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Harmonising Migration: An Analysis of Points Based Systems

**Adapting the Best Practices from Canada, Australia, and the UK for a Unified
European Union Immigration Framework**

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1. Abstract

This thesis delves into the intricate landscape of immigration policies, specifically focusing on the Points Based Systems (PBS) employed by Canada, Australia, and the United Kingdom. Each of these countries has pioneered unique PBS mechanisms, reflecting their socio-economic needs and migration objectives and I hope that by dissecting the strengths and disadvantages of each system it will be possible to extract the best practices and potential pitfalls. The ultimate aim is to utilise these insights into a proposal for a unified European Union Points Based immigration system. I will attempt to comparatively analyse these three systems, while drawing parallels and contrasts between distinct national contexts and the diverse socio-political landscape of the EU, aspiring to provide a roadmap for EU policymakers. By combining the advantages of established systems and circumventing the identified challenges, the envisioned EU PBS seeks to foster efficient, equitable and strategic immigration policies that align with the EU's broader objectives and values, in the light of articles 79 and 80 of the TFEU.

Keywords: Immigration, Points Based System, United Kingdom, Canada, Australia, Schengen, Shared Competences

2. Setting the Stage: the current issues underlying the European Union migration policy

In today's interconnected world, immigration has emerged as a pressing and multifaceted issue, presenting both challenges and opportunities for communities and governments, particularly in the European Union.

The topic of immigration carries substantial implications for both sending and receiving countries, affecting economic development, social cohesion and cultural diversity.

However, within the EU, a region characterised by the principles of free movement and a shared commitment to fundamental values, the management of immigration has gained increasing importance over the course of the past years.

As Member States grapple with diverse migratory pressures and varying labour market needs, the necessity for a coherent and effective EU Common Immigration Policy has grown increasingly apparent, in particular when following the EU's response to immigration crises such as the 2015 Mediterranean refugee crisis and the more recent Ukrainian refugee crisis.

A cornerstone of the EU's immigration policy framework lies in Articles 79 and 80 of the Treaty on the Functioning of the European Union (TFEU). Article 79 grants the EU legislative powers in the area of immigration policy, recognizing the need for a common approach to ensure a well-managed and secure migration system, while emphasising the objective of fair treatment of third-country nationals and acknowledging the potential for legal migration to contribute to the economic and social development of both Member States and the EU as a whole.

Article 80 of the TFEU further establishes that the EU's immigration policy should be complemented by solidarity and a fair sharing of responsibility among Member States.

However, the study of a practical implementation and achievement of a Common Immigration Policy within the EU will prove to be a complex and challenging task that will have to bring together very diverse interests, policy preferences and historical contexts of Member States.

In light of this, there is ongoing debate regarding the need for a more harmonised and coordinated approach that transcends national boundaries and ensures a more consistent and equitable treatment of migrants across the EU.

This thesis seeks to contribute to this important discourse by examining the immigration systems of Australia, Canada and the United Kingdom, with these three countries having successfully adopted points based systems in their immigration policies.

By analysing the implications, benefits, and challenges of these three different approaches, I aim to shed light on the feasibility and desirability of implementing a Points Based System at the EU level while considering the relevant provisions of Articles 79 and 80 of the TFEU.

This study aims to provide valuable insights to policy-makers, stakeholders and researchers involved in shaping EU immigration policies, ultimately striving to facilitate the development of a comprehensive and effective EU Common Immigration Policy that aligns with the principles of fairness, solidarity and shared responsibility embedded in the EU treaties.

Firstly, migration policy is a competence that, while shared in certain aspects, is still a treasure that Member States hold very closely guarded.

Currently, the EU lacks effective means to guide its migration and asylum policy in the right direction and is mainly focused on border control, rather than a comprehensive approach that directly addresses the root causes of the issues that were previously discussed.

A fully unified European Union policy appears challenging while Member States still view immigration policy as a point of contention and it will remain a hurdle that will necessarily have to be overcome as part of ever increasing global mobility.

Secondly, if there is to be profound change in the Community's migration policy there must be an assumption of responsibility by the Member States by fostering informed debates with all stakeholders on access to European territory and by establishing strong relationships with third countries.

Considering the EU's shortcomings in the management of the previous migration crises and with the potential for an exponential increase in migration volume in the coming years, the development of a comprehensive immigration and asylum policy is crucial.

A shared migration framework should define clear migration goals, develop instruments to sustain these goals and implement them in a way that does not leave Member States in vulnerable positions.

For this purpose, we must learn from other countries' migration systems and attempt to adapt our findings to work at an EU level, for example, by tackling unique challenges such as demographic imbalances and inequalities linked to social protection, foreign relations, labour markets and public services.

In my study, I have chosen to look to at Australia, Canada and the United Kingdom as success stories in the implementation of a system that, in my view and for the reasons which I will explain in the following subchapter, can adequately address the sovereignty, economic, labour and security related concerns that have been plaguing the establishment of a common European migration system for the past few years.

2.a Why points-based systems?

First and foremost, points-based systems have a proven track record of effectiveness as they have been implemented and tested in various countries, including Australia, Canada, and the United Kingdom, over significant periods of time.

These systems have demonstrated their ability to manage immigration by providing a transparent and structured framework for evaluating and selecting migrants based on specific criteria. By focusing on points-based systems with precedence, the EU can draw on the experiences and lessons learned from these systems to inform the design and implementation of its own common migration policy.

Additionally, points based systems can be aligned with the EU and Member States' economic objectives. These systems are designed to allocate migrants who possess the skills and

qualifications that align with the economic needs of the host Member State, directly addressing one of the main criticisms of the current migration flows within the EU.

By establishing a bridge of contact between each Member States' economic and labour needs with a centralised distribution entity at an EU level, with corresponding score priorities being attributed to certain needs, it would facilitate the contribution of migrants to the host country's economic growth.

Points based systems also establish consistency and harmonisation in a common EU migration policy by providing a standardised and objective approach to selecting migrants based on predetermined criteria, thus ensuring a fair and equitable treatment of migrants but also reducing disparities in the admission process, promoting a level playing field within the EU.

This is also supported by transparency playing a key factor, as points based systems provide clear criteria for entry and promote the selection of migrants based on merit.

Public and political acceptance play a vital role in the successful implementation of any migration policy and since these types of systems have proven their worth in countries where they have been successfully implemented, it also provides a strong factor for their acceptance by the Member States by demonstrating the positive outcomes and public acceptance of such systems.

Finally, points-based systems offer adaptability and flexibility. They can be adjusted to meet changing societal, economic, and labour market needs. These systems often incorporate periodic reviews and updates to ensure their continued relevance and effectiveness.

By applying a common migration policy based on the use of a points based system, the EU can explore how to design a flexible and adaptable common migration policy that can respond to evolving challenges and opportunities. This ensures that the policy remains relevant and effective over time, accommodating the changing dynamics of migration patterns and the needs of the EU.

These systems have a proven track record of effectiveness, aligned with economic objectives, promoting consistency and harmonisation, enhancing public and political acceptance, and offering adaptability and flexibility.

By learning from the experiences and best practices of countries that have successfully implemented points-based systems, the EU can develop a robust and effective migration policy that meets its specific needs and objectives, while also ensuring fairness, transparency, and public confidence.

3. Understanding the Hybrid Model - the Australian Points Based system

A points based system is used for processing applications of foreign workers who wish to migrate to a new country. There are many ways to design points systems but the general concept is the applicants get attributed points for different characteristics that they may have. It's not a fixed system and there are many ways that applicants can add to their score, if someone doesn't have one particular characteristic, they may still get the same points for another sought after characteristic. This score is then tallied up and their score determines if they can migrate or not.

The criteria that is applied in such systems is driven by economic factors and what the State, in conjunction with the private sector, determines as more valuable and needed. For this reason, migrants like asylum seekers, international students or family migrants fall outside the scope of this system and require a more specific case by case analysis by the authorities.

Additionally, we also find “*employer-led*” systems that function by giving a fast-track entry point for migrants who already have a previous labour contract or a written promise. In the case of Australia, there is a mix of these two systems, where that fast-track option exists separately from the points based approach for migrants without a contract or promise.

The Skilled Employer Sponsored Regional visa falls into Subclass 494 of Australia's immigration program and grants a 5 year stay for migrants that are sponsored by an employer in a determined Australian region.¹

Australia pioneered the concept of a “*hybrid-system*” by establishing these two pathways for migration. There are strong advantages that can come from employer selection regarding worker integration and boosting labour competition.²

The Australian points based system is still in strong control of the State and even with the use of employer selection, it has not fallen completely into the hands of the private sector. This

¹ Skilled Employer Sponsored Regional (Provisional) visa (subclass 494). (2022). Department of Home Affairs of the Australian Government. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-employer-sponsored-regional-494>

² Papademetriou, Demetrios G. and Madeleine Sumption. 2011. *Rethinking Points Systems and Employer-Selected Immigration*. Washington, DC: Migration Policy Institute

has allowed the Australian government to establish criteria that is not entirely economically driven and instead prioritise certain skills such as the personal characteristics of the migrant, their education, language skills and work experience.

3.a How does the Australian Points Based System work?

To apply for the work visa, immigrants must access the Department of Home Affairs website and submit an “*expression of interest*”. In this first stage, the basic requirements like age and language proficiency are analysed and some are invited to go forward with a visa application.

The visa application then determines certain skills and characteristics of the applicant and ranks them according to this table below. Applicants must score at least 65 points but in practice, since only the highest candidates are granted visas, applicants have needed at least 85 points in the past years.³

Attribute	What is valued most	Maximum Points
Age	Highest points for those age 25-32 years	30
Language	Three levels of English: competent, proficient and superior	20
Skilled work experience in Australia	More is better, up to 8 years	20
Skilled work experience overseas	More is better, up to 8 years	15
Educational qualifications	More is better up to PhD level. Qualifications must be recognised as equivalent to Australian ones	20

³ Sumption, M. “The Australian points-based system: what is it and what would its impact be in the UK?” Migration Observatory report, COMPAS, University of Oxford, UK, July 2019

Education or training in Australia	Up to 5 points each for professional training in certain fields, Australian study, certain specialist qualifications and study in 'regional Australia'.	20
Other	Qualification in a 'credentialled community language' (5 points) and partner is qualified for skilled job (5 points)	10

Table sourced from the Department of Home Affairs⁴

If the system was left unmonitored and with a fixed number of visa slots available, there could be a situation where only highly educated and experienced engineers with a PhD would be admitted in a given year. To avoid this, the Australian government determines yearly quotas for visas granted to migrants from a certain occupation. For example, in 2019, only 1000 child centre managers were granted visas.⁵

This means that in practice, certain occupations that are receiving more applications than others, have a higher point requirement for entry.

