but the political climate was already brewing hostility towards refugees. As skilled migration gained momentum politically, it did so to the detriment of other forms of migration deemed less desirable or even undesirable by comparison.

In 2006, the government further clarified its design for the points-based system with the publication of 'A Points-Based System: Making Migration Work for Britain' (Great Britain. Home Office, 2006). It described four tiers, organised by different criteria but each requiring a certain points threshold granting entry or leave to remain, which was said to be indicative of an individual's likelihood to comply with immigration requirements and integrate successfully in the labour market (Great Britain. Home Office, 2006: 6, 8, 16).

The number of successful applications increased rapidly to peak at 28,090 in 2007 and although the list of nationalities is long, the programme's geographical scope is mostly represented by less than ten countries. Prior to the HSMP there were limited, if any, methods for individuals from outside the EU to enter the country to look for and obtain employment without having a specific job offer. Indians have been the largest group each year since its creation, followed by Pakistanis. As an example, in 2008, India represented 36% of successful applications and Pakistan, 13,1% (Salt, 2009). Australia, South Africa and Nigeria also made up a large number of applications (Idem). Men accounted for a little over 70% of main applicants (Ibidem), marking the gender imbalance of this policy that focused on male-dominated areas of the international labour market.

The government considers the HSMP to be a successful initial program that played a crucial role in attracting skilled workers that contributed to the economy, filling skill gaps in the labour market and creating opportunities for UK workers. However, the program had encountered criticism and amidst the financial crisis that erupted in 2007, found itself in a more unstable economic context that drew more scrutiny over such liberal policies. Also, some evidence started to emerge that migrants coming through the HSMP found themselves in jobs that did not match their skill level once they arrived in Britain. Their integration to the labour market showed signs of difficulty, but the data available to understand the scale of the problem is patchy and scarce. Thus, it is impossible to know whether the program was as successful as the government suggested. Over the period of the scheme 68,372 applications were approved and citizens of 74 countries made use of the scheme (Salt & Bauer, 2020: 52).

During this time, the New Labour government found itself in a weaker position in Parliament after a drawn-out loss of popular and party support after the 2005 general election that was won with a reduced majority. Amidst heavy criticism over his handling of the election and party divergences, Blair announced his resignation would follow in

2007, not finishing this term. After his resignation, Gordon Brown was the next in line for Party Leadership and became the Prime Minister in June 2007. It was under Brown's premiership and Jacqui Smith as Home Secretary that the Points Based System was launched to replace the HSMP at different commencement dates throughout 2008 and 2009. The program would be reviewed annually, and the Government enlisted the help of a non-Governmental advisory board of scholars named Migrant Advisory Committee (MAC) to evaluate certain criteria and especially to create and periodically review a shortage occupation list.

Tier 1 (Highly Skilled) focused on those deemed the most highly skilled – including doctors, engineers, finance experts and IT specialists, and other professionals. It did not require a work contract or a sponsor. Below this tier, all other applicants would need a sponsor for a specific job offer. It required applicants to fulfil at least 75 points to be eligible for a visa. This Tier was divided between General, Investor, Entrepreneur and Post-Study Work, with different requirements for each of them. They are a great example of how skills definition is by no means consensual, with some criteria being not even remotely interested in skills per se.

Tier 1 General focused on the highly skilled and was the only one that did not require a job offer, being supply-driven and applicants were successful if they reached 75 points, including mandatory 10 points that showed their ability to fund their stay in the country and another 10 proving at least intermediate level of English. Tier 1 general focused on tertiary education or above (Bachelor 30; Masters 35, PhD 50 or MBA from selected elite universities 75), previous earnings (different points according to a scale from 16k to 40k+), points for younger applicants (varying points to younger applicants up to 32 years), and bonus points for qualifications or work experience gained in the UK (5). Tier 1 did not require any sponsors and allowed family members to enter as dependants. It was arguably the most liberal policy to attract skilled migrants in the PBS.

Tier 1 - Investors intend to attract what was described as 'high net worth individuals', as the two main criteria were: having 1-million-pound investments for the duration of the visa and to not work in certain areas of the labour market that had specific visas (such as the health and sport sector). Tier 1 Entrepreneur is a stream that focuses on those who intend to invest or open a business in the country worth 200 thousand or over, with attributes considered around money, revenue, and number of employers. The Entrepreneur route had no ban on the occupational sector. Both did not require any knowledge of the English language; age was not relevant for these streams nor were the

other criteria. It focused solely on a large sum of expendable money that could either freely be invested in the UK or that was already in a UK bank account. It was perhaps the most neoliberal understanding of highly skilled migrants.

Tier 1 Post-Study Work was a stream that allowed a pathway for students qualifying in the country to alter their visa and find work, opening a route for settlement that had not been open for students before. It was also supply-driven and required that qualifications at tertiary educational level or above had been attained in Britain in the last twelve months. It rewarded experience in the UK as it also assumed it was a good predictor of a successful integration to the labour market and society at large. It enabled a two-step approach to international students coming to the UK to join in the labour market and it was welcomed by student unions and universities as a way to retain talent trained in these institutions¹⁷.

The PBS was introduced at different dates and after Tier 1 was introduced in late June 2008, Tier 2 followed shortly after in November the same year. Tier 2 focused on skilled migrants and had 3 streams: General, Ministers of Religion and Sportspeople. All streams were demand-driven and required a sponsor and a secure job position for applications to be successful. Each applicant would have to reapply if they intended to change jobs, tying their stay to the company or organisation that was part of the application process. There were no quotas imposed for the number of applications approved or processed. There were also no age considerations for any of the streams.

Tier 2 General criteria set out that applicants should have qualifications compatible with at least NVQ Level 3 - compatible with skilled work in the country - counting for 5 points, bachelors or masters equating 10 points, and PhD level at 15 points. Work experience was also evaluated, there was a salary threshold and intermediate level of English was required. Internal Company Transfers were also guided by these rules and became a very important visa for certain areas of the labour market (Salt & Brewster, 2023).

Tier 2 (Ministers of Religion) and (Sportspeople) focused on each of their occupational sectors and work experience, not qualifications. Alongside the need of a sponsor, maintenance funds were also required. Ministers of Religion were required to show an intermediate level of English and sportspeople a Basic level. Both of these

¹⁷ For a succinct discussion on post-work student visas in the United Kingdom, see Ahmed & Davies (2024).

streams were replacing previous work permit routes and hoped to align the criteria for skilled jobs being filled by migrants under the same reasoning. Skills definition here is translated as work experience and this approach puts aside qualifications as it understands both sectors do not rely on that.

Again, economic class is used as a proxy for skill as two streams of Tier 1 were solely focused on income or investment-driven policies. As much as migrants' entrepreneurship is often used as a strategy to access the labour market for many (Levie, 2007), the small-scale investment that is the majority of the business opened by migrants was not behind the Entrepreneur or Investment stream and their 'high net worth' approach. These two streams would be involved in a lot of scrutiny over money-laundering, as they turned into a golden opportunity for those hoping to enter the country with funds from problematic sources¹⁸.

Tier 1 General definition of skills also had economic class as an important marker for most criteria but did not focus solely on that. It was in a combination with other factors that cultural and economic capital were used under a human capital approach. Data available for analysing flows under this stream is not disaggregated by gender and country of origin in a consistent manner that would enable a more precise conclusion of the outcomes of this human capital approach in relation to social divisions.

However, it is clear by the fact that women are disproportionately represented as dependent spouses/partners, with 80% for Tier 1 and 92% under Tier 2 (MAC, 2009: 132). Other researchers have pointed out that it is probable that these women had similar skills levels than their partners, but could not be the main applicant because the criteria was geared towards a narrow understanding of skills that favoured male applicants (Raghuram, 2004b). This trend is not a peculiarity of the PBS or its predecessor HSMP, it is a widespread consequence of sector-based selective policies that stratify skills in a gendered manner. The table below is an illustrative snapshot of the gender imbalance for out-of-country visas and the stark difference between primary and secondary applicants.

¹⁸ See Kunz, 2021 for a brief overview.

Table 4 - Proportion of out-of-country visas issued under Tiers 1 and 2 by gender, Nov 2008 to May 2009

		Percentage of total	
		Male	Female
Tier 1	Main applicant	66	33
	Spouse/partner	20	80
Tier 2	Main applicant	78	21
	Spouse/partner	8	92

Note: Data on gender of applicants were not supplied for in-country applicants. These data are calculated from out-of-country applications and therefore do not include those extending their stay. Percentages do not always total 100 due to rounding.
Source: UK Border Agency management information data

Source: MAC, 2009: 133

Feminist scholars have debated this for some time as discussed in Chapter 1, and as Ruth Fincher concisely puts it (2013, P 59), as the modes of employment in workplaces are the product of gendered and sexualised processes, so too is the operation of labour markets and the networks in which people’s labour is advanced and procured. Labour segmentation is then a result of how certain industries, firms and jobs disproportionately hire either men or women. In the case of skilled policies that are tied up to a narrow number of industries in the labour market, this can rapidly cause an overrepresentation of men as primary applicants as is the case in the UK (Boucher, 2016).

The labour market segmentation is also one of the multifactorial reasons behind wage inequalities on the basis of gender and race (Fincher, 2014), and as a policy without any dispositive to counterbalance those inequalities, the PBS incurred in subjective discriminatory practices. Yet, there were no instruments in place to address gender inequalities as the salary levels neglected wage differentials between men and women. One could argue that the task of elaborating a salary level bracket that accounted for gendered regional differences is not within the scope of a selective policy, but the PBS did design a feature to counterbalance these differences in the name of fairness for applicants. So, the fact that it failed in addressing two of the main axes of differentiation behind wage inequalities, race and gender, can be seen as another feature. One that poses a greater challenge to women and racialised immigrants (Browne & Misra, 2003).

The narrative around selective policies does not seem to leave much room for any mechanism of affirmative action to be put in place, because the rationale behind them is one that aims to select privileged applicants in privileged areas of the labour market with privileged earnings and qualifications that could benefit the country’s economy without causing a stir in cultural norms. In the case of the UK, the bulk of applicants came from Commonwealth nations that had been stripped of their rights as co-citizens during the

Empire but also were not seen as cultural disruptors in the same way as other groups due to their shared colonial past and large immigrant communities already settled in Britain. The *Othering* mechanisms that stripped those rights were now far removed from its racist framework, yet they operate to keep the same groups at the margins.

As Tier 1 and 2 were rolled out and replaced previous work permit schemes, the years of 2008 and 2009 saw a change in the way data was recorded and processed (see Salt, 2010). The data discussed here is from visas issued, so there could be a slightly higher level than actual entries. Comparison of Tier 1 and HSMP data is difficult, and it is possible that the mere introduction of the PBS encouraged applications for Tier 1 that could perhaps have chosen other routes and led to the numbers of HSMP applicants reaching a peak in 2007 before falling in 2008 as Tier 1 was implemented (Salt, 2010: 92). The comparison is clearer in relation to the nationalities and industries that dominated this new route, as the same four countries - India (35,3%), Pakistan (12,9%), Nigeria 8,5%), and China (7,8%) - were the top 4 countries of origin on HSMP and Tier 1, showing little impact on the skilled stream (Idem). Tier 1 applicants had little follow up once they had arrived in the country, so data regarding employment is sparse. However, there seem to be indicators of a certain degree of deskilling once they were in the UK labour market that suggest that the carefully selected criteria could not overcome local barriers to integration (Salt et al, 2011:36).

As for Tier 2, it is interesting to note the approval rates of visas issued as it varies considerably between categories. The overall approval was 86%, but 93,4% of Intra-Company Transfers (ICTs) were approved in comparison to 79,2% for general migrants. The composition of nationalities entering Tier 2 is quite different - India (46,6%), United States (11,4%), Australia (4%), China (4%) and Philippines (3,2%). Indians represented 67,1% of ICTs, and over half (52.4 per cent) of ICTs are IT professional occupations, indicating a strong correlation between nationality and industry sector. Other professional and managerial roles were predominant with ICTs, with senior and expertise roles in business and finance being overly represented.

The shortage route is rather different, with the largest group being in food preparation (24% of shortage occupations), health associate professionals (19,3%) and healthcare personal providers (14,2%). For jobs requiring a RLMT, researchers (12,8%), health associate professionals (10,2%) for those outside occupational lists, and teachers (8,8%) were the main subgroups. The bulk of skilled migrants from Tier 2 are in a relatively small group of occupations in IT, followed by health professionals and by a lesser extent,

teachers and senior management (Salt, 2009; 2010). These numbers represent a constant pattern over the last decade even though the PBS was launched as a reshape of Britain's visa scheme. However, there seems to be a continuity of those allowed entry from previous work permits that were replaced by the HSMP and later through Tier 1 and 2. This pattern will continue throughout different versions of the PBS in the following years, with IT positions and ICTs being the core of visas approved.

There is almost a gender balance in the foreign population as shown in the SOPEMI reports (2009; 2010), the female proportion being 50.7 per cent. However, the balance varies by origin. Europeans as a whole continue to be more likely to be female (51.5 per cent) and this was especially the case for Germans (62 per cent); in contrast, Italians are more likely to be male (57 per cent). A8 and A2 Eastern Europeans are generally in balance. Those from the Americas and Africa had a female predominance. Asians, especially Indians, were more likely to be male, though the reverse was the case for Filipinos. Males were in the ascendant for both Australians and New Zealanders.

Combining occupation and nationality shows a regional labour segmentation that translates into visas issued: compared with the average, Indians are more likely to be science and technology professionals, Nigerians and Filipinos health and social welfare associate professionals, while many Japanese and Americans are managers or senior officials (Salt, 2009: 91). It is clear that changes in policy will then have particular consequences in relation to nationalities, and considering the gendered labour segmentation that shows IT related industries to be heavily male-dominated, it is also part of the explanation as to why there is a gender imbalance for PBS flows in relation to stock. The decline in permits in the health sector has particularly affected flows from the Philippines while the burgeoning of the IT sector accounts for the large rise in entrants from India (Salt, 2009:91). Also, there is an imbalance in the distribution of Certificate of Sponsorships (CoS), as the costs and practicalities involved in obtaining one have left the health and educational sector underrepresented and Unions have been vocal about this (Salt, 2010). Both of these sectors contain large areas that are female-dominated in contrast to IT, so the obstacles posed to certain industries quite clearly inflict a gender imbalance in visas issued.

I have discussed a bit more in-depth the numbers that resulted from the first years after PBS implementation, but for the following years I will refer back to changes in these patterns or in relation to policy changes. The pattern that existed in the HSMP regarding nationalities and area of occupation that was translated into the PBS seems to be an

enduring one¹⁹. It translates networks that are formed between certain communities and industries, with Tier 1 noticeably being an important route to Commonwealth nations with settled communities in the country and ICTs having a composition that translates the specificity of certain industries that rely on the PBS.

By the time of the 2010 general election, Labour had had two controversial mandates and had seen the economic crisis unfold in Britain. Gordon Brown's government managed to implement the PBS that Labour envisioned to some degree of success. The program that was set out during its government implemented routes for immigrants through different approaches. The supply-driven Tier 1 opened a route to Commonwealth members to access the UK labour market for the first time since the 1970s without requiring a job offer, and saw important shifts in the skills composition of stock numbers in the Indian community (Salt, 2009).

