
Migration systems in other areas of the World

Introduction

This report considers migration systems in place in a number of jurisdictions around the world:

- Australia, New Zealand and Canada, as widely accepted exemplars of how to operate effective and economically efficient migration systems;
- Bermuda and the Bahamas, as other island jurisdictions with limited land resources;
- Guernsey and the Isle of Man, as fellow Crown Dependencies and members of the Common Travel Area.

The migration controls in place in Jersey were considered at meeting 2 of the Migration Policy Development Board (MPDB)¹.

The controls discussed below relate specifically to discretionary work migration, which is the migration of individuals for work over which policy has direct and immediate oversight, and do not cover other categories of migration, for example family or refugees.

The controls in place within these jurisdictions all seek to meet gaps within the labour market which cannot be satisfied from the domestic labour supply within reasonable timescales without disadvantaging the resident labour force.

Some of the controls also include policy decisions which seek to protect the finite resources available within that jurisdiction e.g. infrastructure and housing.

Migration systems can be crudely categorised into two areas. 'Demand driven', where employers choose the migrants they need to fill existing vacancies, and the government then checks them to ensure they are eligible to enter e.g. at risk countries & criminal records, and 'merit-based' in which governments take the lead, selecting from prospective immigrants based on labour and human capital considerations, giving 'points' based upon, for instance, professional experience, education, holding a job offer, and the destination-country language proficiency.

In practice 'most employer-led and points-based systems are now somewhere nearer the mid-point along the continuum between labour-market and human-capital considerations.'²

¹ JCIS Immigration Controls & Work Permits

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20JCIS%20Presentation%20Immigration%20Controls%20and%20Work%20Permits%20NS.pdf>

CLS Control of Housing & Work (Jersey) Law

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Control%20of%20Housing%20and%20Work%20Law%20Briefing%20session%20for%20MPDB.pdf>

² Papademetriou, Demetrios G. and Kate Hooper (2019) *Competing Approaches to Selecting Economic Immigrants: Points-Based vs. Demand-Driven Systems*. Washington, DC: Migration Policy Institute

<https://www.migrationpolicy.org/research/selecting-economic-immigrants-points-based-demand-driven-systems>

Canada, New Zealand & Australia

Australia, New Zealand and Canada are often quoted as exemplars of immigration selection systems.

The 3 countries operate very similar immigration systems. In all these countries migration makes an important economic, demographic and labour market contribution as migrants bring skills in occupations and sectors which face shortages, as well as in regions where skilled labour supply is more scarce. They have complex but well-functioning and efficient systems that focus their labour migration policies primarily upon attracting and selecting highly skilled migrants, while protecting their resident workforce.

All countries operate a 'points-based system' that allocates points to attributes such as applying for a role on a shortage occupation list, qualifications, age, employment experience, previous in country residency/study, and language proficiency in English (and in the case of Canada French).

All invest in identifying shortage occupations and skills gaps within their labour market to identify the areas where migration should be focused.

Performance monitoring is embedded into the design of the migration systems and policies are evaluated on the basis of surveys and rich administrative data. These evaluations help adjust migration policies or fully reform them with the objective to make them more attuned to the needs of the labour market and the economy, while addressing any associated challenges.

Following criticisms of lengthy processing times all have introduced online systems to allow prospective migrants to register their interest in working or settling in the respective country ('SkillsSelect' in Australia, 'Expression of Interest' in New Zealand, and 'Express Entry Pool' in Canada). Prospective migrants undertake an online points based assessment to be placed into a pool of those eligible to be considered. Countries then rank those candidates by their score and will invite applications from those with the highest scores who meet the requirements for vacancies upon their shortage skills/occupation list.

Bermuda

All organisations in Bermuda are able to employ foreign nationals, provided that they can demonstrate that a Bermudian, Spouse of a Bermudian or Permanent Residents' Certificate (PRC) holder was not suitably qualified or available to be hired.

Employers may apply for Standard Work Permits valid for a period of up to five years, or a short-term work permit, valid for a period of up to 6 months.

Hotels and restaurants can recruit seasonal workers for up to eight months during the period between 1 April and 30 November in any given year, but must demonstrate that no resident Bermudian was suitably qualified or available to be hired.

Unless married to a Bermudian national, work permit holders are unable to gain the status of a permanent resident.

Bermuda also operates a number of 'job categories' which affects whether a role is eligible to be considered for a work permit³:

- Open – all jobs not categorised as closed, restricted or special.

³ Government of Bermuda *Job categories for work permits* <https://www.gov.bm/job-categories-work-permits>

- Closed - employers must hire Bermudians, Spouses of Bermudians or PRC holders. Jobs include: Airline Ground Agent; Retail Floor Supervisor; General Labourer; Office Receptionist; Painter; Salesperson; Tourist Retail Salesperson; Taxi Driver; Wallpaper Technician; Grocery Packer; Cashier; and Courier.
- Restricted - employers must demonstrate that any locally resident candidates screened and recommended by the Department of Workforce Development have been properly considered. Jobs include: Bank Teller; General Bartender (customer facing); Carpet Installer; Commercial Cleaner; Entertainer/Musician; Fisherman; Photographer; Technical Salesperson; Travel Agent/Consultant; General Carpenter; Administrative Assistant; Room Attendant; Kitchen Porter; Dish/Pot Washer/Kitchen Assistants or roles similar thereto; Landscape Gardener (Entry Level); General Mason.
- Special - the application process for Special Category Jobs is the same as that for the Open category, except the employer must ensure that they meet additional role dependent requirements as specified. Jobs include: Child-Care Giver; Beauty Salon, Spa and Hairdressing Staff; Family Support; Fine Artist; Graduate Trainees; Hospital Nurse and Physician; Hospitality: Seasonal Work Permit; Interns; Live-In Domestic Employees (Private Home); Locum Pharmacist and Shared Pharmacists; Model and Casual or Part-Time Employment; Musician or Entertainer; Music School Teacher; Photographer; Restaurant Staff; Self-Employed Persons and Part Owners of a Bermuda Business; Categories of Jobs Identified by the Minister where there are large numbers of work permits.