3.b What are the advantages and disadvantages of the Australian Points Based System?

A large advantage of a points based system is the transparency it provides. With traditional immigration systems, dictated by interviewers and criteria that is often not so clear, transparency becomes an issue. For policy makers, this is a huge advantage in that it allows them to communicate with the public and clearly explain the guidelines for entry. For migrants it's also very advantageous in that it's very easy to quickly determine if you are able to migrate or not.⁶

Another strong point is flexibility. The chosen criteria is not set in stone forever and can be subject to changes as the needs of the State evolve. The economy and the labour market

⁴ Australian Department of Home Affairs, Points Table for Skilled Independent Visa (subclass 189)

⁵ Sumption, M. "The Australian points-based system: what is it and what would its impact be in the UK?" Migration Observatory report, COMPAS, University of Oxford, UK, July 2019

⁶ Papademetriou, Demetrios G. and Madeleine Sumption. 2011. *Rethinking Points Systems and Employer-Selected Immigration*. Washington, DC: Migration Policy Institute

changes quickly and the Australian government can adapt the criteria to match those changes. Additionally, the Department of Home Affairs is constantly monitoring a number of factors related to the integration and employability of the migrants that have been admitted and through the study of that data they can refine the criteria to improve the system.⁷

A third advantage is speed and processing capability. According to the Australian Bureau of Statistics⁸, around 200,000 migrants entered Australia in the year 2019. This may seem like a small number in comparison to the numbers the EU faced in the previous years, however, Australia is only a single country and they are consistently able to process millions of applications, evaluate them transparently and grant visas based on real results. The process is quick and fully online. With a traditional migration system, this would not be possible.

Finally, a fourth advantage is the strong integration of migrants and employability post arrival. Looking at the yearly reports of the Department of Home Affairs⁹ over the past years we are able to see that points-tested migrants in Australia have consistently employment rates of over 90% 18 months after arrival.¹⁰

On the other hand, a common criticism about the Australian system is the other side of the coin described in the second advantage. Although the system is flexible and in the hands of the Australian government, it relies on the government's perspective of what skills are valuable, rather than the views of the employers that recruit them. If there isn't a strict bridge of communication between the government and the private sector it may lead to high percentages of unemployment from skilled migrants coming into the country.

Another line of concern lies with the unpredictability of the outcome in certain situations. If there are a high number of applicants at any given time, the bar for admission will be higher, considering there is only a fixed amount of visas for a certain period.

⁷ Papademetriou, Demetrios G. and Madeleine Sumption. 2011. *Rethinking Points Systems and Employer-Selected Immigration*. Washington, DC: Migration Policy Institute

⁸ Migration, Australia, 2019–20 financial year. (2021, April 23). Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/people/population/migration-australia/latest-release>

⁹ Department of Home Affairs of the Australian Government. (2018). Continuous Survey of Australia's Migrants - Cohort 6 Report—Introductory survey 2018 and Department of Home Affairs of the Australian Government. (2016). Continuous Survey of Australia's Migrants - Cohort 3 Report—Change in outcomes 2016

¹⁰ Sumption, M. "The Australian points-based system: what is it and what would its impact be in the UK?" Migration Observatory report, COMPAS, University of Oxford, UK, July 2019

In regards to the employer-led part of the system, it enables the government to dictate which migrants are selected to do certain jobs, rather than leaving that decision to the market. It's the government who has the final say in the visa process, even with a contract. Additionally, workers in Australia that enter through this process are linked to that specific job for the duration of their 5 year stay and may not change jobs. Finally, this process still remains a burden for employers and migrants alike, there must be a labour agreement between the Labour Department and the recruiting company on the area of work they perform in order for them to become a sponsor.¹¹

Finally, the main and final criticism about these systems is that they can be abused to the detriment of migrant and national workers alike. Without control, a system like this can result in the private sector resorting more and more to foreign workers who might be willing to be underpaid and exploited for their labour, and in turn damage competition in the internal labour market.¹²

In Australia, there are a number of measures in place that aim to address this imbalance.¹³ For example, there is a requirement for the payment of market salary rates for sponsored workers; there is a mandatory minimum salary depending on the labour area to be paid to migrant workers; there is a limited number of occupations eligible for employer sponsorship limited to those determined to be in demand by the government; Employer Sponsors have to contribute to the Skilling Australians Fund and a requirement for migrants to hold the same registration, licencing and certification required for national workers.

These types of measures affect both sides of the scale, pending towards migrant worker protection but also towards national worker protection. This demonstrates one of the major flaws in the points system - upkeeping the balance between these two realities.

¹¹ Sumption, M. (2019). Is Employer Sponsorship a Good Way to Manage Labour Migration? Implications for Post-Brexit Migration Policies. *National Institute Economic Review*, 248(1), R28–R39. <https://doi.org/10.1177/002795011924800111>

¹² Tani, M. (2014, May). Using a point system for selecting immigrants. UNSW Canberra, Australia, and IZA, Germany. <https://wol.iza.org/uploads/articles/24/pdfs/using-a-point-system-for-selecting-immigrants.pdf>

¹³ Department of Home Affairs of the Australian Government. (2022). Learn about sponsoring. <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/learn-about-sponsoring>

4. Exploring Decentralisation to the Provinces - the Canadian Points Based System

Over the past fifty years, Canada has cultivated an image as a welcoming country that embraces immigrants and values diversity, serving as a successful case study¹⁴ on our comparative approach to points based systems for immigration across the world.

In 2021, the population of landed immigrants or permanent residents in Canada, including both current and former statuses, surpassed 8.3 million individuals. This represented nearly a quarter (23.0%) of the total population, the highest percentage since the Confederation and exceeding the former record of 22.3% set in 1921.¹⁵

Immigrants have contributed greatly to counteracting the effects of an ageing population and stimulating economic development. However, as has been the case with the United Kingdom and Australia, there has been a segment of Canadians that has voiced apprehensions about the escalating pressure on housing and public services.

Canada has a proud tradition of being a safe haven for migrants across the world and Canada's cultural and societal fabric has been deeply influenced by immigration.

In their post-independence period, Canada leveraged immigration to aid in the development of vast expanses of land, officially sponsored promotional campaigns and hiring initiatives enticed immigrants from that time period to establish settlements in rural and frontier areas.

Despite the general welcoming stance, not all immigrants found favour. Policies in the nineteenth and early twentieth centuries blocked or dissuaded immigration from specific groups, including those of non-European and non-Christian origins, as well as those who were poor, ill, or disabled.¹⁶

¹⁴ Immigration, R. a. C. C. (2023, June 9). #ImmigrationMatters: Canada's immigration track record. Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/immigration-matters/track-record.html>

¹⁵ Government of Canada, Statistics Canada. (2022, October 26). The Daily — Immigrants make up the largest share of the population in over 150 years and continue to shape who we are as Canadians. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/221026/dq221026a-eng.htm>

¹⁶ Cheatham, A. (2023, March 8). What is Canada's immigration policy? Council on Foreign Relations. <https://www.cfr.org/backgrounder/what-canadas-immigration-policy>

The post-war era witnessed a shift in Canada's immigration perspective, with an influx of refugees and others escaping Europe, a softening public sentiment towards foreigners, and an economic upswing necessitating a larger workforce. The geopolitical frictions of the Cold War also impacted Canadian policy, leading to preferential treatment for anti-Communist and immigrants from the Soviet bloc.

However, according to the Canadian Museum of Immigration¹⁷, “(...) *immigration regulations introduced in 1967 established new standards for assessing potential immigrants and determining admissibility. According to the new provisions, independent immigrants were assigned points in specific categories relating to their ability to successfully settle in Canada.*”

This is the first known use of a points based system in immigration policies and with the advent of this new system, Canada heralded a transformative approach that prioritised merit over origin, making the process more transparent, objective, and non-discriminatory. Under this system, applicants were evaluated based on a variety of factors including education, language proficiency, work experience, and age, reflecting their potential to contribute to and integrate into Canadian society and economy.

This groundbreaking policy change not only diversified the immigrant population in Canada by welcoming individuals from non-traditional source countries but also set a global standard, influencing the design of immigration policies in other countries around the world.

This policy change was further compounded by a policy enacted in 1971 that expressed the government's endorsement of cultural diversity. Furthermore, legislation enacted in 1976 formally solidified Canada's commitment to refugees, requiring that federal and provincial officials collaboratively determine immigration goals. This law also portrayed immigration as a means to fulfil Canada's cultural, economic, and social aspirations.¹⁸

Ever since, immigration has consistently been a critical factor in the growth of Canada's economy, providing a steady influx of relatively young workers. As the local labor force ages

¹⁷ Immigration Regulations, Order-in Council PC 1967-1616, 1967 | Canadian Museum of Immigration at Pier 21. (n.d.). Available at: <https://pier21.ca/research/immigration-history/immigration-regulations-order-in-council-pc-1967-1616-1967>

¹⁸ Canadian Multiculturalism Policy, 1971 | Canadian Museum of Immigration at Pier 21. (n.d.). <https://pier21.ca/research/immigration-history/canadian-multiculturalism-policy-1971>

and the fertility rate stagnates at about 1.4 births per woman—significantly below the global average of 2.4—immigrants have become progressively more crucial.¹⁹

Nonetheless, despite efforts to attract skilled immigrants, Canada still grapples with a deficiency in skilled workers and is actively making proactive adjustments to their points based system in order to utilise the advantage of adaptability in this system and tackle this challenge.

4.a But how does this all work?

There are currently more than 80 pathways of immigration into Canada, however, for the purposes of our study, we will focus on the two pathways that currently make use of a points based admission system for applications - the Express Entry program and the Provincial Nominee Programs.

As we have previously done for both the United Kingdom and Australia's systems, we will give a brief explanation of the ways in which Canada has integrated a points based system in their immigration programs and then analyse the advantages and disadvantages of the programs in order to better understand the direction in which a potential European Union centralised points based system needs to head in order to establish a fair and comprehensive system, that is fair for all applicants.