During Gordon Brown's premiership, the PBS launched as the most liberal policy in Britain to attract skilled workers, but saw successive adjustments in an increasingly more tense environment with the economic crisis looming. Tier 1 shifted to a policy that privileged a two-step approach to migration with changes made in 2009, offering bonus points for qualifications earned in the UK. In the following year, the visa length would be cut short from 3 years to 2 years, and the subsequent renewal extended from 2 years to 3 years. This brought a more temporary strategy to the initial visa clearance, delaying the acquisition of leave to remain after the following renewal. Changes were also made to allow doctors and dentists in training to apply for Tier 1 in the Post-Study category. Also, ICTs could no longer lead to settlement, meaning that the bulk of applicants approved, and their dependants were now deprived of a route to settlement.

By the end of Gordon Brown's term, selective policies had evolved from one specific route via HSMP to the organising force behind the PBS. A neoliberal meritocratic human capital approach to immigration had been successfully translated into policies that granted different rights to different migrants on the basis of skills. Skills here had different meanings and degrees, being translated into cultural capital and/or economic capital at the highest levels in Tier 1 and 2. Yet, it became the epitome of what was desired by Britain's managed migration policies in much of the political discourse. At the other end of the spectrum, refugees and the vagueness surrounding 'economic migrants' were to be deterred, and this would become a much clearer objective in the following years.

¹⁹ Refer to the series of SOPEMI reports published annually.

4.2 The stratification of immigrants and the role of selective policies

The 2010 election saw David Cameron leading the Tories to win 96 seats in comparison to the previous election, leaving them just shy of the 326 seats required for a majority. The resulting hung parliament led to the negotiation of a coalition between the Conservatives and Liberal Democrats. Labour also tried to secure a coalition with the Liberal Democrats, but failed to do so. In May 2010, David Cameron became Prime Minister, forming a coalition government with the Lib Dems, with recovery from the economic crisis as the main pledge. Theresa May was then appointed as Home Secretary and, alongside David Cameron, fostered and steered Britain's hostility towards immigrants shaping the country's future in unprecedented ways.

As the waves of the financial crisis were still hitting British shores, the Conservatives consistently escalated the scapegoating rhetoric around immigration as detrimental to Britain. Such rhetoric resonated on animosity that had been brewing for some time, one that the three previous Labour governments had not attempted to confront but also incorporated in the political discourse. Not all migrants were the same and Britain was interested in 'high-net worth' migrants, restricting family reunification policies and applying a 'rigid but fair' approach that would accept only *genuine* refugees²⁰. This was all part of Labour's legacy, but if Labour started the stratification of immigrants, it did not pursue the xeno-racist undertones of what was about to come.

The economic migrant was portrayed as a hindrance to the economic recovery and this broad categorisation was both opaque and encompassing but started to be repeatedly used by the new government and tabloid-Britain. The benefit of misusing this categorisation of economic migrants was that all other migrants' categories were deemed suspicious, one could be an 'economic migrant' trying to seek asylum. One could be an 'economic migrant' trying to trick the government into believing in a sham marriage. Migrants were not to be trusted, as they could all be economic migrants and those had to be deterred.

²⁰ David Cameron, at the time Prime Minister, and Theresa May as his Home Secretary have recurred to the idea of a hardline approach to economic matters and migration, and argued that a 'rigid but fair' approach was behind their proposed policies. They also opened the doors to metaphorical uses of quite depreciative language around migration, especially asylum and family migration. A lot has been written on this subject, I would suggest Islentyeva, 2020 as a good read on the topic.

The Home Office website and communications also made subtle but poignant changes around how skills were being stratified under the new Cabinet. The different categories within Tier 1 were now often addressed as high-value migrants, and Tier 2 as skilled migrants. The shift in language is important to illustrate how malleable Tier 1 could be, designed for the highly skilled and supply-driven, it would benefit an economic capital approach even further in the following years. Value here is both monetary and societal, those being the main attributes for the selection of migrants through this route. Tier 2 was also going to be subject to tightening of the criteria around skills.

In November 2010, the Home Secretary Theresa May set out the Government's intention to limit immigrants entry and 'to take action across all routes to entry - work visas, student visas, family visas - and break the link between temporary routes and permanent settlement' by April 2011 (May, 2010). This objective would mean the end of important categories, such as Tier 1 (General) and Tier 1 (Post-study Graduate), but it was done in instalments and engulfed a part of skilled migrants in an overarching objective of reducing numbers of immigrants as a main strategy.

In April 2011, as announced by Damian Green (2011, March 16), changes were made to Tier 1 and Tier 2 in a transitional character that would start the end of some of the premises of the PBS laid out by Labour. It was a clear move away from an immigrant package that could lead to settlement and citizenship rights. The two-step approach that enabled certain visa switching into the PBS was also on counted days and these changes represented a stratification between selective policies. Tier 1 General would be closed to new applicants, and current Tier 1 and Entrepreneur categories would be changed with caps and higher salary levels.

Green justified these changes as the new Government commitment to reduce net-worth migration and 'to provide a route for migrants that have real value to offer the UK'. This language around *real value* or a form of *genuine* skilled migration was overused to other migrant categories, but using it to skilled migrants to suggest that previously they were not skilled enough or valuable enough marked a shift from previous policies. This rationale was behind the swift changes and constant tweaking of selective policies during the Conservative period, with the culmination on Brexit. The PBS was never quite right, but it was still the best answer²¹.

²¹ For a brief overview of the PBS changes until today and a critique of the substantial effect these changes had, see Sumption & Walsh, 2023.

Tier 1 (General) remained open in a transitional manner so that those with existing leave to remain or leave to enter, alongside pre-PBS routes (HSMP and certain skilled work permits for writers, composers, artists and self-employed lawyers), could extend their visas. Applicants from outside of the UK could no longer apply after 23rd December 2010, as the government started to phase out this supply-driven category in its commitment to limit net migration to the tens of thousands and to refocuses on ‘migrants that have real value to the UK’. Those not already in Tier 1 (General) or a pre-PBS predecessor category could no longer switch to that category after changes were made on 6th April. This meant that Tier 1 (Post-Study Work) and Tier 4 (Students) could no longer apply to the more generous General category, closing the door for many students that had come into the UK hoping to access its labour market once they had finished their studies. Also, those who were planning to apply to extend their leave after that date had to reach 100 points.

Important changes were also made to Tier 2 General and Tier 2 ICTs. As advised and reviewed by MAC, jobs eligible to this category should be at graduate level. The candidate does not need to hold a graduate diploma, but the job itself should be one broadly corresponding to graduate level occupation (MAC, 2011). The Shortage Occupation List was then amended to reflect this change as a new Graduate Occupations List was set out. However, some positions would be retained if they reached certain salary thresholds within that occupation. Also, English language requirements to Tier 1 (General) were raised from Basic to Intermediate at level B1. For ICTs, the English language requirement was A1 for those seeking to extend their stay beyond 3 years.

Tier 2 (General) was now also subject to a limit on Certificates of Sponsorship at 20,700 per year. There would be an exception to those seeking admission to fill a vacancy attracting a salary of £150,000 or more, those also being exempt from a RLMT. Other Tier 2 (ICTS, Ministers of Religion, Sportspeople) were exempt from this cap, also those applying to extend their stay with a visa already issued. The CoS for restricted categories should now score a minimum of 32 points that could either come from the job being in a SOL (75 points), PhD level and passing a RLMT (50) or passing a RLMT (30). In the last case, the salary level would be determinant to reach the other 2 points necessary. One could gain the exact 2 points for a salary between £20,000 to £20,999 and up to 30 points for salaries between £100,000 to £149,999. For comparison, the national average salary for the fiscal year published at the time of these policy changes was £26,100 for full time

employees. For men, the figure was £28,400, while for women the figure was £22,600. (Office for National Statistics, 2012).

For ICTs, the salary threshold was determinant for the length of stay they could be granted. Applicants within the £24,000 and £40,000 bracket would no longer have the 12 months of leave granted. They would have to leave the country for at least 12 months before starting a new application if desired. For ICTs with salaries higher than £40,000 per annum, they were to be granted leave up to 3 years with the possibility of extending for another 2 years. After that, they also need to leave the country for at least 12 months before reapplying if desired. ICTs could not switch to any other category. Being the category exempted from caps and also the bulk of skilled migrants every year, it comes with a stringent immigration package and no routes for settlement.

There were also changes to the settlement rules from April 2011, mostly around 3 guidance changes: income level, integration assessment via Life in the UK and Knowledge of English requirements, and a criminality test. The government argued that Tier 1 (General), Tier 2 (General) and work permit holders were expected to work in highly skilled or skilled jobs, but were not assessed when they were granted indefinite leave to remain. From April, there would be the same income criteria to guarantee that their income was at least at the level from when they were last granted leave. The Life in the UK test would also be required as it would both assess a B1 level of English and, as the government suggests, the probability of their successful integration into the UK. The criminality test was being standardised across immigration rules and, except refugees, migrants were expected not to have any unspent convictions when applying for settlement. Skilled migrants were slowly losing some of the rights that had made their immigration package so appealing as part of the government's overall objective to limit immigration in a narrative for control.

Another change came in August 2011, when a new entry visa category Tier 1 (Exceptional Talent) was introduced to those who have won international recognition in scientific and cultural fields, or who were deemed exceptional by certain competent bodies. This route was limited to 1000 entry clearance visas per year and had a route to settlement. The exceptional talent was a visa category designed for exceptions, as other routes were closing, students who had lost their main route to switch visas and remain in the country could now be sponsored by Government bodies and stay in the country. There were four designated competent bodies that could endorse an application: Arts Council England, the British Academy, the Royal Society and the Royal Academy of Engineering.

The first step was to be endorsed by one of those bodies and then seek an application, which requires an extraordinary level of cultural capital and networking for applicants, as this was a purely discretionary visa. The pass mark was 75 points and these points were granted by being endorsed, and on renewal one would need the same 75 points and an extra 10 points for a B1 English level test.

The lack of transparency in the criteria used for the Exceptional Talent category only highlights how the stratification was being taken even further by the new Cabinet. Immigration policies tend to have a discretionary element to them, as even points-based systems can have room to deny entry under certain circumstances, especially in the name of security and sovereignty. Through limits on CoS, new salary thresholds and income-based requirements for settlement, and visa categories that were opaque in their criteria, the high-value migrant was being defined as almost an anomaly, a rarity that the government was trying to find and not as the competitive market that Labour saw itself competing with. The high-value migrant proved to be a flexible frame for the government, one that made room for more subjectivities and discriminatory practices in these policies. As they became more demand-driven and restrictive in their salary categories, opportunities for those that faced constraints on the basis of gender, race and class were slim.

When in 2012, Tier 1 (General) and (Post-study work) were closed, the high-value migrant became the sole beneficiary of the categories under this stream and were defined as migrants who will contribute to the UK economy through investment and businesses (statement of intention february 2012). From 6 April 2012, Tier 1 would have the following categories:

- Exceptional Talent: for those recognised by competent bodies as leaders in their field, being it science, engineering humanities or the arts;
- Entrepreneurs: for those who want to set up or take over, or be actively involved in running a business in the UK;
- Investor: for people wanting to make a substantial investment in the UK;
- Graduate Entrepreneur: for graduates from a UK Higher Education Institution who want to or have developed an existing viable business proposition, and time spent on this route would not count towards settlement;
- Residual routes for those that were in Tier 1 (General) and (Post-Work Study) before the changes could renew their visas.

The rules for Tier 1 Investors, Entrepreneurs and Exceptional Talent remained unchanged, and these categories could lead to settlement, under the stricter criteria discussed before. The Graduate Entrepreneur was a route that some of the Post-Work Study applicants could turn to, although the sole focus now was on a business proposition identified by the Higher Education Institutions as viable and pertinent to the UK economy. Both routes that could be accessed by students now were exceptions to the rule that broke the connection between study and work in the UK, leaving room for some applicants with ‘high-value’ to remain. They also depended on links to local institutions, maintaining a two-step approach, and to be seen as a leader in your field or proponent of world-class innovative ideas in a remarkably exclusionary example of policy design.

As for Tier 2, changes were made regarding the settlement process, but all categories other than the ICTs 2 sub-categories could still lead to settlement. For Tier 2 (General and Sportspeople) the changes required a salary of £35,000 per annum or the going rate for their occupation (if applicable), whichever is higher, for the settlement application to be successful. It also stated that there could be no unspent criminal convictions, and certification from their employer that they continue to be needed for the employment in question. This salary threshold for settlement would remain in place until 5 April 2018, so businesses and applicants could plan accordingly and a new threshold for after that date would be announced in 2013 and so on in subsequent years.

For Tier 2 (General) who are either in PhD-level occupations or in Shortage List Occupations, the salary threshold would not be required, but they should prove they are being paid the appropriate rate for their occupation. Tier 2 (Ministers of Religion) did not require the salary threshold for settlement. Leave under Tier 2 would be limited to 6 years, and after that migrants should either apply and be eligible for settlement or leave the country. If they did not apply or were not granted indefinite leave to remain, they should leave the country and there would be a 12 month ‘cooling off’ period before they could apply for another Tier 2 visa.

The Coalition Government changes in the first years undoubtedly changed some patterns in the visas issued through the PBS as SOPEMI reports in 2012 and 2013 confirmed (Salt, 2012, 2013). In 2012, there were 110,937 visas issued, with a similar level for the first six months of 2012 and almost three quarters of principal applicants were post-study students. As the government signalled early in its administration that this route would be closed, the increase in applications followed previous trends of early applications trying to avoid incoming policy changes in a ‘beat the ban’ rush. This number

would quickly fall in the following years, but accounted for the majority of visas in the PBS for the period. This also meant substantial differences between applications for those already in the country versus out-country applications, as in 2011 88,5% of principal applicants were already in the country due to the scale of post-study work applicants. But even when looking at in-country and overseas applicants, two-thirds of principal applicants were post-study graduates. Entrepreneurs and investors totalled just over a thousand, with a mere 25 in the exceptional talent category. Thus, the conclusion of the transitional changes to Tier 1, signalled its demise as an important route for skilled migrants.

As for Tier 2, visas for principal applicants totalled 57,111 in 2011. During the first six months of 2012, the number was 31,525 issues, a rate slightly higher than that of the same period the year before. They were accompanied by 40,359 dependants in 2011, making a total of 97,470 entering through this route (Salt, 2012: 3). ICTs remained the main category, accounting for 78% of applicants, coming mostly from overseas and almost exclusively in information and communication, representing 92% of those coming to work in these areas (Salt, 2012: 94).

For tier 2, there seems to be an increasing concentration of CoS on a small group of occupations relating to IT, corporate management and business services, with the health sector now much less important than it had been in previous years (Salt, 2012: 95). The predominant occupations represented in the shortage route in 2011 are, however, quite different and the majority are health professionals (27%), food preparation (25.6%), healthcare personal service providers (10.1%). The most diverse route in tier 2 were the ones that required a RLMT, with its main subgroup being researchers (12.4%), business and finance associate professionals (8.8%), health professionals (8.1%), and health associate professionals (5.7%).

Although data disaggregated by sex is not available, it is possible to expect that the increasing concentration around specific areas of the labour market that are heavily male dominated brings a level of stratification for applicants within Tier 2 itself. The importance of individual occupations varies by route of entry and, in 2011, over half of ICTs in 2011 were IT professional occupations, with IT service delivery occupations a further 2.1%, with the majority being Indian. This is likely to be the strongest connection between individual occupation, sex, and nationality that can be seen in the PBS (Raghuram, 2004b). The health sector has faced and voiced constraints on obtaining CoS, and the more restrictive policies show a decrease of CoS for non-EEA healthcare

professionals being issued and, consequently, entering the UK's labour market. It is also unsurprising that healthcare professionals are entering through routes such as the shortage occupation lists or RLMT as they require a lower salary level, which again hints at a possible interplay between the gender pay gap that persists in these sectors and available routes for migrants. As for nationalities, they were also more diverse in the SOL and RLMT categories, and the concentration between a smaller number of countries remained for both Tier 1 and Tier 2 (Salt, 2011, 2012).

In a May 2012 interview, Theresa May bluntly stated that the Coalition Government was focusing on a 'hostile environment' for migrants that did not have the right to stay in the country or that were considering a move. This hostility would mean limiting access to employment, benefits, and healthcare, blocking appeal processes, and easing deportations. This hostility, however, did not just target *illegal* immigrants as she proclaimed; it drove a whole reform of immigration policies that made immigration and integration policies considerably harder to access. It made little distinction between immigrant status and, although the immigrant stratification meant that some had more rights than others, all categories felt a spillover effect of this hostility. The changes I have discussed on Tier 1 and Tier 2 were part of this reshuffle aimed at limiting migration and closing the liberal aspect of these recently created categories, which meant that closing some routes was fundamental to decrease numbers. If skilled migrants were not the focus of the hostile narrative as were family migrants and asylum seekers, the immigration policies defining their right of entry were vital to the Government's objectives. There was then a mismatch between political discourse and practice, with this proclaimed desire to bring in the brightest and best not translating into policymaking.

In January 2013, David Cameron made a public speech at Bloomberg where he discussed the future of the European Union and the role the UK would like to have in it (Cameron, 2013). Throughout the speech, Cameron focused on this being the start of a conversation about what could be done differently so that a 'modern' EU could compete against domestic challenges, but also in order to compete against international powers. A further liberalisation of the single market was championed, one that had fewer rules and regulations interfering with the access to the European common market. The European Court of Human Rights was also portrayed as a particularly sour part of this relationship, and seen to be meddling with Britain's politics. Cameron proposed that as countries were coming out of the Eurozone crisis, it was an opportunity to reassess the settlement agreement and find another way forward. Even though the Prime Minister's position

seemed to be aligned with remaining in the EU after amending some changes, it stated that it would be decided on a referendum once the country had a chance to repair the relationship and also discuss what the options meant.

Immigration was not highlighted in this speech nor was the end of free movement, and the language seems rather subdued, amicable even, now that we know the degree of escalation that ensued. As the next couple of years went by, the Coalition government stayed true to its pledge to control and limit immigration through all routes. There was an encompassing shift towards an extensive policy reform that, as Theresa May put it, made the system ‘much more discerning’ by ‘welcoming the people we want to come to Britain’, and ‘stopping the wrong people from coming here’ (May, 2012). This leaves us with the question of who the *wanted* immigrants are and who are the *wrong* people that are delimiting the scope of these changes. In a speech by David Cameron at Ipswich University in March 2013, the *wanted* immigrants were again defined in the common place terms of ‘the brightest and the best, the people we really need, with the skills and entrepreneurial talent to help create the British jobs and growth that will help us to win in the global race’ (Cameron, 2013).

The *wrong* immigrants were a much broader group. Through a series of speeches from Theresa May and David Cameron quoted here, this group can be defined as unskilled migrants, family migrants who could not meet the more stringent criteria on language and funds, ‘bogus’ students, ‘bogus’ asylum seekers, ‘sham marriages’, ‘criminals’, those who come here to access benefits, and a myriad of claims that portrayed immigrants as a burden on the state and as potentially conniving beings trying to ‘abuse’ the system. Cameron’s speech also clarified that changes were coming for both EU migrants and non-EEA migrants, especially when it comes to access to services and benefits. A strong discontent over how the transitional period for Polish nationals was handled in 2004 was voiced, alongside concerns about how the end of the transitional period for Bulgarians and Romanians also required a higher level of control, particularly when it came to accessing benefits.

In 2013, the Government made changes to Tier 1 and 2 that opened up routes for a small number of in-country applicants and overseas graduates from elite institutions. Provisions were made so that certain applicants had the possibility of switching visas within the PBS. For students and researchers, a new doctorate extension scheme was introduced in April 2013 for those completing a PhD at a UK higher education institution and allowing a 12-month stay in order to find skilled work or set up as an entrepreneur.

The application could only be made in-country and opened up a route for academic researchers to stay, rewarding their accomplishment in a UK-based institution. Similarly, a new provision for MBA graduates and elite global graduate entrepreneurs was made so they could stay after graduation if successfully applying to Tier 1 Graduate Entrepreneur. The MBA route had a list of specific institutions where applicants could come from. Both of these routes rewarded a high level of cultural capital if combined with a skilled job or business enterprise.

Another important change that happened in 2013 was that a language knowledge requirement (B1 level) was again to be proved alongside a revised Life in the UK test, and that the concept of 'genuineness' made its way into policies in a broader sense. A Genuine Entrepreneur Test was also implemented in January 2013 with a combination of both objective and subjective criteria, as applications for Tier 1 (Entrepreneur) had grown substantially in 2012 in what was seen as an abuse of the system. Until then, an applicant had to prove an intermediate level of English (B1) and a minimum of £200,000 available funds to invest. The test would require a business plan, an assessment of the applicant's CV, an analysis of their background in relation to the business area, nature and source of funds, and potentially an interview. Tier 1 (Entrepreneur) also had a different eligibility criteria requiring £50,000 in funds for former Tier 1 (Post-Study Worker) or Tier 1 (Graduate Entrepreneur) switching visas.

Genuineness assessments and interviews were expanded to Tier 1 (General), and Tier 2 (Minister of Religion), alongside other Tiers of the PBS not related to skills-based selection. Genuineness here brought discretionary powers to officers dealing with applications, as they could decide if the applicant's case was true to the visa category they are applying to. This 'genuineness' was built into many immigration policies by the Coalition government from 2012 onwards, regarding family relationships, asylum seekers, and now, skilled workers. It opened an avenue for case-workers to define a 'high-risk profile' and deny applications that would then have fewer grounds for appeals, thus making the PBS less transparent and even more discretionary. Discriminatory practices or biases were not counteracted by any other institutional means, which leaves us without reliable data on social divisions relating to 'high-risk profiles'. It is fair to assume that these have caused more imbalances to Tier 1 and 2, leaving room for both unconscious or conscious biases to emerge in an environment that routinely defined immigration as a matter of concern to Britain in economic and social terms.

The revised Life in the UK test and the return to language assessment came after a consultation on Family Migration commissioned by the Government in 2011, and it again brought the concerns around abuse and malpractice as a justification for more stringent criteria. ESOL tests would be required for applicants, unless they came from a list of English-speaking countries or had obtained a degree taught in English. Citizenship was defined as ‘a privilege and not a right’ and it would require a willingness to demonstrate their commitment by learning English and have an understanding of British history, culture and traditions (Great Britain. Home Office, 2013: 8). The Statement of Intent laid out that these changes would be in force in October 2013, and they would apply for those who had already settled in the country if they intended to apply for naturalisation. The Life in The UK test would not have to be retaken, but the language requirement would be assessed, potentially meaning a higher English level requirement than when the applicant had when granted leave to remain.

During 2013, the government led a discussion on legislative changes that would become the Immigrant Act of 2014. The focus of these legislative changes was trifold: reform the removals and appeals systems to fasten the process of deportations and reduce costs, restrict the right to privacy and family life, and limit access to benefits and public services by immigrants. The Immigration Act of 2014 reduced the right to appeal from 17 instances to 4, antagonised with Article 8 of the European Convention on Human Rights by arguing it was leading to abuse of the system in the UK and claimed the State’s sovereignty over the matter, and invoking third-parties, such as landlords, bank institutions and public services to check on immigration status and report to the Government to help with removals, it also stated that certain categories of temporary migrants, students being the main group, would have to pay a service charge to the NHS, and other provisions that the Government understood as crucial to deter irregular immigration.

The Immigration Act of 2014 was the epitome of the Coalition Government’s ‘hostile environment’, and managed to transform the tactics proposed by Theresa May into a set of regulations that would alter the Immigration regime in the UK in significant terms. The language in this document is marked by the narrative of immigration as a sovereign matter in opposition to European legislation, and created tensions around the European Court of Justice and Britain in relation to family reunifications and right to privacy that drew out into a long debate over whether this body should have jurisdiction over immigration rules in the country. This is particularly important to highlight the tensions of what would lead

up to Brexit in the following years, as this reform led to discussions of incompatibility between the UK and EU legislation that would fuel the chorus of discontentment from those resenting the ‘interference’ upon Britain’s sovereignty.

As for policies for skilled migrants, there were some changes in 2014 relating to the phasing out of Tier 1 (Post-Study) that now had more restrictions over switching to Tier 1 (Entrepreneur), also the case for Tier 4 (Students) hoping to switch between visa categories. The National Students Union and Universities lobbied against these changes and the changes from the Immigrant Act that charged for access to the NHS, and the increasing obstacles for students were seen as a contributing factor to the first recorded decrease in enrolment for overseas students in the UK (ICEF Monitor, 2014, April 9). The threshold for Tier 1 (Investors) was doubled from 1 million pounds to 2 million pounds and further changes to how the funds should be allocated were made, no longer accepting 25% of funds to be used for housing and disallowing loan-based investments, following MAC proposition after a consultation period (2014). For Tier 2 (General) and Tier 2 (ICT) for long term staff, leave to remain could now be granted up to 5 years instead of the previous 3 years.

The following changes in April 2015 were also the last under the Coalition Government, a month before the next general election, and focused on changes in Tier 1 (Investor) and this time Tier 1 (Entrepreneur), with requirements trying to address money laundering concerns. It asked applicants to open a UK-regulated investment account before an initial application for the Investor 1, and changed rules relating how they could maintain their investments in financial institutions. It also required Tier 1 (Entrepreneur) applicants to submit a business plan, and extend the Genuine Entrepreneur test for leave to remain extensions and indefinite leave to remain applications.

As for Tier 2, the Shortage Occupation List was partially revised following MAC’s consultation and report. Health related occupations were reassessed at a higher number than other industries, with several occupations being removed and others being added. It is worth mentioning that GPs and nurses were not recommended to be on the list as MAC argued that there were no evidence of a shortage of professionals in training, even though there was a growing concern for recruitment, and paramedics were added to the list as training was seen to be insufficient for a short term solution. As an exemption to a skilled occupation, overhead line workers were kept on the list as a legacy SOC if applicants had a salary of at least 32,000.

The IT sector was also strongly invested in the consultation period and through publications in recent years lobbied for IT occupations to be seen as shortage occupations but also as vital for the advancement of the UK's economy. They also challenged other discriminatory practices that affected all applicants, such as costs of the process and the difficulties that smaller companies faced when applying for a CoS and recruiting abroad. They argued that the closure of Tier 1 (General) should be reconsidered for the industry, and that Tier 1 (Exceptional Talent) set the bar so high that it was virtually impossible to recruit through this visa category. Arguments were also made that the inability for ICTs to renew their leave to remain and the lack of a route to settlement posed problems to the sector, as it strongly relied on ICTs but the temporary nature of the visa category left them in a vicious cycle of recruitment and loss of qualified personnel.

MAC seemed to be open to look further into these suggestions if the Government decided it was pertinent. After lengthy conversations and consultations with the sector, MAC raised two important issues: that occupations were hard to define and could not be included in broad terms on the list, and that they could not risk that the strong demand in the sector ended up using this route as they so eagerly intended, which could make the cap on CoS problematic. Thus, only four occupations were added to the UK list and with a focus on experience, as opposed to formal qualifications, and no IT related occupations were added to the Scottish list. In complete opposition to the IT sector, the consultation on teaching as a SOC was not fruitful, and MAC seemed to conclude that there was not enough evidence provided to suggest teachers should be added to the list. Other professions were scrutinised, from engineering to chicken vexers, and as this was a partial review, MAC suggested further research should be carried if the Government wanted to address points raised by industries that were deemed relevant but not conclusive at the time.

The prevalence of the IT sector analysis on this review is an interesting case as they raised discriminatory practices, lobbied for a liberalisation of policies and a return to a PBS without the need for a job offer to increase candidates pooling, but they also represent a particularly segmented area of the labour market in terms of gender, nationality and class. The preponderance of male-oriented occupations in the sector, usually represented by applicants between 25-35 years, with wages higher than the national average (the highest being for long term ICTs), also being extremely concentrated in fewer nationalities with Indians being an overwhelming majority can help

explain why it is a sector with strong lobbying skills, as it is a very homogeneous occupation in relation to other industries (MAC, 2015:170-172).

The sparse data available, however, does show that these changes had important consequences for visa flows. In 2014, entrepreneurs and investors became the major routes for out-of-country Tier 1 migrants, and the number increased between 2013 and 2014, especially because the number of Investors applications doubled. Tier 1 (Investors) reached its peak in 2014 before the changes made in April 2014, falling steeply after that (Salt, 2015:100-101). For Tier 1 overall, the fall in numbers that started with the Coalition Government remained steady, and the closure of Tier 1 General and Post-Work Study meant that the number of issues in 2014 fell by 46% to 27,050 (Idem). The relevance of Tier 1 was reduced to wealthy applicants or the world-leaders talented route, making it less relevant in numbers for managed migration in the UK since its creation and virtually closing the route for the bulk of immigrants willing to come to the country.

As for Tier 2, half of all issues were for ICTs, and over two-thirds of these visas were for Indian nationals (Salt, 2015:103). The RLMT route accounted for 46% of visas issued in 2014, with Indians again the largest group, representing almost 30% (Ibidem). For both ICTs and RLMT there has seemed to be a convergence on the profile of applicants and their nationalities, pointing towards an increasing segmentation of the labour market accessing these routes but also the importance of networks when accessing a job offer through a company that could get a CoS. The SOL, marked by continuous scrutiny, research and consultations between MAC, the Government and third parties, accounted for just 4% of the total of visas issued in 2014 (Idem). This meant that the route accounting for the largest proportion of skilled migration to the UK was the one that did not endure the same level of restrictiveness, perhaps it being a temporary worker scheme that does not grant the same rights was its saving-grace in the Government's eyes. Its goal to reduce routes to settlement translated into numbers rather quickly with the closure of certain routes but also the focus on restricting family reunification, and in 2014 there were 104,057 grants of settlement in the UK, about a third fewer than the previous year and the lowest level since 2000 (Salt, 2015:49).