As we have previously introduced, Canada has a vast experience in cultural diversity and immigration and as such, there is a lot to take away from the current systems that are in play.

¹⁹ Government of Canada, Statistics Canada. (2022a, April 27). A portrait of Canada's growing population aged 85 and older from the 2021 Census. Available at: <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/98-200-X/2021004/98-200-x2021004-eng.cfm>

4.b The Express Entry Program

According to the Express Entry Year End Report for 2021²⁰, drafted by Immigration, Refugees and Citizenship Canada, north of 300.000 eligible applicants were granted permanent residence status through this program, with a steady increase reported since the start of this program in 2019.

The popularity of this pathway is mostly on account of how simple, effective and diligent the process is - it's reported that candidates applying through this program may receive residence status in a period as short as 6 months²¹

The Express Entry program covers three key federal economic immigration programs:

- The Federal Skilled Worker Program (FSWP);
- The Federal Skilled Trades Program (FSTP);
- The Canadian Experience Class (CEC).

Provinces and territories can also recruit candidates from the Express Entry system through their Provincial Nominee Programs (PNPs) to meet local labour market needs but we will analyse this program individually further ahead.

These three programs allow different applicants, with different skill sets and current working status to apply for permanent residence in Canada, through the creation of an online profile which is then automatically analysed to determine their eligibility for one of the three programs.

Firstly, the Federal Skilled Worker Program, according to Immigration, Refugees and Citizenship Canada²², is a program directed at skilled workers with foreign work experience who want to immigrate to Canada permanently.

²⁰ Express Entry Year-End Report 2021. (2022, December 23). Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/express-entry-year-end-report-2021.html>

²¹ Major, R. (2023, January 10). How to immigrate to Canada. Canadim. Available at: <https://www.canadim.com/immigrate/>

²² Immigration, R. a. C. C. (2023a, May 26). Eligibility to apply as a Federal Skilled Worker (Express Entry). Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/federal-skilled-workers.html>

To be eligible to apply to this program, foreign workers must have at least 1 year of continuous, paid and skilled work in the area they are applying to work in, this skilled work must be ranked in the Canadian National Occupational Classification²³, as well as having to meet strict language and minimal education requirements and they must also demonstrate a proof of funds²⁴ to settle in Canada.

Secondly, applicants may also apply through the Federal Skilled Trades Program (FSTP), which, in the same manner as the FSWP, is directed at skilled tradesman from abroad that want to work in Canada.

To meet the minimum criteria for this program, applicants must demonstrate that they have 2 years of work experience in the 5 previous years to the application, that they meet the job requirements for that skilled trade as set out in the National Occupational Classification²⁵ and either that they have a valid job offer for a period of at least a year or a certificate of qualification in the skilled trade that they are applying to. Additionally, applicants must also meet the same language, education and proof of funds requirements as in the FSWP.

Thirdly, the Canadian Experience Class Program (CECP) is directed at skilled workers who have Canadian work experience and want to become permanent residents²⁶.

To meet the minimum requirements of this program, applicants must have at least 1 year of skilled work experience in Canada, in the last 3 years before applying and also that they have acquired this experience while under temporary resident status with authorization to work, as

²³ Immigration, R. a. C. C. (2023b, May 31). Find your National Occupation Classification (NOC). Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/find-national-occupation-code.html>

²⁴ Immigration, R. a. C. C. (2023a, May 2). Proof of funds – Skilled immigrants (Express Entry). Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/documents/proof-funds.html>

²⁵ Immigration, R. a. C. C. (2023b, May 31). Find your National Occupation Classification (NOC). Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/find-national-occupation-code.html>

²⁶ Immigration, R. a. C. C. (2023b, May 10). Eligibility to apply for the Canadian Experience Class (Express Entry). Canada.ca. <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/canadian-experience-class.html>

well as the meeting the same language, education and proof of funds requirements as in the FSWP.

Alas, if the applicants meet the minimum requirements for any of the three programs they may submit their profiles through a simple online form where they introduce themselves, their skills, their experience and any other relevant characteristics.

After submitting the profiles and the system recognizing that they meet the minimum criteria for the program they're applying to, these profiles are ranked a score through the Comprehensive Ranking System (CRS).

The CRS is a sophisticated tool that allows the Canadian government to effectively manage the pool of applicants seeking permanent residency through Express Entry. The system uses a comprehensive set of criteria to assess applicants, awarding points for each factor, with the maximum total score being 1,200.

This maximum score is divided with the attribution of 500 points (460 if applying with a spouse) dedicated to the Human Capital factors, 40 points if applying with a spouse, 100 points for skill transferability factors and an additional 600 points up for grabs in additional points²⁷.

Each applicant's CRS score is determined by comparing information in their profile to the scoring criteria that is publicly available on the Immigration, Refugees and Citizenship (IRCC) website²⁸.

For our analysis, in a very summarised manner, the CRS attributes points based on criteria such as Human Capital factors, which include age, education, language proficiency and previous Canadian work experience; Spouse or Common Law partner factors in the same way as the applicant; Skills Transferability factors and most importantly additional factors such as

²⁷ Major, R. (2021, December 14). How the Canada Express Entry Comprehensive Ranking System (CRS) works - Canadim. Canadim.

<https://www.canadim.com/immigrate/express-entry/comprehensive-ranking-system/>

²⁸ Express Entry Year-End Report 2021. (2022, December 23). Canada.ca. Available at:

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/express-entry-year-end-report-2021.html>

having a PNP nomination, previously arranged employment and having family already established in Canada.

4.c The Provincial Nominee Program

The Canadian Provincial Nominee Program (PNP) represents an essential part of Canada's immigration policy, aimed at addressing specific regional labour needs and encouraging economic growth²⁹.

The PNP enables individual provinces and territories in Canada to nominate individuals for immigration, reflecting their unique labour market needs and regional demands. This program directly bridges the gap between local labour needs, of whatever kind they may be and a foreign workforce that can help supply those needs³⁰.

It's a collaborative program between the federal government and provincial and territorial governments, each with its unique streams and criteria and it is ground breaking in showcasing one of the biggest advantages of points based systems - the flexibility and adaptability of the system.

The PNP operates across most of Canada's provinces and territories, each of which has agreements with the federal government, reflecting the particular needs and priorities of each region at any given time and adapting the points attribution structure in order to supply much needed labour to the provinces.

PNP's also represent a popular venue for applicant's wanting to apply for permanent residency - as previously established, a Provincial nominee awards the maximum of 600 points in the CRS Additional Points category, almost guaranteeing that the applicant will receive an Invitation to Apply.

²⁹ Immigration, R. a. C. C. (2022, December 20). How the Provincial Nominee Program (PNP) works. Canada.ca. Available at >
<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/provincial-nominee-works.html>

³⁰ Major, R. (2022, August 22). Canada's Provincial Nominee Programs (PNPS) - Canadim. Canadim. <https://www.canadim.com/immigrate/provincial-nominee-program/>

Considering each province has their own criteria of admissions, we will not be able to go through each one and analyse the process of application, however, there are certainly commonalities across provinces, such as language proficiency, education, work experience, and connections to the province.

But let's take the province of Manitoba as an example - according to the Manitoba Provincial Nominee Program for Skilled Workers - *"(...) All eligible candidates interested in applying to the Manitoba Provincial Nominee Program (MPNP) must first submit an Expression of Interest (EOI) to the program. EOIs are entered into a pool and on a regular basis, the highest-ranking candidates in each category are issued Letters of Advice to Apply (LAA), enabling them to submit a full application, provided they are not excluded (...)"*³¹.

In this specific case, by analysing Manitoba's entry requirements, to be able to submit an Expression of Interest, applicants must have a connection to Manitoba through family or previous education and/or work, their chosen occupation must be in line with Manitoba's labour needs at the time and they must also meet minimum language and educational criteria, with a strong preference for young applicants, in line with the Express Entry program³².

If the applicant then meets all the eligibility criteria, as is the case with the Express Entry program, there is a draw between the different candidates and they are matched against each other and selected based on transparent and objective criteria.

With a Provincial sponsor, applicants applying through one of the three branches of the Express Entry program will be nearly guaranteed to be chosen to be attributed the permanent residency status.

4.d What are the advantages and disadvantages of the Canadian Points Based System?

³¹ Manitoba Provincial Nominee Program for Skilled Workers. (n.d.). Government of the Province of Manitoba. Available at:

<https://immigratemanitoba.com/wp-content/uploads/2022/09/mpnp-policy-guidelines-public.pdf>

³² Manitoba Provincial Nominee Program for Skilled Workers. (n.d.). Government of the Province of Manitoba. Available at:

<https://immigratemanitoba.com/wp-content/uploads/2022/09/mpnp-policy-guidelines-public.pdf>

The Canadian Points-Based System, primarily recognized through the Express Entry system and the Provincial Nominee Program, represents a significant shift in the way immigration candidates are selected. The system's benefits are numerous, reflecting a more streamlined, efficient, and responsive approach to immigration policy.

Much like the other points based systems we have studied, by assigning points for qualifications such as skills, work experience, and education, Canada is able to ensure that immigrants' profiles align with their own labour market requirements. This targeted approach helps to fill specific skill shortages, supporting industries and sectors where the need is greatest.

With the increased popularity of the Express Entry program, particularly through the use of the Federal Skilled Worker Program, Canada is quickly becoming a hub for global talent in sectors like technology, healthcare and engineering.

According to the research published by Immigration, Refugees and Citizenship Canada, the top 5 occupations of people invited to immigrate under the Express Entry program are software engineers and designers, information systems analysts, computer programmers, financial auditors and accountants and advertising, marketing and public relations professionals, with the majority of successful applicants detaining degrees in STEM³³ (Science, Technology, Engineering, and Mathematics) .

These numbers, provided by the Canadian government, raise an interesting debate on whether an emphasis on STEM qualifications is beneficial to overall economical growth. On one hand, STEM professionals can significantly fuel economic advancement and promote economic growth through the value that their labour creates and the increased salaries that professions in these high paying fields tend to command, in turn, generate increased tax revenue and technological innovation.

³³ Immigration, R. a. C. C. (2023f, June 9). #ImmigrationMatters: Canada's immigration track record. Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/immigration-matters/track-record.html#economy>

In addition to this, there's a persistent skills gap in many developed nations, including Canada³⁴. In 2021, a study conducted by StatCan³⁵ concluded that a majority of employers reported major gaps in their workforce, with technical jobs being in the highest demand. Through a focus on highly proficient applicants, Canada is tackling these shortages while positioning itself as a global tech hub, which, in turn, can subsequently attract formidable investments and spawn ancillary benefits.