The significance of various sectors in UK migration can be highlighted by examining the allocation of Certificates of Sponsorship (CoS). The information and communication sector consistently leads as the primary sponsor of non-EEA workers, accounting for nearly one-third of all CoS and half of all applicants through the Intra-Company Transfer (ICT) route (Salt & Brewster, 2023). In contrast, the Resident Labour Market Test

(RLMT) route has a more diverse spread across sectors, reflecting its broader, less specialised use for entry. Historically, public sectors like health and education were more prominent in the RLMT route, which is also less male-dominated than information and communication sectors. However, these public sectors have become less central in recent years, with no significant changes in sectoral distribution in the RLMT since 2009 (Idem). This shift illustrates how certain entry routes favour specific sectors, shaping the composition of non-EEA migrant workers in the UK.

Between 2009 and 2014, in a breakdown by sector in the SOPEMI report of 2015, the proportion of information and communication technology professionals (IT) rose steadily, reaching 39% of the total in 2014. Business and statistical professionals, mainly accountants, were the second largest group, followed by engineering professionals, and the number of both slightly increased over the period. In the health sector, numbers fluctuate depending on job occupation, with doctors and anaesthetists increasing, and nurses and midwives decreasing. It seems that the NHS has focused on recruiting nurses from within the EU, rather than non-EEA through these more cumbersome routes. Looking at the convergence of applicants in certain areas of the labour market, it is clear that these routes serve specific sectors, such as IT and business, better than it serves public sectors. ICTs, the largest group of immigrants coming through the PBS, were overly represented by the information and communication sector and by Indian nationals, being a very particular route of entry. Thus, the impact of the restrictions on their right to settlement or to switch visa categories also disproportionately impact this community that can mostly come through a *de facto* guest worker scheme, albeit a more privileged one.

The Coalition Government, about to come to an end with the election in 2015, had set out to limit numbers of entry and settlement, and had, to varying degrees, succeeded. Policies towards skilled migrants were at the forefront of the immigration control, as Tier 1 was virtually closed for skilled migrants *per se*. The human capital approach was further entrenched by the Government's neoliberal understanding of what a *good* migrant is, and the capital that was used as a proxy for skills was the economic and cultural capital. The *bad* migrant, however, was now a much broader and opaque concept, often scapegoated as bogus asylum seekers, sham marriages, welfare migrants, economic migrants, reaching both non-EEA and EU migrants, especially from recently-joined Eastern European members. The rhetoric and hostility escalated, becoming one of the main political drivers for the 2015 election, and the beginning of the end of UK's membership of the EU.

4.3 The 2015 Conservative Government on the road to Brexit

The 2015 election had the economy at the forefront of both parties' manifestos, as Britain started to swiftly recover from the economic crisis. The Conservative Party Manifesto brought three pledges in its name: "strong leadership", a "clear economic plan" and a "brighter, more secure future". It linked the economic downfall to Labour's economic inability, and boasted about the country's recovery in relation to its regional neighbours. Conversely, it focused on an economic plan that would cut taxes, increase jobs, limit access to welfare, and fund the public sector, especially around education and healthcare. When it came to migration, it focused on control and security. Control meant limiting numbers to 'the tens of thousands, not the hundreds of thousands', reforming the welfare rules to control migration from the European Union, clamping down on illegal immigration and enhancing border security (Conservative Party Manifesto, 2015:29).

Security was present both in objective terms by investing in armed forces to keep Britain safe from terrorism and counterterrorism, but was also more subjectively conflated with sovereignty and an antagonistic relationship with the EU. The Party committed to an in-out referendum by the end of 2017 on whether Britain should remain part of the bloc, renew the commitment to keep the pound outside the eurozone, and proposed 'reforms to the workings of the EU, which is too big, too bossy and too bureaucratic' at the same time it vouched to reclaim power from Brussels (Conservative Party Manifesto, 2015:72). This clear oppositional tone towards the EU was present throughout the text, but when it came to migration, the tone escalated, and EU migrants were seen as 'welfare abusers' in a system that needed reform to reach the goal of limiting migration. The manifesto clearly stated that EU migration was the reason this goal was not reached in the previous Coalition government.

Skilled migrants were also referred to as skilled economic migrants, bringing the duality of the term to arouse suspicion towards skilled migration as something around which one must tread carefully to avoid a return to Labour's liberal policies and 'mass migration'. Skilled migration was also described as something to be deterred, both for migrants within the EU and from non-EEA countries. For European skilled migrants, the manifesto pledged to cut access to benefits and welfare provisions before they have been living for a substantial amount of time in the UK, preventing skilled migrants from coming for 'low-wage positions'. For skilled migrants from non-EEA countries, the focus

was on tightening the SOL list, by inquiring within the industries that have relied on that route to provide a long-term plan of training British workers.

Deportations would also be a central part of the policy, with a ‘deport first, appeal later’ approach to be extended to all migrants, apart from asylum seekers. The right to free movement within the EU was also brought into question, with a goal to ‘tackle criminality and abuse of free movement’. The Conservatives wanted to ‘toughen’ the requirements for non-EU spouses to join EU citizens, including salary thresholds and language requirements, in clear opposition to the right of family life proclaimed by the ECHR. Also, new member states’ right to free movement was called into question ‘until their economies have converged much more closely with existing Member States’ (Conservative Party Manifesto, 2015:30).

The manifesto also linked migration to a strain upon public services and pledged to recover £500 million from migrants who use the NHS by preventing ‘health tourism’. It also pledged to start a community fund to ease the pressures created by immigration, a Controlling Migration Fund, aimed at helping public services to operate in those areas, but also to pay for additional immigration enforcement. On the same token of ‘integration’ and social pressures, the manifesto focused on language acquisition by both migrants entering the country and immigrants already in Britain working in the public sector in customer-facing roles. Migrants, overall, were portrayed as a strain on the welfare system, a wedge between the European Union and Britain, and a source of worry for British values and ‘our way of life’.

Labour’s Party Manifesto, called *Britain can be better*, was a lot more careful in its language surrounding immigration, as it set at the core of the manifesto the need to protect working class people and fight discrimination and inequality. Yet, the party tried to distance itself from the New Labour years and endorse the Blue Labour Movement for this election. This meant moving towards a more conservative working-class voter, one that was worried about the erosion of communities, services and quality of life. Labour was then ‘renewing our traditions as the Party of work, family and community’ at the same time it proclaimed being ‘the party of equality’ (Labour Party Manifesto, 2015:9). It was a lot less clear in its policies than the Conservative Manifesto, but there was a lot of convergence in its goals around immigration.

The convergences were: to retain the cap on immigration from non-EEA countries; to deter low-wages jobs from recruiting immigrant labour (in contrast to the Tories, with an emphasis on exploitation of the workforce); to rethink training to address

unemployment and labour market demands within the UK; ensure migrants are not able to claim benefits before living in the UK for a certain period; clamping down on abuse from educational institutions and student visas; to stop child benefit for children living abroad; and to require that public servants in customer-facing jobs have an adequate level of English. Yet, the focus on how these policies would be addressed was in a ‘humane’ and ‘fair’ approach. The narrative was somewhat different, but tangentially dealing with similar propositions.

Yet, there were clear divergences in how immigration was approached by Labour’s Manifesto. Its focus on low-skilled migration as a matter of concern was linked to a ‘rise in public anxiety about its effects on wages, public services and our shared way of life’ (Labour Party Manifesto, 2015:49). It opposed the idea of detention and deportation as a first port of call. When focusing on the rise of extremism, here only discussed as Islamic terrorism, it proposed a renewed commitment to the controversial Prevent strategy and a de-radicalisation program for those coming back from Syria with ties to ISIL²². This more conservative turn in the Labour Manifesto made sense politically as a response to what the party saw as the working class’s concerns, a return to the party roots and a way to differentiate Ed Miliband’s future government from its New Labour predecessors. It was not enough to succeed in the election.

David Cameron was able to secure a majority this time around, forming the first Tory Government since 1997. From all 650 seats, the Conservatives had 331, Labour 232, The Scottish National Party 56, and the Liberal Democrats eight. Ed Miliband quickly conceded and resigned as Labour leader, as the party had endured hefty losses even amongst senior MPs. David Cameron’s campaign focused on the danger of another Labour party for the economic recovery from the financial crisis, but also on matters of sovereignty - both domestically as the Party equated the SNP as a danger to the integrity of the Kingdom, and the EU as a foreign constraint to State’s power. This polarisation had only just started and Cameron would quickly start working on the promises of its manifesto.

In 2015, the policy changes towards skilled migrants focused on Tier 1 (Exceptional Talent) and the Shortage Occupation List for Tier 2. As for the Exceptional Talent route, the lobbying from the IT sector was rather successful and criteria was revised for digital technology applicants if endorsed by Tech City UK. The route, opened up in 2014,

²² Labour Party Manifesto, 2015: 53-54; On Prevent: Taylor & Soni, 2017, Heath-Kelly, 2020

allowed for 200 endorsements every year, but resulted in less than 20 applicants in the years between April-2014 and April-2015. This resulted in a revision of the criteria and the creation of the Tech Nation Visa Scheme (Tier 1, Exceptional Talent), which brought particular flexibility to applicants in the IT Sector within the Exceptional Talent Route. This created a fast-track route for tech workers required by rapidly growing companies and in certain cities included in the Government's Northern Powerhouse initiative. It also created an 'exceptional promise' criterion that was a little less ambitious than the 'world-leading' rhetoric employed throughout the Exceptional Talent route, and allowed for the recruitment of teams through this visa with up to five applicants.

The language around this announcement relied on the competitiveness of the knowledge society and the quest for the best and brightest, echoing the very first sentiments around the PBS scheme in the early 2000s (UK Trade & Investment, 2015). The IT sector was proving that the intense organisation through research publications, lobbying and engagement in consultations from the Government could still guarantee them a liberal escape to the restrictiveness of the immigration policies from the previous and current government.

For Tier 2, the Government was concerned about the limit imposed and asked for another report from MAC to make sure the cap would remain at 20,700 as promised in its Manifesto. This cap had not been properly enforced since its creation, but between 2014-15 only around 200 CoS were available after a continuous rise in numbers. As the cap was divided and rolled on a monthly quota, there was a risk of reaching the cap within the first few months of Parliament. The reaching of the limit brought an intense debate as to whether it made sense to have a cap on a policy designed to attract only skilled workers and, as the economy recovered from the financial crisis, demand for skilled workers grew, of which the cap being reached was considered a sign. This could lead to a sort of 'brand damage' to the UK as it competed for skilled work (Great Britain. House of Commons, 2015: 8). Others argued that the cap was there for a two-fold objective: one focused on bureaucratic procedures, and another on appeasing public opinion and keeping the targets of net migration clear.

As Sir David Metcalf, Chair of the MAC, put it, the purpose of the cap was to demonstrate the capacity to limit immigration on certain rules, but it also showed that the Government could only control migration from three different routes: non-EEA flows, family and work, and this cap could quickly control non-EEA inflows for work (IDEM, PAGE 9). This was perhaps the easiest route to be controlled and there were other routes

that were not subject to the cap, such as ICTs, which consistently reached far more than 20,000 applicants each year during the Coalition Government. As the more restrictive part of the Conservative Party argued, the importance of this numerical cap was crucial for campaigning, reaching out to their voters and achieving what the Government Manifesto set out to do. Hence the need to review Tier 2 so promptly.

The Government commissioned a couple of reports from MAC that were delivered in July (MAC, 2015a) and December 2015 (MAC, 2015b; MAC, 2015c). The report published in July 2015 focused on the salary level threshold as a main tool to guarantee a high skill level, but also to create what could be seen either as an obstacle to recruitment or an incentive to train and upskill British workers. The reliance on skilled migration was seen as something now endemic and not a short-lived strategy to fill momentaneous gaps. A handful of industries, mostly around IT, constituted the vast majority of Tier 2 applicants and the Government wanted them to refrain from their approach of seeking talent elsewhere, and instead train British workers and recruit nationally. The salary threshold should be raised at different levels but across Tier 2, and MAC argued in its December report that:

‘rather than try to hand pick which roles would be defined as highly specialist or in genuine shortage, we suggest any restriction to be done by price. Although price is by no means a perfect instrument to restrict migration, it is arguably the best single indicator of the value of skills in an open labour market.’ (MAC, 2015c: 2).

It admitted that the public sector, especially the health sector, could struggle with this change but instead of having an exemption to the rule, it should have a phased-out approach to reach the higher salary levels so the market could adjust. Nurses and doctors had, on average, a gap of six thousand pounds to their annual earnings. The other area where immigrant wages were lower than national wages was secondary education, with teachers having a gap of two thousand pounds annually in relation to their national peers. This sector was also the one that had a clear mismatch between national wages and immigrant wages, particularly in the case of nurses and doctors, pointing to a pay gap in one of the sectors that have higher proportions of female workers in relation to other dominant sectors within Tier 2 (MAC, 2015c: 4). It also proposed higher upfront costs for applying for CoS to make sure the CoS issued are indeed used and that companies were seeking skills that they could not find locally, instead of skills they could find more cheaply abroad.

The cap being reached and the difficulties in dealing with that exposed the narrow avenues that the Government had to limit migration to the levels it hoped - ‘to the tens of

thousands'. The stop-gap solution to the monthly cap being reached was to operate on a salary-level basis and prioritise higher wages for CoS under that occurrence, but that solution was not sustainable. Before MAC produced the comprehensive review of Tier 2, the Government made some changes to this route and requested an ad-hoc appraisal of shortages as the Department of Health had flagged potential shortages of up to 10% in vacancies across certain NHS trusts.

Even though nursing had been reviewed in February, Theresa May argued for this exemption to be made to counter the risks associated with high vacancies in the health system. Nurses were then added to the SOL by the Home Office, with MAC's caveat that these shortages should be better addressed on a long-term basis. But doing so, the Government solved the mismatch between the salary level of immigrant nurses and the requirements of Tier 2, since SOL are exempt from the same salary requirements and RLMT. Also, four other categories from the technology and communication sector were added, following MAC's February report and intense consultation with the Tech sector.

In addition, October 2015 Statement of Change HC 535 also changed the requirements for indefinite leave to remain for Tier 2 applicants. It implemented higher salary levels than needed at entry-point for Tier 2 (General, Sportspeople and Ministers of Religion) for ILR to be granted. These levels would be applicable from 6th April 2016, and would be increased in 2018, 2019 and 2020. Other rules were also put in place, basic pay excluding overtime, limiting the hourly salary to 48h per week, no allowances, bonuses and shares to be considered for this, and to be at least equal to the appropriate rate for the job as stated in the Codes of Practice. Thus, creating a higher salary threshold for this route and conditioning access to settlement even further.

The Government's briefing for the upcoming review of Tier 2 had the following guiding questions: how to prioritise applications under Tier 2 to ensure maximum benefit for the UK, whether there should be a skills levy as a form of immigration skills charge to business, how to tighten the ICT route, whether jobs should be automatically removed from the shortage occupation list and whether to restrict dependants' access to the UK labour market. MAC's review published in December 2015 (MAC, 2015b; 2015c) extensively discussed options around those questions and suggested increasing salary thresholds should be the main tool to limit and tighten the criteria for both Tier 2 (General), and to some extent could be used to Tier 2 (ICT - short-term transfers). It also suggested that a immigration skills charge of £1,000 per year of visa granted should be

implemented to deter business' reliance on the scheme and to incentivise local recruitment.

In addition, it suggested that ICT transfers should only be available for workers that had been in the company for 24 months prior to the application and argued that the long-term transfers were more beneficial to the UK's economy as they had higher mean wages. Yet, it suggested that the Government should look into analysing the fiscal benefits that these routes have as they create an incentive to business to hire non-EEA nationals and also do not contribute to the country's fiscal system as they could. In addition, it suggested the expansion of the Immigration Healthcare Shortage to ICTs in line with other users of the Tier 2 route, as combined with no access to benefits, could maximise UK's gains.

As for the automatic removal of jobs from the SOL, the report argued that the review of the SOL is a challenging bureaucratic exercise as labour shortages can happen in ways that are not predicted by its methodology. Hence, expanding the SOL and trying to automatically review it in the face of changes in the labour market would be both cumbersome and unsustainable. It highlighted that SOL accounted for the smallest proportion of Tier 2 visas, and that perhaps a review of the RLMT would be more beneficial as it responds to labour market needs in a timely manner and that is why it is growing in relation to SOL.

In relation to dependants' right to work in the UK, the December 2015 review offers a rare analysis of the inequalities that certain policy changes could lead to in terms of gender. It brings two surveys to aid the analysis since disaggregated data is not available. The first survey, from the Permits Foundation, found that 71% of adult Tier 2 dependants were female, 61% aged between 25 and 34, 96% of adult Tier 2 dependants have at least a bachelor's degree or higher and 61% are employed. The second survey, from Labour Force Survey, found that 81% of adult Tier 2 dependants were female, 60% were highly skilled and suggested a lower rate of employment at 31%. The Labour Force Survey, however, found that those that were employed were predominantly engaged in low skilled work representing 61% (MAC, 2015b: 182-183).

This rare discussion of disaggregated data, although surveys, corroborates what the literature had suggested: dependants are overwhelmingly female, with a high skill level that does not translate into skilled work, suggesting a deskilling of skilled female migrants when they are not the main applicant. Preventing dependants from accessing work would exacerbate discrepancies between labour market integration of female and male migrants, and MAC strongly suggests it should not be pursued by the government due to equality

concerns. It also highlights that these dependants do not have access to public funds, so their access to employment contributes even further to the UK's fiscal balance. In addition, removing the access to work for secondary applicants could deter primary applicants as it would not only put a strain on their household finances, but would also find more resistance from dual-income households to decide on migrating. Thus, limiting employers' ability to recruit needed talent and occasionally pushing for higher wages to counterbalance loss of an income.

The ratio of dependants to Tier 2 migrants is briefly discussed, not in relation to these reports, but from Home Office Statistics. It suggests that the ratio of dependants to main applicants is 7:10, but the distribution amongst nationalities differs significantly. In general, it points out that there are fewer dependants from Western countries such as the USA, and Canada, and especially from Australia and New Zealand. In contrast, the proportion is higher within the North Africa region, with an average of slightly over one secondary applicant per primary applicant (MAC, 2015b). Even though MAC's analysis does not go as far as suggesting that changes to right to work would also have unequal regional implications and does not discuss whether the deskilling was more prevalent within certain nationalities, it would certainly be interesting to understand more about the profile of these women.

After the virtual closure of Tier 1 for skilled migrants, this extensive review of Tier 2 tries to answer the Tory Government's goal of controlling migration. There are, however, clear limitations of the changes proposed as these visa flows are a small share of the overall immigration flows. Yet, as non-EEA migration is the only avenue in which the Government can work - for now - it gains a disproportionate relevance to policy making. EU nationals have accounted for most of the increase of work-related immigration since 2007: in 2015 they included 162,000 EU nationals, while non-EU nationals moving to the UK for work was 67,000 (MAC 2015b: 38). This was a significant change to the distribution of stock in the UK, with EU nationals working in the UK surpassing non-EU nationals for the first time in 2010 and growing ever since. As the country recovered from the financial crisis, and other EU countries muddled through its consequences, their share of the stock rapidly grew and, as other members joined the EU free movement, the composition of these flows also changed.

The existing tension between the Government's goal to limit migration and free movement within the EU meant that pressures on non-EEA skilled migration were high, but it was far from being the only target of policy changes. Family migration, another

main focus of the Government's restrictive policies, encountered a lot of juridical challenges as the right to family life was embedded in legislation and the jurisprudence of court cases in the European Court of Human Rights showed a clash between the Government's goals and international conventions. Similarly, asylum seekers and the large flows of refugees within Europe were also often present in the political discourse as a worrying feature of international migrations, but the Refugee Convention was a cumbersome obstacle for the government to 'control' this flow as it intended at this point. Thus, EEA immigration and the freedom of movement within the European Union became another migratory flow under attack. It had long been a topic for far-right parties in Britain, but it recently gained political traction as UKIP, under Nigel Farage's leadership, got to the European Parliament in 2009 with the second-highest number of seats after the Conservatives.

The country was on a collision course with the European Union, one made unavoidable by the Conservative Party pledge to hold a referendum. During a European Council Meeting in Brussels during June, the UK government set out the plan for a referendum that would be addressed again in December that year. At another European Council Meeting in October, Cameron set out a plan to write a proposal by November. A few days later, David Cameron addressed Parliament (Cameron, 2015, October 19). In a speech laying out his worries about the migratory flows, particularly from Syrian refugees, but also highlighting tensions with Russia's military operation in the middle eastern country and concerns around Ukraine, the PM set out four goals for the renegotiation process with the EU.

Cameron highlighted that the UK's EU renegotiation priorities focus on four main areas. First, on sovereignty, the UK seeks limits to EU centralization and more power for national parliaments. Second, competitiveness is essential, including trade deals and regulatory cuts to support economic growth. Third, the UK wants protections for non-eurozone countries to avoid additional costs from eurozone policies. Finally, on social security and immigration, it aims to curb welfare incentives that might attract excessive migration. The neoliberalisation and economicisation of variables guiding policies in the country went far beyond migration, yet migration was being single handedly blamed for a myriad of social, political and economical problems. It was a powerful driver of neoliberalisation, as it encapsulated most if not all of the negative discourse around the EU.

Both the previous European Council conclusions and Cameron's speech were vague and left a lot of questions unanswered about the substance of the changes at stake. Jeremy Corbyn, leader of the Labour Party after Miliband's resignation, questioned the Government's lack of clarity as to what it means in terms of rights to the British people, and what parts of legislation were being renegotiated here. Without a clearer answer, the Government moved swiftly towards a referendum and in November 2015 Cameron sent a letter to Donald Tusk about renegotiations proposals and made a speech to the nation about this matter (Cameron, 2015, November 10, Letter). The letter explained further what Cameron meant with the four goals discussed in Parliament, but was intently lacking in strategies or clarity about what it meant in legal or practical terms, 'not least as there may, in each case, be different ways of achieving the same result'.

Cameron's speech echoes what he said in his Bloomberg speech three years before, adding a fourth challenge to the list. They were problems in the Eurozone; a crisis of European competitiveness; a gap between the EU and its citizens which represents a lack of democratic accountability; and the fourth being the migration crisis. On economic governance, it argued for the need to recognise that the EU has different currencies, and that those who opt-out of the Euro currency should not bear the burden of any financial operations needed to rescue or maintain the Euro stability. On competitiveness, it stressed the need for more bilateral agreements with nations outside the economic bloc, and as 'the burden from existing regulation is still too high', legislation should be streamlined to promote competitiveness. On Sovereignty, the UK would like to have it in writing in a binding and irreversible way that Britain does not abide by the Treaty's obligation to work towards an 'ever closer union'. It also stipulated the possibility of blocking EU legislation with a threshold to be stipulated by the national Parliaments. In addition, it vaguely set out that matters of national security were solely on the responsibility of each Member State, and matters of Justice and Home Affairs should not be binding but voluntarily decided upon.

On immigration, Cameron argued that the country had taken multiple steps to control migration from outside the EU, but needed to be able to control EU immigration as well to reach sustainable numbers of net migration. Assuming this would lead to conflicts with the ECJ, Cameron said that these judgements should be addressed to reclaim the scope of the free movement to more manageable terms. It also stated that new Member States should not have the right to free movement until their economies converged much more closely with existing member states, and that access to welfare should be curtailed.

David Cameron emphasised that since his Bloomberg speech, issues surrounding the UK's relationship with the European Union had only grown more pressing for the British public. In relation to the recently added fourth challenge - migration, he argued it was not a matter of race or background or ethnicity, the PM argued, but an issue of scale and speed. It vowed to create the 'toughest possible system for dealing with abuse of the free movement', with deportations and re-entry bans for those involved in illegal activities, such as sham marriages. Cameron made the unfounded claim that:

'(...) at any one time, around 40 percent of all recent European Economic Area migrants are supported by the UK benefits system...with each family claiming on average around £6,000 a year in work benefits alone...and over 10,000 recently-arrived families claiming over £10,000 a year'.

The figures that the PM urged people to look at were questionable at best, misleading at worst, but for politicians and the public opinion the connection between welfare abuse and migration was clear (for more, see: Boswell & D'Amato, 2012; Nannestad, 2007; Kymlicka, 2015). It was just the start of some very confusing statements around migration, this newly added challenge was about to take centre stage in the debate, particularly among far-right campaigners. Yet, Cameron ended his speech in a more passionate tone about the 'best of both worlds' that Britain could achieve if it renegotiated its terms and remained in the EU, and renewed his 3-year-old pledge of fighting for Britain to remain in the EU, albeit under new conditions.

When David Cameron added the fourth challenge of migration to the relationship between Britain and the EU, he was not recognising a new concern but finally admitting a core source of tension that had been brewing in national politics. This political discourse was aimed at the public tying it around worries of economic stability, social cohesion and Britain's future as a sovereign country that could compete amongst the new economic powers. Migration had long been enmeshed into every source of political tension that the country faced: the crumbling welfare system, regional housing crisis, the overstretched NHS, the erosion of local communities, security threats, wage stagnation, and so on. The political discourse and public opinion had been flooded by those connections throughout decades at different scales, but the Tories saw the opportunity to materialise this into political gains way beyond immigration policies. It could serve as a smokescreen to social woes that the Government had failed to resolve or mitigate, it could strengthen their role on the right that moved a little bit further to the right, and it could free the country from obligations within the EU they no longer desired to have.

During that period, the Government was moving an EU Referendum Bill through Parliament and had amassed enough support from both the Conservatives and Labour to move forwards. The Scottish National Party was alone in strong opposition to the Bill, especially for having held a Referendum on Scottish Independence in 2014 that decided to stay within the United Kingdom, amongst other reasons, to remain a part of the EU. The EU Referendum Bill was introduced to Parliament on 28th of May 2015, and on the 9th of June 2015 had 544 MPs supporting the Bill. On 7th September it passed its third reading in the House of Commons. In the House of Lords, it was approved on the 14th of December and given Royal Assent on 17th of December 2015.

The Referendum Bill moved somewhat smoothly through both houses, and stated that voters in the UK and Gibraltar would answer the following question: “Should the United Kingdom remain a member of the European Union or leave the European Union?”; and choose between the following answers: “Remain a member of the European Union” or “Leave the European Union”. The Referendum should happen no later than 31 December 2017, and that further provisions would be made about the electoral proceedings and stated that the Government had the duty to provide information on the outcome of negotiations and information about membership in the European Union.

The results of the referendum were not binding, it was a pre-legislative Referendum, but the political discourse around it never made this clear distinction and there was a sense that this was a Referendum on a legislative matter. The campaign would start 14 weeks prior to the Referendum, having a 4 week break prior to the vote in which campaigning groups and government bodies could not comment on the subject of the Referendum. It would not take long for the campaign to start and in 2016 the United Kingdom would cast its vote.

4.4 The year in which racist Britain came to the fore, or the year of Brexit

As I analyse the year of 2016 in terms of the policy changes around skilled migration, I intend to make clearer connections to the political context surrounding the Referendum and Brexit. When necessary, I will briefly discuss policy changes in other categories that are intertwined in the hostility cutting across all immigration policies in the country and bleeding into a pre-legislative vote on the future of EU membership. The changes discussed in previous subchapters, where skills became an increasingly malleable concept as long as it included economic capital in its definition, where language became another proxy for integration, race and class, and where restrictiveness and suspicion were aimed

at all immigrant groups. The veiled discriminatory practices permeating the political discourse were about to become slogans of political campaign groups. The contemporary nexus between migration and race evoked by Brexit relied on anti-black racism, anti-immigration discourse, islamophobia and anti-EU discourse in varying degrees.

In January 2016, the UK government announced a policy change for non-EEA national partners on the family route. This change mandated a higher level of English language proficiency for those seeking further leave to remain. Specifically, after two and a half years of residence, individuals must successfully complete an A2-level speaking and listening test. This increased requirement, effective from May 1, 2017, superseded the previous A1-level standard. The Statement of intent regarding the changes to the Immigration rules published in November 2016 suggested that this move would remove barriers that stop women from participating in the workforce, helping to ensure that partners are also integrated in British's labour market if they are seeking to settle as permanent residents.

The Policy equality statement (PES) considered the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation (Great Britain. Home Office, 2016). It saw no direct discrimination as this requirement applies to all without exception. For indirect discrimination, it only noted a concern over women who were either pregnant or on maternity leave, but considered that there was an exemption route in place on a case-by-case basis. This is true to most changes regarding language. The immigration-integration nexus of language that has been part of selective policies had spread, and this policy illustrates how ubiquitous it was then. The spillover effect of the market-oriented variables of integration that have made their way into policy criteria in selective policies was now being used as a criterion for settlement.

On the 2nd of February, Donald Tusk addressed a letter to the Members of the European Council with a proposed draft for a 'new settlement of the United Kingdom within the EU' (European Council, 2016, February 2). It argued that this proposal went far in addressing David Cameron's concerns in his previous letter, but would not cross the line of the founding principles behind the EU. On governance, the draft set out principles to ensure mutual respect of non-Euro members and their access to the single market.

On competitiveness, it broadly agreed that it should be the goal, but in keeping with higher EU standards of goods and services. On sovereignty, it clarified that 'the references

to an ever closer union among the peoples are therefore compatible with different paths of integration(...)', and that the 'ever closer union' signals the EU's aim to work as an economic bloc and is not equivalent to the objective of political integration (European Council, 2016, February 2: 9). On social benefits and free movement, it affirmed that Member States are free to define the fundamental rights of their social security systems and who is granted access, and conceded that the UK could remove EU citizens that were involved in fraud, such as convenience marriages, or in case of a threat to public policy or security without a lot of clarity about what it meant (European Council, 2016, February 2: 14).