However, these highly skilled migrants tend to predominantly cluster in specific urban zones, creating professional enclaves and enabling social phenomena such as gentrification, which, according to the Council of Europe³⁶, “(...) is a process through which lower income residents are displaced from the neighbourhood due to an influx of new residents, resulting in a change of character of the neighbourhood. Therefore, gentrification has two key features: displacement, both physical and symbolic and change in social and urban character.”

The education system could also face strains - a perception favouring STEM degrees might ramp up competition for domestic students, while other vital disciplines could be sidelined, possibly heralding future shortages in those sectors.

Another major socially oriented advantage of the Canadian points based system is the demographic regeneration that is capable of and has been providing to the ageing Canadian population, by rewarding applicants of a young age, Canada has been focused on reverting this trend and ensuring that they are able to maintain the public commitments to health care, public pensions and other social programs³⁷.

Finally, on an administrative level, there are only positive takeaways from the Canadian points based system.

³⁴ Zaidi, D. (2022, October 8). Canada's critical "skills gap" problem explained in 6 charts. CTVNews. Available at:

<https://www.ctvnews.ca/business/canada-s-critical-skills-gap-problem-explained-in-6-charts-1.6100855>

³⁵ Government of Canada, Statistics Canada. (2022b, October 3). The Daily — Survey of Employers on Workers' Skills, 2021. Available at:

<https://www150.statcan.gc.ca/n1/daily-quotidien/221003/dq221003d-eng.htm?CMP=mstatcan>

³⁶ Gentrification - Intercultural cities programme - www.coe.int. (n.d.). Intercultural Cities Programme. Available at: <https://www.coe.int/pt/web/interculturalcities/gentrification>

³⁷ Immigration, R. a. C. C. (2023e, June 9). #ImmigrationMatters: Canada's immigration track record. Canada.ca. Available at:

<https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/immigration-matters/track-record.html>

Firstly, through the fair, objective and transparent assessment that applicants to the different programs are subject to. At any point, candidates can take a self-assessment test to find out exactly where they score on the Comprehensive Ranking System (CRS).

A remarkable point to note is that Immigration, Refugees and Citizenship Canada, the government branch responsible for monitoring immigration matters, produces a yearly report³⁸ in which it provides feedback on immigration matters for the current year, in great detail with statistical data to demonstrate the claims being made.

This, in turn, contributes to the second greatest administrative advantage of the Canadian points based system - its adaptability. The system's adaptability allows it to constantly monitor changing labour market needs and economic conditions and change the CRS to better respond to those needs. Regular updates and adjustments ensure that it remains responsive to Canada's evolving requirements of any kind.

Thirdly, there is a vast and comprehensive list of resources available online, readily accessible to applicants through a dedicated website that makes sure that the process is as streamlined and easy to navigate as possible. As a result, applicants have a clearer understanding of the documents required to apply, the costs involved in the process and the time frames in which they are expected to have a result.

According to Matthew Doyle, Mikal Skuterud and Christopher Worswick, in a paper³⁹ published in 2023, the Comprehensive Ranking System (CRS) and, by extension, the Canadian points based system could benefit from “(...) *a tighter screening policy that prioritizes applicants’ human capital and expected Canadian earnings is a feasible channel through which Canada can raise per capita income (...)*”

In this paper, the authors share a concern for the long term capacity of the Canadian economy to absorb highly skilled migrants at the current rhythm and are of the opinion, which we are in

³⁸ Express Entry Year-End Report 2021. (2022, December 23). Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/express-entry-year-end-report-2021.html>

³⁹ Doyle, M., Skuterud, M., & Worswick, C. (2023). The Economics of Canadian Immigration Levels. Canadian Labour Economics Forum, 48. <https://clef.uwaterloo.ca/wp-content/uploads/2023/06/CLEF-058-2023.pdf>

complete agreement with, that by shifting away from the current STEM applicants bias and prioritising instead other human capital factors such as French-language representation or humanitarian objectives, there is a long term net gain in economical benefits over the short term gains of filling the gaps in the current tech sector boom.

Finally, Canada's Provincial Nominee Program (PNP) stands as a hallmark of decentralised, responsive, and effective immigration strategy.

The most significant advantage of the PNP is its ability to address regional disparities. Canada is vast and diverse, with each province and territory facing unique challenges and opportunities. The PNP provides regions with the tools to strategically select immigrants whose skills, experience, and backgrounds align with local labour market needs.

Additionally, the PNP empowers these different provinces and territories, ensuring that decision-making isn't overly centralised. This decentralisation provides a dual advantage: it makes the process more agile and responsive, and it instils a sense of ownership and responsibility among the provinces. By allowing the provinces of Canada to drive economic strategies by attracting specific talent pools or investors they are contributing to the bolstering of emerging sectors with a need for human capital.

Finally, by prioritising individuals with connections to the nominating province, such as family ties or prior work or study experiences, this program is breaking ground in community integration and retention rates for migrant workers.

By weaving this intricate tapestry of immigration policy, while the allure of STEM professionals in the Express Entry system is undeniable, so too is the need for a diversified approach. It's imperative that Canada maintains an equilibrium and the vast experience acquired over the many years of groundbreaking immigration policies has proven to be a critical information source for a potential European Union points based system that can work in such a diversified environment.

5. The British Global Talent Blueprint - the UK's Points-Based System

The United Kingdom's points-based system for immigration has been a significant policy development in the country's approach to managing the inflow of migrants and attracting highly skilled individuals.

Immigration is a very clear hot topic for the United Kingdom's policy making, with tensions on the rise, leading up to Brexit and even now with a very prevalent housing and cost of living crisis that threatens to spite the flames of nationalism even further.

The last 15 years have seen innumerable changes in the immigration policies adopted in the UK, with the adoption of the points based system in 2008, representing a fundamental shift towards a more selective and merit-based approach, focusing on the skills, qualifications, and potential contributions of prospective immigrants.

As with every system that is first implemented, it was marked by shortcomings⁴⁰ in its infancy and has since needed fine-tuning and considerable modifications to adapt the system to the needs of the economy and of society in general.

We shall analyse the UK's system after the Australian Points Based system because the United Kingdom took very heavy inspiration from Australian policy to create it and implement it - this is made very clear by analysing the tiered division present in both systems.

Prior to 2008, the United Kingdom relied on a labyrinthine scheme which saw 80 different types of visa granted⁴¹, and as such, there was a need for a more streamlined, clear, transparent and fair system.

With migration numbers on the rise, an Australian inspired Points Based System also provided the increased efficiency needed to tackle the large amounts of processing that such a

⁴⁰ Crawford, R., (2020). Why the new points-based immigration system threatens everyone's rights at work [online]. TUC: Trades Union Congress. Available from: <https://www.tuc.org.uk/blogs/why-new-points-based-immigration-system-threatens-everyones-rights-work>

⁴¹ Donald, A., (2016). Immigration points-based systems compared. BBC [online]. 1 June. Available from: <https://www.bbc.com/news/uk-politics-29594642>

volume of migrants brings - by facilitating the decision making processes behind the attribution of each visa, through the use of objective criteria.

According to the United Kingdom's Home Office, the department in charge of migration and visa attribution, this system was intended as part of a "simplification" effort of the previous system and intended to provide Home Office with additional control over migrant flows entering the UK, improve monetization of foreign workers working in the UK and also reduce the workload on the Home Office by simplifying the decision making process behind visa attribution.⁴²

As such, the PBS is designed to evaluate and select migrants using a mechanism, where foreign workers and applicants accumulate points based on various factors such as educational qualifications, job offers, language proficiency, salary levels, and occupation shortages.

Much like the Australian system, one of the greatest advantages of a Points Based System lies in its fluidity - while on the one hand, the criteria for which points are attributed to is public and objective, it is also dynamic and subject to change, fine-tuning and updating, based on the current necessities of the country.

These necessities can arise from economic, labour, social and even health reasons that will, in turn, dictate the current valuation in points of different skill sets.

One of the core features of the points-based system is its tiered structure, which organises immigration routes into different categories. Each tier has specific requirements and thresholds that applicants must meet to qualify for entry.

After Brexit however, according to the policy statement titled "The UK's Points-Based Immigration System", published by the Secretary of State for the Home Department on February 2020, the previously adopted PBS suffered another major revision and the Home

⁴² Daniels, A. (2014) A critical review of the UK immigration points-based system, Academia.edu. Available at: https://www.academia.edu/7441091/A_Critical_Review_of_the_UK_Immigration_Points_Based_System.

Office has committed to bringing in new tiers that will attract the high-skilled workers needed to boost the economy, the communities and the public services.⁴³

In line with the policies of the current Government, the new tiers in the PBS under this policy change, aim to pull away from *“a reliance on cheap labour from Europe and instead concentrate on investment in technology and automation.”*

For starters, the new PBS has eliminated the general low-skilled or temporary work route and, after Brexit, has established equal treatment for EU and non-EU citizens.

On the other hand, the new PBS now contains new routes for *“highly skilled workers, skilled workers, students and a range of other specialist work routes including routes for global leaders and innovators.”*

As we had previously analysed regarding the Australian system, in the new PBS, employer sponsorship still plays a crucial role in the attribution of points, with this, in some of the routes available to foreign workers, being a mandatory requirement.

As such, let's first start off by analysing the current tiers or “routes” available in the United Kingdom's Points Based System and we will conclude by looking at some of the data that has been made available since these latest changes have entered into effect.

5.a The United Kingdom's Points Based System

As we have previously mentioned, the United Kingdom's visa attribution system is an employee-led system, which means that within certain categories of visa, there is a prerequisite of having employee sponsorship to be able to qualify.

⁴³ Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, (2020). The UK's Points-Based Immigration System - Policy Statement Press release 978-1-5286-1775-8 [online]. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866744/CCS0120013106-001_The_UKs_Points-Based_Immigration_System_WEB_ACCESSIBLE.pdf

After the major revision that took place in 2020, the United Kingdom's Home Office moved away from the previously established system and implemented a revision which drastically changed the way that visa attribution functioned in a post-Brexit context.

Previously, there were a number of visa categories that were called "tiers", which have now been replaced with "routes", for example, the previous Tier 2 visa scheme has now been replaced by the Skilled Worker visa and the Intra-Company Transfer visa.

As it currently stands, there are a number of different routes for which applicants can apply to enter into the United Kingdom and, much like the Australian system, eligibility for each category is determined through a points-based assessment, where points are awarded based on criteria such as sponsorship by an employer, meeting salary requirements, satisfying English language proficiency, and fulfilling financial obligations.

To be successful, applicants must attain a points score above the specified minimum threshold, which varies for each visa category.

However, this is not the case for all categories in the current visa scheme and we will be focusing our attention in the Skilled Worker route and the Global Talent route, which, for our study, are the most relevant considering these two routes are not only where the majority of applicants have applied for visas but also the routes that more reliably use the Points Based system to decide on the attribution of those visas.

As such, we have analysed the information that is supplied by the United Kingdom's Government⁴⁴ and compiled the following list of current visa categories, having highlighted the routes that make use of the Points Based System for their decision making processes⁴⁵:

⁴⁴ UK Visas and Immigration, (2020). The UK's points-based immigration system: an introduction for employers (accessible version) [online]. GOV.UK. Available from: <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

⁴⁵ workpermit.com - International Visa Assistance and News. UK Visa Points-Based Immigration System [online]. Workpermit.com. Available from: <https://workpermit.com/immigration/united-kingdom/uk-visa-points-based-immigration-system>

Visa Route	Description
Skilled Worker route	Sponsored work visa requiring a job offer in an eligible skilled occupation from a UK licensed sponsor. Valid for up to 5 years with the possibility of extension and settlement. English language and financial requirements apply.
Health & Care Worker route	For skilled workers in health or adult social care occupations. Must have a job offer from a licensed sponsor, including NHS bodies and other eligible organisations.
Global Talent route	The Global Talent route enables the most highly skilled individuals, who can achieve the required number of points, to enter the UK without a job offer if they are endorsed by a recognised UK body, as approved by the Home Office or if they have won eligible awards, demonstrating exceptional talent.
Graduate route	Un-sponsored route for recent overseas graduates who completed a UK course of study at bachelor's degree level or above. Allows work for 2 or 3 years with flexibility to work at any skill or salary level. Can switch to Skilled Worker visa for potential path to settlement.
Intra-company Transfer route and Trainee route	Various routes for workers undertaking specific types of work for overseas organisations in the UK, such as senior or specialist workers, graduate trainees, UK expansion workers, service suppliers, and secondment workers.
Temporary Worker route	Includes Creative Workers, Charity Workers, Government Authorised Exchange Workers, International Agreement Workers, Religious Workers, and Seasonal Workers. These visas allow short-term employment in specific sectors or under international agreements.
Start-Up and Innovator Founder route	Allows the applicant to establish and work for their business in the UK. Start-up is for those setting up an innovative business for the first time, and Innovator is for those with industry experience and at least £50,000 funding. Applicants can be individuals or teams. Can apply for

	settlement after 3 years. Dependants can accompany or join the visa holder.
Student route	For individuals aged 16 and over who have been offered a place on a course by a UK licensed sponsor. Length of stay depends on the length of the course. Must meet financial and English language requirements.
Sporting route	International sportspeople must have a confirmed job offer and their employment sponsored by a UK employer licenced by the Home Office. Additionally, they must have an endorsement from the relevant governing sports body.
Family Visas	Various visa types for starting a new life with a family member already living in the UK, including spouses/partners, children joining a parent, parents of children, and adult dependant relatives. Eligibility depends on the category of the UK sponsor.

5.b The Skilled Worker Route

The new Skilled Worker route aims to establish a straightforward and flexible framework for skilled workers worldwide to enter the country through an employer-driven process.

Regardless of their nationality (EU or non-EU), all applicants must fulfil certain requirements, including obtaining a job offer from an authorised sponsor, ensuring the job corresponds to the necessary skill level, and demonstrating proficiency in English.

Meeting the minimum salary threshold would generally make an individual eligible for the application. However, if the salary falls below the prescribed minimum but is at least £20,480, applicants may still be considered if they can prove a job offer in a specific occupation facing

a shortage, designated by the Migration Advisory Committee (MAC), or if they hold a relevant PhD.⁴⁶

Essentially, applicants have the option to "exchange" certain attributes such as their job offer and qualifications in exchange for a salary below the minimum or the standard rate in their field.

To qualify under the Skilled Worker route, applicants from outside the UK must meet the following criteria:

- Possession of a job offer from a Home Office licensed sponsor;
- The job offer is at the required skill level, which is RQF 3 or above (equivalent to A Level or higher);
- Applicants must meet the English language proficiency requirements, through IELTS or other recognized proficiency tests.

Additionally, the job offering in question must meet the minimum salary threshold, which is either the general salary threshold of £25,600 per year or the specific salary requirement for the occupation, known as the 'going rate'.

Applicants have the option to trade characteristics, such as qualifications, for a lower salary to accumulate the necessary points.

Even if the job offer falls below the minimum salary requirement but is at least £20,480, applicants may still be eligible if they have:

- A job offer in a specific shortage occupation;
- A relevant PhD for the job;
- A PhD in a STEM subject relevant to the job.

⁴⁶ Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, (2020). The UK's Points-Based Immigration System - Policy Statement Press release 978-1-5286-1775-8 [online]. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866744/CCS0120013106-001_The_UKs_Points-Based_Immigration_System_WEB_ACCESSIBLE.pdf

It's in the Skilled Worker route that the Points Based System comes the most into effect, by simplifying and making the decision making process much more transparent. All applicants must meet a minimum of 70 points to be awarded a Skilled Worker visa and points are distributed based on the following criteria⁴⁷:

Characteristics	Mandatory/Tradeable	Points
Offer of job by approved sponsor	Mandatory	20
Job at appropriate skill level	Mandatory	20
Speaks English at required level	Mandatory	10
Salary of £20,480 to £23,039 or at least 80% of the going rate for the profession (whichever is higher)	Tradeable	0
Salary of £23,040 to £25,599 or at least 90% of the going rate for the profession (whichever is higher)	Tradeable	10
Salary of £25,600 or above or at least the going rate for the profession (whichever is higher)	Tradeable	20
Job in a shortage occupation as designated by the Migration Advisory Committee	Tradeable	20
Applicant is a new entrant to the labour market (as designated by the MAC)	Tradeable	20
Education qualification: PhD in a subject relevant to the job	Tradeable	10
Education qualification: PhD in a STEM subject relevant to the job	Tradeable	20

⁴⁷ UK Visas and Immigration, (2020). The UK's points-based immigration system: an introduction for employers (accessible version) [online]. GOV.UK. Available from: <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

To be able to grant a Certificate of Employment and, therefore, hire employees from abroad, employers must obtain a sponsorship licence and demonstrate that they offer genuine job opportunities to migrants.

By involving employers in the process, the system seeks to ensure that job offers are legitimate and that employers adhere to immigration rules and regulations set forth by the Home Office. This sponsorship requirement aims to protect both the rights of migrants and the interests of the domestic workforce.

Furthermore, this Points Based system recognizes the importance of family unity by allowing dependents, such as spouses, partners, and children, to accompany eligible migrants to the UK, while also recognizing and rewarding language proficiency, along with minimal salary requirements to avoid exploitative endeavours.

While the UK PBS offers several advantages, it is not without challenges and criticisms, with critics arguing⁴⁸ that the system's focus on highly skilled migrants may lead to shortages of low-skilled workers in industries that heavily rely on such labour

There are concerns⁴⁹ that the system may overlook the contributions of individuals with non-traditional or unconventional skill sets, potentially hindering diversity and innovation, while the administrative complexity of the points-based system and its potential impact on social cohesion are subjects of ongoing scrutiny.

Addressing these challenges requires a comprehensive approach that includes measures to fill low-skilled labour gaps, recognize non-traditional skills, streamline administrative processes, and ensure regular monitoring and evaluation of the system's effectiveness.

⁴⁸ UK labour shortages and immigration: looking at the evidence. (2021, September 10). LSE Business Review. Available at: <https://blogs.lse.ac.uk/businessreview/2021/09/10/uk-labour-shortages-and-immigration-looking-at-evidence/>

⁴⁹ G. Papademetriou, D., Somerville, W., & Tanaka, H. (2008). Hybrid Immigrant-Selection Systems: The Next Generation of Economic Migration Schemes. In migrationpolicy.org. Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/hybrid-immigrant-selection-systems-next-generation-economic-migration-schemes>

5.c The Global Talent Route

According to the Government of the United Kingdom⁵⁰, “*the Global Talent route enables the most highly skilled individuals, who can achieve the required number of points, to enter the UK without a job offer if they are endorsed by a recognised UK body, as approved by the Home Office.*”

As such, and according to the Policy Statement Presented to Parliament by the Secretary of State for the Home Department on the UK’s Points-Based Immigration System⁵¹, the Global Talent route underwent an expansion to encompass EU citizens, aligning their treatment with that of non-EU citizens. This move aimed to attract highly skilled individuals who meet the requisite points threshold, enabling them to enter the UK without a job offer, provided they receive endorsement from a relevant and competent body.

This expansion specifically aimed to enhance accessibility for individuals with expertise in STEM subjects who wish to contribute their skills and knowledge in the UK.

This route operates alongside the existing employer-led system, permitting a limited number of exceptionally talented individuals to come to the UK without a job offer.

However, past programs have highlighted challenges with the UK’s immigration policy⁵², including potential abuses and the need for effective monitoring. Therefore, as we can extract from the Policy Statement, the government is committed to developing this new route in a manner that adds value to the overall immigration system, while safeguarding the integrity of the Skilled Worker route.

⁵⁰ UK Visas and Immigration, (2020). The UK’s points-based immigration system: an introduction for employers (accessible version) [online]. GOV.UK. Available from: <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

⁵¹ Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, (2020). The UK’s Points-Based Immigration System - Policy Statement Press release 978-1-5286-1775-8 [online]. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866744/CCS0120013106-001_The_UKs_Points-Based_Immigration_System_WEB_ACCESSIBLE.pdf

⁵² Leghtas, I. (2023). Hidden away. In Human Rights Watch. Available at: <https://www.hrw.org/report/2014/03/31/hidden-away/abuses-against-migrant-domestic-workers-uk>

This expansion and the introduction of the unsponsored route reflect the UK government's recognition of the importance of attracting and retaining highly skilled individuals to drive economic growth and innovation.