The draft addressed the concerns in Cameron's December letter and opened pathways for a binding document that could further clear these legislative matters. Section D, on social benefits and free movement, was perhaps the one that showed that there would be more legislative challenges around the matter, as it should be done 'based on objective considerations independent of the nationality of the persons concerned and proportionate to the legitimate aim pursued' (European Council, 2016, February 2: 13). It did not open the doors to the discussion of a stratification of EU free movement in relation to new member states as Cameron had hoped. Also, it made the distinction between non-economically active migrants and economically active migrants in relation to access to welfare and right to reside, suggesting that the free movement of workers and their access to social benefits in line with other national workers should not be the scope of changes, as that could incur discrimination based on nationality.

On the following day, the PM addressed Parliament and sold this draft as the beginning of a successful renegotiation where Britain would lead the EU to modernisation (Cameron, 2016, February, 3). Jeremy Corbyn, however, argued that the negotiation was 'a Tory Party drama' and that Labour was defending UK membership in the EU. Yet, there was a convergence between Cameron and Corbyn that agreed on the challenges facing the country but not on how to tackle them. This convergence was seen even in both Party manifestos, especially around migration, their policies differed slightly but they both agreed on immigration as a strain on the labour market and communities. This convergence was indeed brought up by Cameron, who tried to diminish Labour opposition to the renegotiations.

The SNP remained a strong opposing voice to the renegotiations and to the Referendum itself, voicing that what was at stake at the referendum was not the legislative matter in those drafts and discussions, but the UK membership as a whole. SNP members

also voiced concerns about a referendum close to local elections, as it could blur the lines of the political discourse for the electoral process. The more Eurosceptic members of the Conservative Party were also voicing concerns that the draft was too moderate and that, particularly on the matter of free movement, it did not offer enough to end the free movement as they had hoped. Yet, things were moving quickly and Cameron was adamant that this Referendum would happen sooner rather than later.

In less than twenty days, the EU held another council meeting and David Cameron declared the negotiation a success. Boasting about the successes of this new agreement, David Cameron presented its details before Parliament and on the 22nd of February announced the EU Referendum date: 23rd of June 2016. Simultaneously, the Government published a document called ‘The best of both worlds: the United Kingdom’s special status in a reformed European Union’ (Great Britain. HM Government, 2016).

This document was the official start of the Government campaign for this new settlement agreement, arguing that Britain had succeeded in guaranteeing a unique position within the EU, where it was not required to integrate politically or financially any more than it has done; clarified ways in which the national Parliaments could discuss and decide on EU legislation; agreed on a streamlined legislation for smaller business and to boost competitiveness; allowed for significant changes in access to social benefits to in-work EU members and job-seekers; ensured greater freedom to the UK to legislate on deportations or re-entry bans for EU citizens that posed risks, commit fraud or were found to be in convenience marriages. The argued gains on control of free movement were marginal, and were unlikely to be able to foster the government’s goal to get net migration into the tens of thousands. This was not lost on the most Eurosceptic political forces and, as the Referendum and the campaigning approached, only pushed migration to the fore as a polarising issue with the EU that was not solved by the new settlement agreement.

At this time, changes on the Tier 2 were also being discussed. The Migration Advisory Committee published a review of nurse and specific nursing job shortages as requested by Theresa May, and agreed that nurses should remain on the SOL. Yet, there were some caveats to this recommendation and Sir David Metcalf wrote that

‘(...) we make this recommendation with considerable reluctance. It seems to us that the shortage is mostly down to factors that could, and should, have been anticipated by DH and related bodies. Further, there seems to be an automatic presumption that non- EEA skilled migration provides the sector with a “Get Out Of Jail, Free” card. (...)

(...) The restraint on nurses’ pay instituted by the government was presented to us, and in the evidence to the pay review bodies, as an immutable fact. It is not. It is a choice. There was

insufficient curiosity across both the health and care sector about the extent to which pay might be responsible for, and might help alleviate, present recruitment difficulties. ' (MAC, 2016:4-5).

There was clearly some tension between how the process of the comprehensive review was handled the year prior and the Department of Health, which did not ask for a review of nurses but quickly changed its mind and asked for an exemption to be made due to concerns to public safety. The MAC partial review that followed this request argued that wages offered to non-EEA migrants were lower than those offered to nationals, which in turn were also lower than the median wages, indicating a chronic issue in the sector. So immigrant nurses were being used as a stop-gap solution to a much deeper problem within the healthcare system and suggested a valve to be put in place so that the existing demand for nurses would not only be addressed by outsourcing recruitment.

After the recent reviews of the Tier 2 system and SOL done by MAC, the Government introduced a list of reforms in April 2016 to be launched in two phases, one in November 2016 and another in April 2017. The first would include a review on salary thresholds, as recommended, raising the Tier 2 (General) salary threshold to £25,000 and changes to ICTs. The second phase of changes to Tier 2 included an Immigration Skills Charge (£1,000 per worker per year, or £364 for small/charitable sponsors), raising the salary threshold to £30,000 and closing the ICT-short Term sub-category. Also, in April 2016 a higher pay threshold was implemented for Tier 2 settlement applications, with exemptions for shortage and PhD-level occupations, and was set at £35,000. Salary thresholds were then officially becoming the most important criteria for skilled migrants not only for their entry but also to their pathway to settlement. The increase in costs was also a deterrent for smaller firms to recruit from abroad, but the data suggested that there were a handful of actors dominating the CoS issued, mainly big conglomerates with subsidiaries in multiple countries.

The Government's recently proposed changes seemed to gladly accept MAC's recommendation that salaries were of utmost importance when assessing skills and market value of potential migrants, while at the same time it was trying to carve space for exemptions on the public health sector so it did not have to address the lower wages it offered to non-EEA migrants. The healthcare sector, especially nurses and midwives, has been chronically underpaid and feminised, neither of which seemed to bother the

government enough to address gender disparities within the public sector, but fostered a reliance on cheaper skilled migrant labour.

The changes in 2016 and 2017 were salary-focused, and where exemptions were made, they were made to accommodate needs of the labour market that the government decided were relevant enough to override the salary-assessment without inquiring further about the wage disparities in areas of demand. The PBS had changed dramatically over the course of the Coalition and Conservative Government, restricting routes of entry, limiting numbers, doubling down on criteria that translate and perpetuate inequalities in the labour market and society at large, and closing doors for settlement for the majority of skilled migrants. The competition for the ‘best and the brightest’ seemed to be a rhetorical crunch and no longer a policy-making concern. Limiting numbers and restricting migration - all of migration - was now a much higher political concern that shaped the Referendum’s campaign.

Despite the lukewarm welcome of the new settlement negotiated by Cameron, the Government was optimistic about the Remain campaign in Great Britain, especially because it was also endorsed by the opposition party, Labour, alongside the Scottish Nationalist Party, the Scottish Green Party, the Liberal Democrats, the Green Party of England and Wales, the Party of Wales. The Remain side also had unions, business, and foreign leaders and institutions in its camp. However, an important part of the Conservative Party and UKIP would form the main opposing forces to the Remain campaign, with two different strategies but very similar tactics that proved very powerful to motivate the electorate. Boris Johnson, former mayor of London and then Foreign Secretary, was the leading voice for the vote Leave in the Conservative Party and Nigel Farage, from UKIP, was the far-right voice arguing for an end to EU membership.

The Remain campaign, named ‘Britain Stronger in Europe’ focused around economic concerns about leaving the bloc, and tried to persuade voters that leaping into the unknown would be a catastrophic event for the recovering British economy. It leaned into experts and predictions around the loss of access to the single market and the costs of leaving the union as the reason for keeping the status quo. It was one of the two main worries that set out the agenda of this Referendum: the economy and migration, as the table below succinctly divides.

Table 5 - Main arguments for Remain and Leave voters

Main referendum arguments:	Mentioned mainly by	
	Leave voters	Remain voters
Immigration control	X	
No trust in Prime Minister/Government	X	
Cost of EU membership	X	
Security implications	X	
Lack of knowledge and trust	X	
Lack of information	X	X
Economic risk of Brexit		X
Economic stability in the EU		X
Economic benefits from the EU		X

Source Hobolt, 2016:1263

On the Leave side - or the anti-immigration side - the campaigning groups were Vote Leave, Leave.EU and Grassroots Out. Vote Leave had Boris Johnson and the more right-wing sector of the Conservative Party as leaders, as well as some Labour MPs and one UKIP MP, and its slogan was ‘Let’s take back control’. This message conveyed a handful of objectives, first to decry a quest for sovereignty from an ever-meddling EU, second to detach themselves from a trading bloc that was in economic decline, and to reignite ties with the old-Commonwealth at the same time as intensifying relationships with newer economic powers like China. This was wrapped around a nostalgia of the olden days, the days of the Empire, without any clear reckoning of the unequal nature of the colonial relationship based on subjugation, and legitimised in the name of scientific racism (Virdee & McGeever, 2018:1804-1805). Thus, making this project a lot more palatable, and claiming that this new Empire would take on a leadership role in a globalised world and foster economic growth following a neo-liberal agenda.

Leave.EU was also heavy on the Empire nostalgia, but instead of focusing on the return of a leadership role for Britain in a new economic order, it chose a more isolationist approach. The migrant, often on the terms of unskilled migrant or economic migrant, was portrayed as a threat not only to the economy, in a discourse targeting the domestic working class, but as a threat to the British population’s values and safety. They evoked terrorist attacks in France and Belgium to argue that the EU was no longer safe due to their open borders, and that freeing Britain from the EU would simultaneously help to control migration from the unskilled newer members and asylum seekers by opening the possibility for Britain to redesign its refugee policy. As the Referendum was around EU membership, many understood that Farage’s attacks on migrants were not part of the same racist rhetoric from the past, as the newer EU members arriving in large numbers in the UK were predominantly white. But they failed to see how the racialisation invoked in this rhetoric was tapping into a reservoir of latent racism from the immigration of the

Commonwealth members in the 20th century (Virde & McGeever, 2018:187). This racism became clearly more targeted at Muslim refugees as the campaign drew closer to the vote, especially when the 'Breaking point' poster portraying a crowd of male Muslim refugees, also in a nod to the rhetoric of 'male sexual predators' after events in Germany, and a call that read 'We must break free of the EU and take back control'.

Both campaigns, however different, complimented each other. Vote Leave could not have gotten away with such blatant racism as it was mainly led by Government figures and, in hindsight, I can confidently say it was just a starting point²³. Nigel Farage, on the other hand, had built a career on being a disruptive political figure that laid heavily on Euroscepticism and nods to far-populism that was accustomed to coded language for their racist rhetoric. The contemporary nexus between race and migration, where immigrants are differentially racialised, depending on legal status and a combination of different forms of capital - economic, social and cultural, had been making its way into mainstream politics as discussed through the elaboration of policies targeting skilled migrants. The Leave campaign at large moved the bar of what was acceptable to say in British electoral campaigns since they were sanctioned neither by political institutions nor by the public. By the time the vote took place, the discourse was openly around immigration - both from the EU and from asylum seekers - and the economy had taken a backseat, leaving the Remain campaign at a loss.

On the 23rd of June, the votes came in and Leave won by 52% to 48% in an election with a 72% turnout. This vote has been mistakenly described by the popular commentary as a result of those 'left behind', of a British working class that resented the economic hardships they endured, and was hoping to break from the status quo. This has been disputed by scholars, and a clearer association has been made to an older, white and middle class voter, with a heavy representation in the South East of England (Bhambra, 2017).

²³ I cannot avoid looking at the present political context as I discuss this. The discourse that Farage brought to the table was repeatedly said to belong to the margins and be too radical for Britain, but it has outlived the Referendum campaign. The success Reform has had in the last 2024 elections in Britain has left the Conservative Party in a tough spot. It has consistently moved to the far right within party lines, with anti-immigration speech at the centre. Kemi Badenoch is the new leader of Britain's Conservative Party as I finish this thesis and the mainstream debate is now a constant battle ground of anti-immigration policies across party lines. The newly elected Labour government is also following the steps of restrictiveness and has even looked to Italy far-right initiatives on migrant deportation, with Prime Minister Keir Starmer praising Italian Prime Minister Giorgia Meloni.

This misrepresentation of a 'working class' sentiment deriving from their economic precariousness also served as a smokescreen for the euphemisms used for fears around globalisation and the economy that were often concerns around the movement of people. This further displaces structures of racialised inequality from the conversation and blames on a white working-class identity structural issues (Idem). This return to a class-focused analysis ties it with a more rationalised fear around economic well-being, instead of confronting the racist rhetorics that were dormant in British society but came to vote on the 23rd of June and never left the political discourse thereafter.

On the day after the vote, David Cameron announced his resignation. A year after his successful campaign that led to a Tory majority, the now ex-Premier miscalculated the strength of the Remain campaign and said that the Government needed new leadership since the country decided to go in a different direction than what he had campaigned for. A Tory leadership race ensued and Theresa May, former Home Secretary, won and became the new Prime Minister on the 13th of July 2016. The year of 2016 was one of transition and preparation for the incoming withdrawal from the EU, but also a turbulent year trying to decide what it meant to leave the EU.

The pre-legislative Referendum was not clear, and neither was the path ahead with diverging political forces trying to decide what exactly it would mean. This led to calls for a return to the polls, which at first the Prime Minister opposed, but agreed to in mid-April 2017 when she called for a snap election in June that year. Theresa May had the confidence of favourable opinion polls that indicated that the Conservatives could gain more seats and a new mandate for the negotiations around Brexit, aligned with the hard-Brexiteers that hoped to remove the UK not only from the EU but from the single market. In that year, the only change in policies towards skilled migrants was in fact the one decided on the previous year, with the second phase of implementation of an Immigration Skills Charge coming into place in April 2017. However, the debate around EU immigration, asylum seeking and refugees was dominating the political discourse. Not a lot would be decided in that unstable political period post-Referendum in terms of immigration policies, but the contours of what was going to be implemented were already at stake.

The campaign was not the success that May had hoped, in fact it cost the Conservative Party seats and left them looking for support for a minority Government with Northern Ireland's Democratic Unionist Party. This was not a formal coalition government, but one where the DUP agreed to vote with the Conservative party on main

issues, making it feasible to move ahead with Brexit proposals. This was not the powerful new mandate that the Brexit negotiations required, and Theresa May had already lost some of her political capital by the time she started her new term as Prime Minister.

This slightly more fragile political stance, one that relied on the support of the DUP with the concerns of the practicalities of leaving the EU for Northern Ireland and balancing the hard-Brexiteers' requests, unequivocally set the path for a Brexit that was not on the polls for the Referendum. What was about to come had not been previously debated or consulted with the British public, but it was guided by much of the same campaign rhetoric, keeping the country in a constant battle for the in-out Referendum. The duality between the good and the bad immigrants, the dehumanisation of asylum seekers, the conflation between racism and anti-immigration sentiment, the rejection of Otherness in the name of whiteness, and more specifically, Englishness.