By aligning the treatment of EU and non-EU citizens, it becomes clear that the government intends to create a level playing field and maintain the country's appeal as a hub for global talent, even in a post-Brexit scenario where this has proven a tough task to achieve.

The balancing act of preventing abuse and protecting domestic job opportunities requires careful calibration of this system, showcasing one of the biggest advantages of Points Based Systems such as this one.

The government's commitment to consulting with stakeholders during the design phase is crucial in ensuring that this route meets the intended objectives while minimising unintended consequences.

5.d What are the advantages and disadvantages of the United Kingdom's Points Based System?

Much like the Australian system, the United Kingdom's points based system aims to attract highly skilled migrants to its economy.

However, the UK system distinguishes itself as a clear employer-led points based system, that functions by giving a fast-track entry point for migrants who already have a previous labour contract or a written promise.

Although there are additional avenues for entry into the UK, these have been getting more and more restricted by government policies over the years, with each change giving priority to migrants that already have a contract or a promise of one once they reach the UK.

As such, unlike the Australian points based system, the UK's system cannot be classed as a "*hybrid-system*" precisely for this reason,

The UK's points-based immigration system is employer-led primarily because it aligns the immigration process more directly with the country's labour market needs. By requiring applicants to have a job offer from an approved employer, the system ensures that incoming immigrants are filling roles where there is a demonstrable need for foreign labour.

This approach contrasts with the Australian system, which is a hybrid system that combines both employer-led and human capital-focused elements. In the Australian system, points are awarded based on attributes such as age, skills, and English language ability, and potential migrants can apply for a visa without a job offer.

The decision to make the UK's system employer-led was likely influenced by several factors, including the government's desire to control immigration more closely following Brexit and the particular nature of the UK labour market. The decision might also reflect a belief that employers are best placed to identify skills shortages and the need for foreign labour.

From our analysis to the UK's system, we have found that there are 4 core advantages that we can take away, starting with the facilitation of highly skilled migration from global top talent.

The UK's Points Based system, in particular through the Global Talent Route, is designed primarily to attract individuals who can contribute significantly to the economy by prioritising applicants with specific skills and qualifications which are in high demand in the UK.

The second key takeaway from the UK's Points Based system is the transparency it provides to a complex and often subjective immigration process. The criteria for visa allocation are explicitly laid out and are strictly numerical and, as such, any applicant can accurately predict, with a fair degree of certainty, whether their application would be successful or not. This encourages applicants with relevant skills and qualifications to apply, while discouraging applications from those unlikely to succeed, making the process more efficient and less bureaucratic⁵³.

⁵³ UK Visas and Immigration, (2020). The UK's points-based immigration system: an introduction for employers (accessible version) [online]. GOV.UK. Available from: <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

This is closely linked to the third advantage of the UK's Points Based system which is how effective it is at processing large quantities of applicants at any given time. By assuming a quantitative nature, it allows for applications to be processed faster and more systematically, reducing bureaucracy and administrative delays, benefitting both the government, which saves resources, and the applicants, who can get quicker decisions⁵⁴.

Finally, the fourth takeaway from the UK's Points Based system is the potential to contribute to economic growth by how efficient it is at monitoring needs and thus quickly being capable of filling skill shortages, boosting productivity and stimulating specific niche markets with also very specific labour necessities.

On the other hand, one of the significant challenges presented by the UK's points-based immigration system is the potential for labour shortages in certain sectors. Industries that have traditionally relied heavily on low-skilled immigration, such as agriculture, hospitality, and social care, may find themselves at a significant disadvantage.

Many roles within these sectors may not meet the new system's skill level or salary requirements, making it increasingly difficult to fill these positions. The UK government has proposed addressing these shortages domestically, through avenues like increased training and wage growth⁵⁵. However, these solutions may not be immediate and may not fully compensate for the loss of migrant labour, at least not in the short term.

Another critical drawback of the UK's points-based system lies in its rigidity. Although the system offers an objective and quantitative method for assessing applicants, it overlooks individual circumstances that may fall outside the purview of the points system⁵⁶. The system heavily emphasises formal qualifications and job offers, potentially sidelining the importance of soft skills, entrepreneurship, or potential, which although harder to quantify, may significantly contribute to the UK's economic and social fabric.

⁵⁴ Czaika, M., & Parsons, C. R. (2017). The Gravity of High-Skilled Migration Policies. *Demography*, 54(2), 603–630. Available from: <https://doi.org/10.1007/s13524-017-0559-1>

⁵⁵ Presented to Parliament by the Secretary of State for the Home Department by Command of Her Majesty, (2020). The UK's Points-Based Immigration System - Policy Statement Press release 978-1-5286-1775-8 [online]. Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/866744/CCS0120013106-001_The_UKs_Points-Based_Immigration_System_WEB_ACCESSIBLE.pdf

⁵⁶ Czaika, M., & Parsons, C. R. (2017). The Gravity of High-Skilled Migration Policies. *Demography*, 54(2), 603–630. Available from: <https://doi.org/10.1007/s13524-017-0559-1>

Furthermore, the points-based system's economic focus raises concerns about societal integration. The system is designed with a heavy emphasis on an applicant's economic value, potentially neglecting the ability of a prospective migrant to integrate into British society⁵⁷.

Over time, this could lead to social cohesion issues, as immigrants are evaluated primarily on their economic contributions, possibly overlooking the broader social aspects of immigration. This societal integration is vital for a balanced approach to immigration, fostering an environment where immigrants can thrive not only economically but also socially.

In their particularly insightful article, Heaven Crawley and Dimitris Skleparis, analyse this concern and argue that, in respect to the differences between the integration of “migrants” versus “refugees”, “(...) *the dominant categories fail to capture adequately the complex relationship between political, social and economic drivers of migration or their shifting significance for individuals over time and space. As such it builds upon a substantial body of academic literature demonstrating a disjuncture between conceptual and policy categories and the lived experiences of those on the move. However, the paper is also critical of efforts to foreground or privilege ‘refugees’ over ‘migrants’ arguing that this reinforces rather than challenges the dichotomy’s faulty foundations.*”

Additionally, the authors critically examine current migration policies, arguing that they oversimplify complex human experiences into rigid categories. This practice not only fails to accurately reflect the realities of migrants but also leads to significant consequences by selectively granting rights and resources. The authors call for more nuanced, flexible policies that respect individual migrant experiences and challenge the prevailing practice of unjust categorizations.

The authors conclude by stating that while on one hand categorization is “*both pervasive and inevitable*”, on the other hand, there is a need for a critical reassessment of categories used in migration policies, arguing that they oversimplify complex realities and can perpetuate

⁵⁷ Heaven Crawley & Dimitris Skleparis (2018) Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe's 'migration crisis', *Journal of Ethnic and Migration Studies*, 44:1, 48-64, DOI: 10.1080/1369183X.2017.1348224

misleading narratives, highlighting the danger in implying that some categories of migrants are more deserving than others, which can reinforce discriminatory practices.

Finally, the authors advocate for active engagement with the politics of how these categories are constructed, noting that they not only reflect but also shape reality. This understanding could help challenge exclusionary practices inherent in the current migration categorization system.

6. Synthesising a European Union Points Based immigration system

6.a Identifying the issues - the current quandaries in European Union Migration Policy

The foundational principle of the EU is shared sovereignty, as such, decisions, while often made collectively in Brussels, always bear the undertones of national interests and individual Member States' unique aspirations.

Each Member State retains a degree of autonomy, yet they collectively adhere to overarching EU guidelines, especially in areas of shared competencies, all while maintaining a delicate balance between unity and autonomy.

However, by design, a points based system as I have analysed will no doubt require an even stronger adhesion from Member States to the concept of shared sovereignty and to move immigration and residency to the shared competency realm will prove to be challenging and the maintenance of this delicate balance between unity and autonomy will play a pivotal role when contemplating the implementation of a unified immigration policy.

Furthermore, the demographic and economic tapestry of the EU is richly varied, ranging from global powerhouses like Germany and France to smaller, yet crucial, players. Each Member State brings to the table different economic strengths, labour market needs, and demographic trends, with very specific and nuanced national interests.

Another layer of complexity that needs to be addressed lies with the Schengen Agreement, to which most Member States are signatories. This agreement, enabling passport-free movement across a significant portion of the EU, fundamentally affects the mechanics and implications of any integrated immigration system, whereas any immigrant to one Member State might freely move to another, regardless of their allocation by the system. This is already an ongoing issue with immigration in each Member State but, by studying the implementation of this system, it will inevitably bring up questions of fair distribution, regional needs and the rise of nationalistic ideas.

Navigating the legal intricacies of such a diverse and sensitive topic as immigration in the context of the EU will be no easy feat, in particular because of the age-old tension between the supremacy of EU law and the cherished sovereignty of its Member States. On the subject of immigration, the EU, while advocating for the primacy of its directives, has always had to grapple with the reality of national loyalties and priorities.

Historically, immigration has been predominantly a national prerogative, closely tied to each country's identity, labour market dynamics and societal fabric. Blending this with a unified EU system demands a thoughtful reconciliation of these priorities, ensuring that no Member State feels its autonomy is unduly compromised.

Additionally, the rigorous data protection standards of the EU, as laid out in the General Data Protection Regulation (GDPR), will undoubtedly present another legal challenge that will require careful consideration. A unified immigration system, especially one rooted in the digital age, will inherently involve the processing, storage, and potentially cross-border sharing of vast amounts of personal data. Ensuring GDPR compliance, while maintaining efficiency and public trust will require robust cybersecurity measures to safeguard sensitive information from potential breaches.

Lastly, the recognition of qualifications and experiences will pose a significant challenge considering that Europe is home to a vast array of political institutions, educational organisations and professional bodies, each with its standards and benchmarks. To even begin to attempt to create a unified metric, which fairly evaluates and compares qualifications across this broad spectrum, will be a truly gargantuan task but also crucial for the system's credibility and effectiveness in the long term.

As such, over the course of the following chapter, I will consider these challenges and propose solutions to address each one in ways that I believe will lead to the construction of this system in a sustainable way for the EU.

6.b Understanding the strengths of each system - fusing the best of the three systems for the European Union's Future

At its core, a points-based system functions as a meritocratic filter, evaluating prospective immigrants based on a range of criteria, from professional accomplishments to linguistic capabilities. It embodies a nation's aspirations, seeking to attract individuals who align with its present needs and future visions. The nuances, however, lie in the system's adaptability, transparency, and foresight. This is where the models of Canada, the UK, and Australia provide invaluable insights.

Drawing inspiration from the three systems that I have analysed in the previous chapters could provide this study with a foundation for the application of such a system at a European Union level. However, the challenge and opportunity lie in weaving together their strengths while conscientiously addressing their limitations.

The objective is clear: to architect an immigration system that is more than the sum of its parts.

As I had already advanced in the previous Chapter about Canada's Points Based system, the Provincial Nominee Program (PNP) is exemplary in addressing regional disparities. By allowing provinces to have a say in their immigration needs, it ensures a more decentralised and region-specific approach to the immigration process.

The European Union, with its intricate web of economies, cultures, and labour markets, stands to gain immensely from such a tailored approach. An EU system that takes cues from the PNP could ensure that the technological prowess of Finland or the tourism-centric economy of Portugal each gets the requisite attention and resources needed to fully develop in the areas more beneficial to each Member State.

In this proposed system, Member States with similar labour market needs or demographic challenges could form clusters, allowing them to share resources, knowledge, and even applicants to ensure that the benefits of immigration are mutually beneficial and evenly spread.

Additionally, Canada's PNP underscores the idea that tailored immigration can be a catalyst for economic resilience and growth. By addressing specific labour market gaps at the provincial level, Canada ensures balanced, region-specific economic progress and from here it is easy to understand the need for a similar program in a Union based application of a points based system.

In a study conducted by Gergely Hudecz, Edmund Moshhammer and Thomas Wieser, in July 2020, titled “Regional disparities in Europe: should we be concerned?”⁵⁸, the authors’ findings concluded that “(...) regional disparity is indeed a serious concern in Europe because many regions are falling behind. Diverse starting positions, varied distances from growth centres, and different capital and labour mobility mean the disparity could intensify.”

This phenomenon has, since the EU’s creation, threatened the very core of our European values and the foundations of the Union but, by harnessing a similar model to the Canadian PNP, the EU could start to bridge the gaps between Member States and to bring the European economies closer together.

Another key takeaway from Canada’s points based system is the transparency, adaptability and availability of resources regarding the Comprehensive Ranking System. These characteristics are essential to developing a clear and well-defined points system.

On one hand, through transparency, making use of yearly reports such as the one produced by Immigration, Refugees and Citizenship Canada, the system can be monitored to reduce biases and ensure applicants are informed about their chances, thus, enhancing its reputation as a fair and desirable destination for potential immigrants.

On the other hand, through adaptability and availability of resources, the EU can ensure that the process is as future proof as possible. By establishing a dynamic system, coupled with a competent monitoring board that can take measures to calibrate the system and adjust it to the current economic or demographic needs, the EU would be better equipped to deal with emerging immigration crisis and to ensure that the system remains forward-facing by including new areas of academic research or emerging global sectors at a moments notice.

⁵⁸ Hudecz, G., Moshhammer, E., & Wieser, T. (2020). Regional disparities in Europe: Should We be Concerned?. Publications Office of the European Union, 2020. <https://doi.org/10.2852/637082>

With these factors combined, feedback loops are established, wherein policymakers can receive input from various stakeholders, from employers to immigrant communities. As the EU grapples with the challenges of integrating diverse member states into a cohesive immigration policy, such feedback mechanisms would be invaluable, offering a way to refine and evolve based on real-world insights.

The biggest takeaway from the Australian points-based system, in my understanding, would be the “*hybrid-system*” approach that Australia pioneered.

In an alternative and expansion to employer-led systems, Australia broke ground in this field by attributing points for human capital values that are of key importance for immigrant societal integration, such as language capability, previous education and work experience and personal characteristics of the migrant.

The hybrid-system works by mixing the employer-led criteria for points attribution through the use of a “fast-track” entry process to migrants who have a previous labour contract or a written promise (the Canadian Express Entry program functions in the same way) but also maintaining government control, allowing the introduction of these additional human capital factors that are not exclusively economically driven.

The European Union is facing a multitude of different challenges in the current times and these challenges are not purely economically driven. For example, according to Eurostat⁵⁹, the population of the European Union is ageing, resulting in shrinking numbers of active workers and an increase of retired workers, with predictions dictating that this trend will continue in the coming years.

Another example is the widespread migrant integration issues that the European Union has been struggling to tackle. According to the European Commission, evidence shows that migrants are disproportionately affected by unfavourable outcomes in terms of education, employment and access to basic services such as healthcare and decent housing⁶⁰ - as such, it

⁵⁹ Population structure and ageing. (n.d.). EUROSTAT. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Population_structure_and_ageing

⁶⁰ EU strategy. (2023, October 10). European Website on Integration. Available at: https://ec.europa.eu/migrant-integration/eu-grid/eu-strategy_en

becomes crucial that non-economic driven entities and stakeholders maintain a strong grasp on the points attribution factors, by prioritising human capital factors as a way to tackle different social crisis that the European Union is currently facing and may potentially face in the future.

Additionally, on the economic plane, while private sector employer-led sponsors may only focus on the current market trends, policy makers have the capacity and the obligation to decide not just based on these trends but also on the long-term goals for the economy. For example, certain sectors of the economy, that may not currently align with the market trend, may be subject to prioritised points attribution as a way to stimulate certain sectors of the economy in need and by filling up these strategic areas policy makers can better control the growth of the economy in line with the current policies of the EU.

However, and this is the crucial point that must be taken away from the UK's advances in the points based immigration field, Skilled Migration must still retain a high level of importance in a potential European Union wide system.

While on one hand, there must be an effort to learn from Britain's Post-Brexit challenges that have led to major recalibrations of the points based system that was previously in place, there must also be a focus on the potential to attract global talent and to retain it in the EU.

Looking specifically at the Global Talent route, which, as I studied, has proven to be a success case in attracting highly skilled individuals from all fields to the UK.

By not restricting the applicants to the demand of having a job offer or a promise of one and allowing the simple recognition of their skills or experience by a UK based organism to be sufficient to apply, the UK, in my view, has created a very positive avenue for skilled migrants to come into the country and to seek opportunities or even set up ventures after arriving in the UK, without being restricted to a specific job offer.

A positive note on this particular point is the recognition of non-governmental, non-bureaucratic UK based entities that are capable of providing the necessary recognition for these migrants and therefore outsourcing this function from government employees to private

actors that are delegated to perform it, therefore freeing up resources and keeping the process as efficient as possible.

Additionally, this avenue provides a clear pathway to permanent settlement in the UK and by allowing migrants to bring their families, access the NHS and renew their visas for extended periods of time, there is a wide array of advantages in utilising a program such as the Global Talent route to attract foreign skilled workers and incentivize them to stay in their respective region and build their roots.

This is a program that the European Union must match if we are to construct a points based system that has the potential to attract highly skilled migrants. The Global Talent route presents a golden ticket for skilled professionals worldwide by offering them a platform to excel professionally, but also promises a quality of life and opportunities that few other nations can match.

7. From Paper to Practice: The realities of the implementation and oversight of a European Union Points Based system

7.a Considering Harmonisation on a European Union basis

Building an ideal points-based immigration system on paper is only the beginning. The real challenge—and arguably the most critical component—lies in its implementation, oversight and continuous refinement.

To overcome the processing delays often encountered in the typical immigration systems, points based systems included, an emphasis on digital transformation is imperative. Advanced technologies, from AI-driven applications assessment to blockchain-secured document verification, could expedite the standard processes and enhance transparency. Moreover, a centralised digital dashboard can provide real-time status updates to applicants, thus reducing anxiety and building trust.

In addressing the stringent data protection demands of the GDPR⁶¹, cutting-edge technologies like the blockchain can be instrumental in the fields of transparency and security. By decentralising data storage and ensuring high levels of encryption, compliance with the GDPR could be ensured while maintaining the integrity of the applicants' personal information⁶².

While on one hand I have lauded each system for the adaptability they provide, there is a point in which this characteristic creates an unsustainable complexity in the different avenues, at any point in time, that an applicant can use to apply. An example of this is that in the Canadian system, while I have only analysed the points based avenues, there are hundreds of other highly specific programs for immigration, each with their own subsets of requirements that make navigation of this bloated system very complicated without the use of experts in Immigration law.

⁶¹ De Groot, J. (2022, December 28). What is the General Data Protection Regulation (GDPR)? Everything You Need to Know. Digital Guardian. Available at: <https://www.digitalguardian.com/blog/what-gdpr-general-data-protection-regulation-understanding-and-complying-gdpr-data-protection>

⁶² Ardittis, S. (2020, June 11). How Blockchain can benefit migration programmes and migrants. Migration Data Portal. Available at: <https://www.migrationdataportal.org/blog/how-blockchain-can-benefit-migration-programmes-and-migrants>

In the European Union, a proposed model would have to employ a dynamic skills evaluation metric that's both adaptive and user-friendly. This could be achieved through intuitive user interfaces, clear visual representations of point allocations, and straightforward guidelines on how to enhance one's profile, all while avoiding the trap of over-specialisation and the creation of hundreds of different programs for different applicants. Keeping it simple is a key to successfully deploying a fair system.

Our proposed system would establish well-defined pathways for talents across the spectrum, while recognizing the value of both highly skilled migrants and medium or lower skilled workers, which, as demonstrated, are vital for sectors like agriculture, hospitality, and caregiving.

I also believe that there must be a concerted effort to establish the previously referenced feedback loops between the applicants, the corporate sponsors and the responsible EU institutions. By incorporating platforms where immigrants can share their experiences, grievances, or suggestions, policymakers can get a firsthand understanding of on-ground realities. Measures must also be taken to ensure that this feedback leads to iterative policy refinements and ensuring that the system remains user-centric at its core.

Above every other characteristic, I believe that the system must, at all costs, be designed in a way so as to avoid potential biases or unjust practices. The responsible EU institutions must ensure rigorous ethical guidelines, coupled with frequent third-party audits, regular sensitivity training for officials, and transparent appeals processes in an attempt to guard against potential misuse or unconscious biases.

As I have previously mentioned, one of the key advantages of points based systems is transparency. With immigration being such a hot topic for conflict and polarised opinions and with taking this competence away from Member States, transparency ensures that through very objective data these concerns can be subdued and I believe that, through the growth and innovation this program would bring, eventually, this is a change that would be widely accepted by all sectors of society, but only through a concerted effort on public engagement.