Skilled migrants would once again be called to the forefront of the political discussion around post-Brexit migration, and if *genuine*, they would be *desirable* migrants that had to be protected from all the restrictiveness that ensued the political discourse and allowed entry through *fair* and *objective* assessments. There was very little clarity about what all of this meant. There would be overhaul of policies towards skilled migrants as an unavoidable process of the Brexit discussions, but as much as the political debate at the time, it was treading in murky waters of a highly contentious debate. Theresa May used the term Global Britain to describe the post-Brexit era, and this term has been used and overused ever since, allowing for a suitable level of opaqueness that can tap into different understandings. Yet, it once more allures to a past Britain, an Empire Britain, invoking warm collective memories of a now lost world where Britain was hegemonic in the capitalist world economy, and reminds the public of those olden days of glory and superiority (Virdee & McGeever, 2018: 1806). Britain was moving into the future fueled by grievances of the past, and immigration was perhaps one of the main resentments of the Commonwealth legacy, and its role in the future would now be under constant dispute.

4.5 Concluding remarks

Britain's turn towards selective policies was part of a move towards restrictiveness, where the only immigrant category not constantly under attack was the one deemed 'skilled'. Skills as a floating signifier here had a strong connection to both cultural and economic forms of capital. While education remained an important part of the policies, salary levels were routinely used as a proxy for integration in the labour market that could be a better

indicator of *genuine* skilled migration. The deskilling that MAC noted in multiple reports or that scholars have routinely discussed with racialised and gendered consequences was not enough evidence of direct or indirect discrimination that clashed with anti-discriminatory practices in the country. The wages' differential between migrants and nationals, but also within migrant groups, did not materialise into measures that could prevent them from being reified through the constant financial obstacles to selective policies.

Through the immigration-integration nexus across most sets of immigration policies in the country, but especially in selective policies towards skilled migrants, it is interesting to note that the gendered imbalances between primary and secondary applicants were again a staple of these policies. The lack of comparative disaggregated data is unfortunately a limitation for a more detailed analysis between the differences across migrant groups, yet the persistence of inequalities in the market that then turned into market-oriented indicators for these policies operate like a barrier to women and racialised communities. It is also interesting to notice how skills as a floating signifier were used to mobilise lobbying groups successfully - in the case of the technology sector - but could not bear the demand for chefs and cooks of 'ethnic food'.

Skills are used as a strong *Othering* tool, where flows are deemed desirable or undesirable due to neoliberal human capital modes of selection. The overhaul of policies after Brexit has been made through the pretence of making managed migration solely skilled. The spillover effect is clearly a political objective in Britain, it is a concerted effort from anti-immigration groups. The racist undertones behind the goal of keeping immigration skilled are multifaceted. The intense policy changes that happened in the period between 2007-2017 kept skilled migration at the centre of the political debate, justified a departure from the European Union and the rise of xenophobia from the far-right at the margins all the way to Westminster.

Chapter 5 - Conclusions and future directions

Policies towards skilled migrants are an important avenue for the neoliberalisation of immigration policies bridging integration and immigration policies through an intricate set of variables that are market oriented. A consequence of an encompassing movement of economicisation of politics, these privileged routes offer a premium to those deemed best and brightest. As exemptions in the immigration discourse, skilled migrants become the milepost for immigration through a discourse based on both the labour market and national interest. Thus, justifying the stratification and seclusion in access to rights, particularly settlement and citizenship rights, it simultaneously reinforces the notion that removing these rights from other categories is beneficial not only for the economy but for social cohesion in the name of preventing too much *Otherness*.

Hence, the centre stage for these policies in the political discourse of Western liberal democracies and the need to understand who gets to be considered skilled, what skills mean and why there are persistent gender imbalances in those coming through these streams. The primary research question of this project was: why is there a gender imbalance in selective policies towards skilled migrants? The short answer is: a policy design that looks for neoliberal markers of integration in the labour market and translates those into entry criteria. The inequalities in the labour market that are gendered, racialised and classist are informing these policies. Also, I argue, this neoliberal rationale and economicisation of immigration policies that has been consistently achieved/enacted through selective policies towards skilled migrants is now creating a spillover effect to other routes. Skilled migrants are placed at odds with other stratified immigrant categories deemed not as great and not as bright in a hostile anti-immigration environment.

I looked at Canada and the United Kingdom in a qualitative content analysis of their selective policies between 2007 and 2007. I anchored my theoretical discussion on historical-structural theories and a Foucauldian analysis of neoliberalism and its effects on immigration policies. I have kept an interdisciplinary approach, without confining my readings or analysis to the borders within disciplines, but have mainly navigated through political science, geography, sociology, economics and anthropological research. I have been interested from the onset not only in how these policies are built and their effects but also in how they ought to be. As a young middle class female scholar from the Global South (the concept of choice that clumps the poorer corners of the world) engaging in transformative research and most of that time being a migrant myself, I acknowledge my

positionality as an opportunity to discuss power relations that might seem harmless to some.

By creating a web of interpretations and dialoguing with a complex group of concepts, I have aimed to explain the cases presented here, refine the discussion on neoliberalisation of immigration policies and present routes for future research. Then, I would like to present four arguments that have emerged from this deep dive into immigration policies from a political, historical, sociological and economical standpoint. The overarching desire to be able to discuss all of that at once has proved difficult and there are, of course, limitations to the study that I will discuss at the same time as I present opportunities to bridge the gaps I have encountered.

5.1 Othering policies

Immigrants are a heavily charged category that mobilises governments and public opinion with often negative and visceral emotions. There are dwindling positive associations across all immigrant categories as the fear-mongering around migrants that has been built on islamophobia, the economic crisis and the succeeding waves of conflict and refugees from the last few decades have brought immigrants to the centre of the political debate. In this context, immigration policies have become the most heated topic for domestic policies. For political science, it was once a matter of diplomacy and legislative deliberation in the realm of ‘high politics’, it is now a topic that mobilises riots, elections and the makeup of international institutions. Selective policies towards skilled migrants work as an important tool for ordering and othering (Van Houtom & Naerseen, 2002).

Order as it both stratifies migrants in a desirability continuum for nation-states and embodies their quest for control. Policies of immigration are here defined as a government’s statements of what it intends to do in relation to the selection, admission, settlement and deportation of their foreign citizens (Bjerre et al, 2015: 559). The fundamental challenge of regulating migration in liberal democracies is in dealing with immigrants who, as commodities, are subject to market-oriented pressures and demands, but as individuals are entitled to certain protections by virtue of their humanity (Hollifield, 1999: 205). Immigration policies and integration policies have been challenging the borders of the nation-state, and the response throughout history has more often than not recurred to discriminatory practices for selection and different levels of immigration assimilation as a policy for integration success (Brettel, 2018). Selective policies are born out of the goal of stratifying economic migration and placing a premium on short-term,

flexible hiring in an economy of greater expedience and more precariousness, appealing to societies that have experienced nativist and xenophobic backlashes to immigration (Boucher and Gest, 2018:156). Hence, their importance and widespread use throughout Western democracies in the last decades, with half of the UN Member States declaring an interest in raising skilled migration by attracting or retaining talent (Czaika, 2018). Once policies associated with Canada and Australia, outliers in immigration policies, they are increasingly being used to organise immigration regimes.

Conversely, I argue they are a response to *Otherness* and a mechanism for *Othering*. They are designed to select immigrants that are presumed better than others, better at integrating into the host society and the labour market, better at their skills levels and better for the health of the nation state. The current hostility towards immigrants is often justified through economic and societal woes, be it through ideas of immigrants abusing welfare systems, bringing wages down or not sharing the same values, they are portrayed as detrimental to the nation. Skilled migrants, however, are the acceptable exception to this narrative. They are privileged in their access to immigration routes and rights such as permanent residency or citizenship as they are deemed as a healthy addition to a competitive knowledge society.

They establish through this premium a privileged group that can access rights that are being eroded for other migrants. Through the prevailing language of the day and avoiding discriminatory language, they justify this distinction between skilled migrants and other economic migrants as a matter of the state's health, cohesion and cultural life. I argue that they are a clear example of biopolitics that can be seen through their *Othering* mechanisms. The distinctions around human worth are made clear through selective policies, and although the *skilled migrant* is at the top of this stratified system, it is continually kept at a distance from the ideal middle-class national type (Abu-Laban, 2024). The constant fine-tuning and scrutiny of these policies shows how malleable the skilled migrant figure ought to be, and the efforts in trying to select the right type creates a myriad of ways of being the wrong type.

5.2 Skills as a floating signifier

Skills serve the purpose of this opaque and shapeshifting policy as a malleable category whose meaning can have a different content depending on the context. It is an unoccupied place in structure capable of receiving any meaning, in a sort of zero symbolic value that permits the replacement of any special symbolic value by any other (Levi-Strauss, 1963).

Skills are, then, the floating signifier for a certain type of economic migrant. One that is deemed as more easily integrated and valuable than their lesser skilled, familial or humanitarian counterparts (Boucher, 2016). Skills are valued differently and create leverage and privilege. The evolution of skilled policies goes beyond its definition and a precise concept, it is particularly powerful. It is not only the basis of virtually all selective policies, but it is informing the narrative around immigration. I have not tried to conceptualise skills as I deemed that exercise futile, skills are context and content dependent. Each policy and country inscribe a different meaning to skill and that is constantly changing. As I focused on policy analysis, I took skills as a floating signifier and highly contextualised particularly because of this ability to shapeshift and yet so precisely convey immigrant worthiness to legislators and the public opinion.

However, it can only do so because it tends to be organised around similar themes. It operates around educational, occupational and human capital arguments. Educational level is the most wide-ranging criterion and looks at formal educational training to assess skills levels, such as the International Standard Classification of Education (ISCED-2011) elaborated by UNESCO. It uses cross-classification variables, such as the programme orientation, completion of the ISCED level, access to higher ISCED levels, and position the national degree and qualification structure, to further analyse both programmes and qualifications (UNESCO, 2011:13). Alongside educational level, occupation became another important criterion in both international standards and policies towards skilled migrants. Another example is The International Standard Classification of Occupations (ISCO-08), it is an international standard from the International Labour Organization and is structured on 10 major groups, and usually the top three categories are considered skilled or highly skilled (Boucher, 2019). Both the United Kingdom and Canada have their own occupational lists and educational level assessment criteria. They tend to be informed by cross-variables including educational level, salary, occupational level, and overlap both educational and occupational understandings around skills that increasingly reinforce a human capital understanding of skills.

The human capital approach to skills can combine educational, occupational and market-oriented variables. It makes room for an increasing list of variables to be added to skills definition. It has been the most prevalent way of analysing skills in the last 50 years, and it has evolved into vast data-based correlations and causations that try to predict the nexus between skills, earnings and productivity (Warhurst et al, 2017). It is a product of neoliberalism; it is not trying to define or argue for the meaning of this floating signifier.

Rather, it is trying to further the economicisation of variables at play so that firms and states can hone in on the desired candidate profile. This is clear when looking at the grid used as a tool to analyse these policies, the multitude of variables under skills selection elucidates this. It goes far beyond educational and occupational variables. Salary levels, age considerations, language acquisition, work experience, educational level, job offers, sponsors, list of occupations, quotas. The human capital approach to selective policies is established as the preferred route, as it pairs well with the malleability and opacity of skills that serve an ever-changing list of criteria.

5.3 The immigration-integration nexus

Historically, policies were often divided and studied either as policies of immigration or policies of integration. Policies of immigration, as I mentioned, govern the entry, duration of stay, and the removal of immigrants. Policies of integration, then, are here discussed as the product of concerns over citizenship matters and assimilation of migrants once they have entered the nation-state. It usually revolves around matters of language, habitus, and labour market integration. Yet, both policies of immigration and integration are at times entangled, as governments try to address concerns over integration through control over entry, permanence and deportation. Immigrant integration alludes to the main elements of the duality between a society as a whole, defined from within itself, and the foreign body of the immigrant as an outsider that can disrupt the whole (Schinkel, 2017).

Selective policies towards skilled migrants are the ideal route for the enmeshment of these two sets of policies. States are working much like recruitment companies trying to attract and select immigrants for certain areas of the labour market. The human capital approach to selective policies has consistently looked at integration as a source for selective criteria.

Language proficiency, for example, is seen as a predictor of integration, both in the labour market and the host society (Cerna, 2016:34). It has also become a way to mark ‘true citizenship’ that evades questions of ‘blood and soil’ through mechanisms that legally codify language as integral to civic ideals of integration, participation and social mobility (Frontier, 2022). Migrants who speak other languages or even with different accents from the norm are made into linguistically deficient subjects, making language a crucial variable in points-based systems for skilled migrants. The importance of language proficiency as a predictor of integration has turned it into one of the most important criteria to define access to these policies. In the Canadian reshuffle of the PBS in the

IRPA reform of 2002, language was more important than work experience, for example. The leap from language as a matter of integration to a matter of immigrant selection cannot be understated, as it now applies to most routes and forms of entry. It still is particularly predominant in selective policies and citizenship acquisition, because its rationale adheres very well to the discourse of skill-selection and social cohesion.

Language is seen as a resource, a part of cultural capital that cannot be understood outside of its intersections with class, gender and race. Acquiring language fluency is, for most, a costly and lengthy investment. Language requirements also tend to look for formal assessments through international bodies that are expensive, adding to the rising cost of fees involved in visa applications. Language is also seen as a legitimation when non-national languages are seen as markers of inequality to be overcome by governments, which in turn should boost national language acquisition to take them out of poverty, segregation and isolation, and foster social mobility (Fortier, 2022:449). By doing so, it further stigmatises non-national languages and reifies social inequalities when it is present.

In the case of Canada, language became a powerful selection tool that was justified through multiple academic studies. Researchers are routinely employed by Canada to overview the country's immigration policies, and to find these predictors of integration. Language was constantly mentioned as a predictor of social integration and labour market integration, especially as a predictor of higher earnings (Heller, 2010a, 2010b). The employer biases or discriminatory practices within the Canadian labour market are not only dismissed but institutionalised through these approaches. The role of the scholarly debate ought to be more critical and less instrumental. Integration indicators that are market-oriented serve to justify and alter immigration policies through a neoliberal lens that has a blind eye to the inequalities of the receiving country's labour market. These inequalities are presented as proof of an individual's failed adaptability, and measures to prevent this failure often require more restrictive and narrow understandings around selection criteria.

5.4 The neoliberalisation of immigration policies and the role of selective policies

Throughout this thesis I have argued that policies towards skilled migrants are the route for the neoliberalisation of this immigration-integration nexus through a spillover effect to other categories. The human capital approach to the role of the State as a recruiter of competitive skilled labourers from abroad is a consequence of an all-encompassing

movement of economicisation of politics through neoliberalism. International mobility is being stratified in a continuum where the ideal subject is the middle-class citizen and foreigners are assessed against that figure (Abu-Laban, 2024). On one end, you have skilled migrants and on the other, family members and asylum seekers. In between, there are various groups with more or less contentious potential in the political debate.

With the dethronement of equality as a guiding principle and policy-goal, the establishment of equality before the law is one of neoliberalism's most fundamental moves (Joppke, 2024). Discriminatory practices are no longer inscribed in laws and, in fact, anti-discriminatory legislation is now an important part of Western liberal democracies. Yet, the porous boundaries of citizenship and market-inspired welfare of neoliberalism make it possible for these countries to keep true to their narrow understanding of diversity (Idem). Neoliberal immigration policies are the point of convergence for immigration policies in Canada and the United Kingdom, where privilege is conferred to those who are deemed better or brighter than the average, those with higher earnings, those with better language acquisition, those who have paid their dues and gone through the hoops of two-step migration.

Integration is measured in neoliberal terms, through market-oriented variables, which in turn inform immigration policies. Social cohesion in a neoliberal society is also explained through market indicators, such as salary levels, tax payments, and remittances. The nexus discussed before employs neoclassical thinking to the selection of migrants, and fine tunes what it considers to be vital to balance the push-pull model at stake. In the name of this ideal economic migrant, anything is possible. This category is particularly important as a route for neoliberalisation as it is free from international legal commitments that were made in the name of human rights. Differently from family reunification or refuge, economic migration is at the State's discretion. The importance of the malleability of skills as a floating signifier serves this purpose well. The growing hostility around immigration in Western liberal democracies has changed the context of immigration policies, and the role of selective policies here is paramount to this change. Through the legitimisation of market-oriented variables through the immigration-integration nexus under a neoliberal human capital approach, the privileged Other is narrowed down to a select few. To those outside the reach of this premium, rights are eroded by attempts to require from them the same level of selection through similar criteria. If the only positive form of entry is the one based on skills, the other categories should be reinforced through this same lens.

The referendum on the UK's permanence in the EU is a poignant example of how far-right populism instrumentalised anti-immigration as a powerful electoral tool. The Leave side relied on a nostalgia of the olden days, the days of the Empire, without any clear reckoning of the subjugation and racism that echoed their campaigns (Virdee & McGeever, 2018:1804-1805). The migrant Other that was behind the Leave campaign was the unskilled economic migrant, the familial and humanitarian routes with a heavy charge of islamophobia. Farage's attacks on migrants did not need to resort to blatant racism, it could easily tap into the latent racism from the immigration of the Commonwealth members in the 20th century (Idem: 187). Yet, towards the end of the campaign, the islamophobia became more visceral and blatant with posters linking male Muslim refugees to sexual violence and calls to 'take back control'. The anti-immigration discourse targeted middle- and working-class people as it relied on connecting the economic troubles of the financial crisis and austerity that followed to immigration. The rhetoric that migration was not a good fit for the health of the United Kingdom's economy or society won. On the 23rd of June, Leave won by a tight margin with 52% of the votes.

Skills as a floating signifier were instrumental to keep the anti-immigration rhetoric above water without the need to resort to clear, blatant racism. The culmination of a neoliberal human capital approach that confers privileges to skilled migrants at the same time as it justifies this premium on their worthiness in a competitive global market in detriment to other migrant categories has helped to make the case for the UK's departure from the EU. The EU was seen as a roadblock to further the neoliberalisation of immigration policies and a constraint to legislative commitments under the rule of the European Court of Human Rights. Also, EU free movement was repeatedly argued to be a hindrance to the economy and society because it was not based on skill selection. The racialisation of migrant individuals beyond the black and white binary was a particularity of the xenophobia around Brexit, with White eastern European members of the EU being targeted with racist attacks (Narkowick, 2023; Lumsden, K., Goode, J., & Black, A., 2019).

5.5 Limitations and future research

To present the limitations to this study, I would like to discuss how these limitations have profoundly altered the research design behind this thesis twice. Initially, I had hoped to make a quantitative comparative analysis of visa flows between both countries in the decade spanning between 2007 and 2017. I set out to map the available data from multiple

sources and realised what many other feminist scholars, especially those dealing with demographic research, had noted before me. Gender was a variable that recently had become an add-on feature of some reports, it was not disaggregated enough or in relation to other variables that were relevant to this study, such as race. I could not find comparable datasets with disaggregated data on gender/sex and race/nationality to design a quantitative model that could address the inequalities present in the visa flows. As I matured as a researcher and dug deeper into the scholarly debate, I knew I could not discuss such a privileged migratory flow without taking into consideration the different implications there are for different nationalities and their racialisation in this process. The datasets I could gather required me to choose to discuss one at a time and that was no longer my intention. I wanted to discuss this imbalance through a gendered lens and in an antiracist effort.

Then, I reoriented my focus towards the policies themselves, the rule of law and the legislation regarding skilled migrants to look for reasons of this unequal imbalance between men and women's migrants trajectories. I reoriented my research design to apply a quantitative content analysis, I set out first to map the legislation in the United Kingdom to no avail. I still had not realised that the discriminatory practices would not be written, they were not to be found through a quantitative model of content analysis. Selective policies towards skilled migrants were precisely the site of pretence neutrality and isonomia. They were built for that. I would not find any mentions of gender or race discriminations, quite the contrary.

Yet, one other axis of differentiation was hiding in plain sight. Class. Class was written all over in clearer terms: salary thresholds, self-funding, job offers with higher than the national salary average, higher fees for immigrant self-selection. It was this precise axis of differentiation that both legitimised these policies and reinforced these practices in the political discourse. These policies targeted middle class immigrants, their middle classness was their proxy to skills and perceived as an insurance for their successful integration. This was the turning point of my research design that led to the work I presented here. It became clear to me that in order to discuss gender, race and class in relation to the imbalances and inequalities in access to selective policies towards skilled migrants, I had to look beyond numbers and policies. It became a qualitative content analysis anchored by historical-structuralist theories and a Foucauldian analysis of neoliberalism and its effect on immigration policies.

This thesis set out to understand the reasons behind the gender imbalance of selective policies. It was the discrepancy between the number of women coming through these policies towards skilled migrants and the general immigrant population that ignited a curiosity over the reasons why that culminated into this work. The long and windy process that culminated in this qualitative content analysis also illustrates the limitations of this study. This study does not provide an analysis of policy outcomes as visa flows, thus lacking a detailed analysis of datasets during this period. I rely on data to contextualise the gender imbalance, and it is its stability that also makes the case for the analysis of policy criteria and policy making. Yet, it would have been extremely beneficial to follow certain nationality groups to monitor how the changes in policies can reverberate differently depending on country of origin and gender. Thus, I would like to make a few suggestions for future lines of research based on the limitations I encountered.

It would be important to gather more data on the experiences of women migrating through skilled visas, either as a primary or secondary applicant, to understand the relevance of the criteria analysed here for their decision-making process regarding their migratory projects. A survey could be a way of overcoming the lack of disaggregated data on gender and nationality and would provide the chance for modelling quantitative comparative research. In doing so, differences in country of origin could be further analysed and also the strategies they have adopted to enter a country, such as a two-step migration as a student, for example. There are growing examples that women tend to migrate as students in higher numbers than men, and a part of the answer would be their attempt to compensate for gender biases (Narh, E. D., & Buzzelli, M., 2024; Alessandra Faggian, Philip McCann, Stephen Sheppard, 2007). In that sense, it is important to understand which gender biases they are escaping from and which ones they are encountering during their trajectory as a migrant. A large and diverse sample could be one option to further our understanding of the impact of this neoliberalisation of policies in quantitative terms.

As for further qualitative research, I would strongly suggest an analysis of policies that are not designed for selecting skilled migration, yet operate within a skills-based selection as I previously discussed in the Methodology chapter. One example of this spillover effect is the Canadian temporary public policy to facilitate the granting of permanent residence for certain refugees working in the health sector during the COVID 19 Pandemic. This new route was opened for claimants who had yet to receive their refugee status but were in-country during a moment of closed borders due to the health crisis. It addressed a

labour market need at the same time as it addressed the vulnerability of those claimants. This temporary measure made way for a new visa stream that indeed created the category of skilled refugees in 2023, merging humanitarian visa streams with skilled migration. I think the blurred lines that these two policies created are telling for the prospect of future immigration policy embedded in neoliberal human capital approaches beyond the realm of policies towards skilled migrants. It is important to scrutinise the discourse around this, the criteria being used and understand the demographics of this recently developed visa flow in terms of gender, race and class.

For Britain, the most obvious route is to research the overhaul of the previous policies after Brexit and how it made way for a points-based system that organised all work-related forms of entry. A route for health and care workers was also introduced, with lower costs than other skilled routes, which should be of interest for a gender-based approach to scrutinise the criteria and outcomes regarding the feminisation of the health sector. Apart from the seasonal work visa, less skilled migrants have no routes available to them. There are no provisions for work visas that are not deemed skilled by the new points-based system. Work-related migration only has forms of entry if deemed skilled, or in this case seasonal as an exemption relating to the many difficulties in the British agricultural sector without access to the free movement of cheap labour from the EU. Skills have been the organising concept behind this new set of policies and, as a floating signifier, it is going to be instrumentalised in various and different ways for each visa category. Hence, a need to understand what it has meant for this new chapter of British immigration policies.

This would also contribute to another limitation of this study, the time frame. I have chosen to research the decade spanning 2007-2017 as the critical years in which the neoliberalisation of immigration policies became the norm beyond partisan lines. It was a moment of intense change and growing anti-immigration discourse. The following years were no less turbulent. Hindsight has helped me analyse the context of these changes knowing what else was coming and how much more ubiquitous and pervasive this market-oriented model could be. Looking into the policy changes from 2017 onwards is the most consequential next step for research interested in discriminatory practices and selective policies towards skilled migration. The many facets of the historical, economic, political and social context discussed during the 2007-2017 era offer a myriad of routes for researchers who are curious about how this privileged route is shaping whole immigration regimes. Skills as a floating signifier require a constant and watchful pair of

eyes from critical thinking scholars who are unequivocal about the need to understand power relations to promote equality.

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Published Year	Title	Specifity	Prime Minister	Home Secretary	Skills definition
01.2002	Highly Skilled Migration Program (HSMP)	Points-based policy (75 points requirement)	Tony Blair (PM 1997 - 2007)	David Blunkett (HS Jun 2001 - Dec 2004)	Qualification: Work Experience; Past earnings; Achievement in your chosen field; Priority for GPs
01.2002	Changes to the Visitor Visa	Points-based policy (75 points requirement)	Tony Blair (PM 1997 - 2007)	David Blunkett (HS Jun 2001 - Dec 2004)	Qualification: Work Experience; Past earnings; Achievement in your chosen field; Priority for GPs
01.2005	TIER 1 (Highly Skilled)	Home Office Publication	Tony Blair (PM 1997 - 2007)	Charles Clarke (HS Dec 2004 - May 2005)	Qualifications: Occupational area income
01.2005	TIER 2 (Skilled)	Home Office Publication	Tony Blair (PM 1997 - 2007)	Charles Clarke (HS Dec 2004 - May 2005)	Qualifications: Occupational area income
03.2006	A PMS Making Migration Work for Britain	Points-based policy (75 points requirement)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; Age; Bonus for qualifications gained in the UK
03.2006	PMS - TIER 1 - General	Points-based policy (75 points requirement)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; Age; Bonus for qualifications gained in the UK
03.2006	PMS - TIER 1 - Post-Study	Points-based policy (75 points requirement)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; Age; Bonus for qualifications gained in the UK
03.2006	PMS - TIER 1 - Enterprise	Points-based policy (75 points requirement)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; Age; Bonus for qualifications gained in the UK
03.2006	PMS - TIER 2 - Skilled	Points-based policy (75 points requirement)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; Age; Bonus for qualifications gained in the UK
02.2008	Points-Based System	Points-based system that recognises immigration rules in the UK	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; Age; Bonus for qualifications gained in the UK
02.2008	Tier 1 - General (30.06.2008)	Points-based policy replacing Investors visa (75 points)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Previous earnings; UK equine; Age
02.2008	Tier 1 - Investor (30.06.2008)	Points-based policy replacing Business Persons and Innovators visa	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Investment and business activity in the UK
02.2008	Tier 1 - Entrepreneur (30.06.2008)	Points-based system replacing Fresh Talent Scotland and International Graduates Scheme	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications obtained in the UK in the last 12m
06.2008	Tier 2 - General (27.11.2008)	Points-based system + RMT	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Qualifications; Salary; Sponsorship
06.2008	Tier 2 - Ministers of Religion (27.11.2008)	Points-based system 70 points	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Occupational sector; Maintenance funds; Sponsorship
06.2008	Tier 2 - Sportspeople (27.11.2008)	Points-based policy (70 points requirement)	Gordon Brown (PM 2007 - 2010)	Jaquie Smith (HS Jun 2007 - Jun 2009)	Occupational sector; Maintenance funds; Sponsorship

Age limit	Educational level	Work Experience	Salary Threshold	Investors	Demand-driven	Supply-driven or other*	Sponsor needed	Freedom to start	Occupational sector	Language test	Quota	Route to settlement	Rights to far	Observations
No	Tertiary education minimum	Yes	Yes	No	Supply-driven	No	No	Yes	Not restricted, priority	Yes	No	Yes	Yes	12month 12 month pilot
No	Bachelor (15); Masters (25) or PHD (30)	25 points for 5y experience in graduate & Past income 12m; ADJUSTED	Supply-driven	No	Supply-driven	No	No	Yes	Not restricted, priority	Yes	No	Yes	Yes	12month Significant achievement 15 points, exceptional achievement 25 points
No	Tertiary education minimum	Yes	Yes	No	Supply-driven	No	No	Yes	Yes (IELTS band)	Yes	No	Yes	Yes	
No	NVQ Level 3 (A level equivalent)	Yes	Yes	No	Demand-driven	Yes	Yes	Upon approval	Yes	Yes	No	Yes	Yes	
Yes for Que	Bachelor (30); Masters (35) or PHD (50)	Yes	Yes	Yes	Hybrid	No	No	Yes	Yes	Yes	No	Yes	Yes	
					Demand-driven	Yes	Yes	Yes						
					Income-driven	Yes	Yes	Yes						
					Income-driven	Yes	Yes	Yes						
Yes (Under 18s selected list 25p; PHD 50 points; Masters 30points; Bachelors 30points)	Wide range, check link	Wide range, check link	Wide range, check link	No	Supply-driven	No	No	Yes	Yes (IELTS 6.5)	Yes	No	Yes	Yes	Extra points if earnings or qualifications in the UK. Eligibility criteria 1
No	No	No	£1 million pound investments	Income-driven	Income-driven	No	No	Yes	Investment for - don't work in cat No	Yes	No	Yes	Yes	75 points under criteria paragraph 62 to 30 annex A
No	Tertiary education minimum	Yes - UK business over 200k and other all UK business (some attributes)	Income-driven	No	Income-driven	No	No	Yes	No	No	No	Yes	Yes	75 points
No	NVQ Level 3 Sp; Bachelors or Masters 30	Yes	Yes	Yes	Demand-driven	Yes	Yes	No	No	No	No	Yes	Yes	A two-step approach, attributes are all about UK experience as student
No	No	Maintenance funds	Demand-driven	Yes	Demand-driven	Yes	Yes	No	No	No	No	Yes	Yes	ICTs are guided by these rules
No	No	Yes	Demand-driven	Yes	Demand-driven	Yes	Yes	No	Need to re-yes	Yes B2	No	Yes	Yes	
No	No	Yes	Demand-driven	Yes	Demand-driven	Yes	Yes	No	Need to re-yes	Yes (basic level)	No	Yes	Yes	