One way that I propose this is achieved is by holding town halls, public consultations, and awareness campaigns, as is already the case with a number of other EU programs, in an attempt to demonstrate the advantages that are brought by this system and by ensuring accountability for policy makers with decision making powers.

With the challenges laid out clearly for the creation of a unified, Community level, points based system for immigration, I hope to have proactively addressed some of the complexities and hurdles that such a system will carry but at the same time proving that there are indeed answers for some of those questions.

Above all, I believe that a step-wise approach, beginning with a pilot program can serve as a test for the broader adoption of the points based system on the whole of the EU.

Perhaps a subset of willing Member States could introduce the system between this subdivided group, providing crucial insights into its advantages and the areas of refinement, allowing not only for the notoriety of its success to raise public trust but also enabling the EU to tweak the system before a full-scale rollout.

However, before deciding on even a small scale pilot program, there must be a strong engagement with national governments, industries, educational institutions, immigrant communities and civil society across the EU in order to foster a sense of collective ownership and ensure that the system is anchored in real-world needs and perspectives.

According to a Report⁶³ drafted in 2008 by Demetrios G. Papademetriou, Will Somerville and Hiroyuki Tanaka published in the Migration Policy Institute, the authors concluded that *“(...) points systems make clear to always skeptical publics that their government is firmly in control of what is arguably the most important (but often also contentious) part of any immigration system — economic-stream immigration.”*

⁶³ G. Papademetriou, D., Somerville, W., & Tanaka, H. (2008). Hybrid Immigrant-Selection Systems: The Next Generation of Economic Migration Schemes. In migrationpolicy.org. Migration Policy Institute. Available at: <https://www.migrationpolicy.org/research/hybrid-immigrant-selection-systems-next-generation-economic-migration-schemes>

However, the greatest hurdle to overcome for the acceptance of such a system will be the hurdle that current immigration in the European Union already faces - the Schengen Agreement and the free movement of people within the EU.

Firstly, there is an undeniable uneven distribution of immigrants across the different Member States of the EU⁶⁴ - economic powerhouses like Germany and France, with their alluring combination of job opportunities and welfare provisions, combined with already growing communities of migrants that, in turn, naturally attract migrants coming from the same countries, have naturally become preferred destinations.

This trend puts intense pressure on social systems and by extension creates community tensions which are often linked to nationalistic movements and as I have seen over the past few years, a greater feeling of distrust in the immigration processes currently in place.

Populist movements across Europe have tapped into the anxieties and concerns stemming from the Schengen system by feeding off perceptions of eroded national security and identity, advocating for stringent immigration controls and sometimes even questioning the very premises of the foundational principles of the EU.

In addition to this, the question of national sovereignty in determining immigration policies is pertinent to the discussion - if, for example, the European Union points based system allocated a certain migrant to a certain Member State, the concept of open borders make such a decision difficult to enforce if the migrant can just decide to move to another Member State.

This is a reality that is part of the challenges any immigration policy within the EU faces and is a battle that, in my view, will not be won by more stringent immigration policies or even by closing off the borders and relinquishing one of the greatest achievements of the EU which is the free movement of people.

I believe that by design, this proposed points based system, with its increased efficiency, adaptability, transparency and, above all, it's hybrid characteristic and through the

⁶⁴ Connor, P. (2019, December 30). Europe's asylum seeker flows: Uneven dispersion across Europe. Pew Research Center's Global Attitudes Project. Available at: <https://www.pewresearch.org/global/2016/08/02/3-europes-asylum-seeker-flows-uneven-dispersion-across-europe/>

maintenance of Member State intervention in the admissions process, can help increase migrant retention and in turn help address the current issues that plague immigration policy in the European Union.

7.b Starting smaller and leading by example - individual Member State adoption

The previous discussions around a unified, European Union Points Based system for immigration have demonstrated that implementation and oversight will not be an easy task but also that simple adoption by Member States will be the biggest challenge that my proposed system would have to overcome.

There is, however, an alternative strategy that could lead to widespread adoption - could individual Member States, leveraging their historical autonomy in migration policy, consider the adoption of such a system on their own terms before this concept takes root at the broader EU level?

Historically, while immigration has been influenced by collective Community commitments, it primarily remained a domain influenced by national perspectives and needs.

As such, this distinctiveness, inherent to each Member State, is an invitation to design tailored immigration solutions that could take advantage of all the strong points provided by a points based approach to immigration and cater to specific socio-economic contexts, addressing particular needs of Member States and specific demands that a more generalised approach might not directly address.

This possibility also provides an opportunity for controlled experimentation of the proposed system by allowing Member States to become live test environments, each offering a lens into the potential strengths and challenges of the system and giving a head start to the fine tuning that is required for such a system to succeed.

This Member State level implementation might also strengthen public trust and demonstrate another of the advantages of Points Based approaches by allowing local communities to directly witness and influence the policy's impact and criteria.

However, firstly, with each Member State potentially having its unique version of the Points Based system, a mosaic of policies might emerge, each varying in criteria and execution which could prove to be a challenge to navigate by potential applicants and prove to be a future challenge if the aspiration is to merge these into a cohesive, EU-wide system.

Secondly, here's also the geopolitical dimension to consider, with varied policies potentially straining political relationships within the EU, especially if imbalances emerge or, on the contrary, success stories from individual Member States might inspire collaborative and coordinated efforts on immigration, but the risk is there.

Alas, the gears have already started turning in 2023 with regards to individual adoption by Member States with Germany's recent announcement⁶⁵ of the introduction of a revised immigration policy that makes use of a Points Based system for visa attribution.

With Germany setting the pace, this first attempt at a Points Based approach to immigration by a European Union Member State could provide a valuable case study, particularly from Europe's leading economy and one of the largest recipients of migrants, reflecting the shifting dynamics and the realisation of the pressing need for skilled labour that the EU now faces.

Germany's strategic response is the introduction of the 'chancenkarte' or 'opportunity card', which, according to the Labour Minister Hubertus Heil's will play a central strategy to alleviate Germany's labour shortages by tailoring the system for individuals without an existing work contract in Germany and assess applicants based on their qualifications, professional experience, age, proficiency in the German language and their ties to Germany.

By monitoring Germany's use of this new migration policy we will, over the course of the next few years, paint a clearer picture of how successful these system are when applied to a territorial extension without border control and could prove to be invaluable for the European Union to adopt such a system at a centralised level later on in the future.

⁶⁵ Symons, A. (2023, August 24). Germany has passed an immigration reform law making it easier for foreign workers to move there. Euronews. <https://www.euronews.com/travel/2023/06/21/skilled-workers-are-in-demand-as-germany-tackles-labour-shortage-with-new-points-based-vis>

8. Conclusions - Reflecting on Migration in the European Union and the possible pathways for improvement in the short future

The narrative of immigration is undoubtedly a hot topic in current political discourse and closely linked with the recent rise in extremist views and nationalistic movements in various Member States of the EU.

As a conglomerate of diverse cultures, histories, and economies the EU stands as a case study for regional integration and a subject of migration studies, particularly after the migration crisis that the EU has had to respond to in the recent years - in particular, the 2015 Mediterranean migrant crisis and now with the massive influx of Ukrainian refugees that have had to be quickly integrated into the different Member States, following a temporary visa protocol.

However, a progressive approach towards immigration is not just a matter of economic pragmatism for the EU but a testament to its foundational principles of inclusivity, integration and free movement of people.

With the world watching, the EU's stance on immigration invariably shapes not just its internal dynamics but also its global reputation and influence.

The UK's post-Brexit journey serves as a vital lesson, with the current government's more restrictive policy towards immigration and following the adjustments that were introduced in 2021 to the previous points based system, it became clear that there is not clear response to achieving a successful, infallible system.

From the UK points based system, the key takeaway came in the form of the Global Talent route, championing a decentralised and non bureaucratic recognition of skills without the necessity of specific job offers, paving the way for a more efficient and flexible system, that is capable of not only attracting global talent but also structured towards the successful integration of migrants, emphasising quality of life and prospects for growth.

From Canada, the success story of the PNP served as inspiration for a larger application, with Member States potentially replacing the provinces in Canada's system and highlighting the importance of maintaining the delicate balance between State sovereignty and European unity, opening the doors to a potential centralised immigration policy at a Union level.

And finally, from Australia there was a recognition of the introduction and importance of a hybrid system, where the EU would be able to maintain public trust while retaining a certain number of attributed points but also establishing the bridge with the private sector and recognizing the importance of migrants that are eligible to be sponsored by private actors and accumulate points through this venue.

Additionally, it was recognized that with the dawning of the digital age comes the necessity of modernization of traditional immigration paradigms and that by harnessing technologies like the blockchain for large volume data processing there exists the possibility of expediting even further a system that will require such volume, thus, not only enhancing the efficiency of application reviews but also reinforcing public trust through transparency.

The EU's envisaged points-based system should prioritise simplicity and inclusivity, by not only aiming to attract top-tier global talent but also recognizing the existing need for multifaceted contributions across all levels of skill sets, be it in technology, agriculture, or caregiving, assuring that policy makers can continue to carve the way ahead of current market trends that will end up in stagnation of the workforce if left unchecked.

There is also a strong need for active and continual engagement with all stakeholders in such a complex and involved process, in particular with the migrants themselves, ensuring that policies are fine tuned to reach the current policy objectives that makes use of this system.

There is however, a particular hurdle that will require further testing and monitoring to analyse the effectiveness of the application of such a system when combined with the current Schengen Agreement and the EU's principle on the free movement of people.

How can a points based system effectively retain immigrants in their respective allocated Member States when free movement is inevitable? This challenge, however, cannot be addressed by retracting free movement rights or introducing draconian measures.

The lure of economic powerhouses and established immigrant communities in countries like Germany and France against the attempt by this system to place migrants in places where they are needed, welcomed and valued will determine the viability of the application of this points based system at a Union wide level.

For this very reason, I believe that the phased introduction of the proposed system, initiated through a pilot program involving a coalition of willing Member States, may offer the balanced and monitored approach that is key for success of this system. These initial tests will serve as a testament to the system's merits and a crucible for its refinement in the early stages, at the same as broad-scale consultations with various stakeholders will further ensure the system's alignment with the EU's demands.

In concluding, the proposed points based immigration system for the EU, backed by the lessons learned from decades of experience in the application of similar system in Australia, the United Kingdom and Canada, and refined through iterative feedback loops, holds the potential to usher in a new era of unity and progress within the European Union.

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