National Training Plan

The National Training Plan calls for employers to play a key role in ensuring that Bermudians and Spouses of Bermudians are developed and employed in specific occupations which have a high number of work permit holders.

The following occupations have been identified as having a large number of work permit holders:

- Registered Nurse
- Qualified Accountant
- Waiter/ Waitress
- Mason
- Landscape Gardener
- Chef

Employers who employ more than ten work permit holders in the occupations listed above may be invited by the Department of Workforce Development and/or the Department of Immigration to participate in initiatives led by the National Training Board to boost the number of Bermudians and Spouses of Bermudians employed in these job categories.

Housing

In order to protect the pricing and stock of housing available to native Bermudians, Bermuda operates a two-tier housing system (based upon Government ascertained 'Annual Rental Values'). The majority of property⁴ (approximately 75% of all property) is available to purchase by Bermudians, and a much more limited number of eligible properties is available (the top 5% of property by value) to non-Bermudians, and PRC holders (who can access approximately 25% of the available property).

⁴ <http://www.bermuda-online.org/homes.htm>

Properties available to non-Bermudians tend to be especially categorised condominiums (typically £500,000 – £5 million purchase price) and freehold properties (typically in the range of £2 million – £35 million).

Work permit holders working for the Government are given assistance with housing, including placement in staff accommodation, and hotel workers on short term work permits are housed in staff accommodation.

Barbados

In limited instances, individuals who have special skills which are in short supply in Barbados may be granted a work permit for a specific post on the basis that there is no qualified Barbadian available for the post. Applications for work permits in these cases are processed by the employer and not the prospective employee.

Work-permits are issued as either short-term, valid for a period up to 11 months, or long-term, valid for up to 3 years.

Non-national participation in the retail sector is not encouraged, and similarly in the tourism sector every effort is made to restrict the operation of tourism ancillary services (restaurants, bars, ground transportation water sports, etc.) to Barbadian nationals, except in cases where the operation is unique and the expertise unavailable locally, or where the operation is likely to make a significant contribution to the local tourist product.

Workers can be granted the status of permanent resident after 5 years' residence.

Housing

No restrictions on buying or renting property.

Crown Dependencies

The UK, Channel Islands, Isle of Man and the Republic of Ireland collectively form the Common Travel area (CTA). The CTA is established as a matter of law to facilitate the principles of free movement of British and Irish citizens between the UK, Republic of Ireland and the Islands. There are no formal immigration border controls in the CTA.

Whilst there are local differences (mainly in the areas of work permits for non – EEA citizens) the immigration rules of the Crown Dependencies are heavily reliant upon, and largely based on, the UK's immigration legislation.

Currently EEA nationals and their family members enjoy free movement and, are able to enter, live and work in the Crown Dependencies through Protocol 3 to the UK's Act of Accession.

This free movement causes some challenges to the Crown Dependencies in protecting the resident workforce, controlling population and the access to finite resources such as land, housing and infrastructure.

Each of the Crown Dependencies have tackled these challenges in slightly different ways, but all allow those with free movement to enter but then control access to employment and/or housing through local legislation.

Isle of Man

The purpose of the Isle of Man legislation is to protect the employment opportunities of Isle of Man workers as far as it is reasonable while enabling employers to obtain the workers they need.

Anyone who is not an Isle of Man worker⁵ requires a work permit to take up employment (including self-employment), except in the case of a number of occupations and certain employments of a temporary nature which are exempt.

Ordinarily applications are made by the employer and consideration is given to whether there are any suitable Isle of Man workers available, the importance of the position to the applicant's undertaking, the level of unemployment in that occupation, and any likely economic or social consequences of granting or declining the application.

Non-EEA nationals who already hold an Immigration permission that allows them to work are not required to apply for a further work permit.

One year automatic permits, which can be reviewed annually, are issued to the spouse, civil partner or cohabiting partner of a work permit holder or Isle of Man worker.

Housing

No restrictions on buying or renting property.

Guernsey

Guernsey's Population Management Law came into force on 3 April 2017. It seeks to manage who can live and work in Guernsey, for what reasons, and for how long, and to influence the size and make-up of the population, to meet the Island's long-term needs.

The Law is supported by a range of policies setting out the types of people, often by looking at their employment skills and experience, who are able to live and work in Guernsey. The policies can be regularly reviewed and adjusted to match strategic aims as they change over time.

In general terms, the Law works by requiring everybody who lives and/or works in Guernsey (and who is aged 16 or over) to hold either a 'Certificate' or 'Permit' to show that they are allowed to live and/or work there. Certificates and Permits are issued for a number of reasons, including because of a person's strong connections to a person who is living in Guernsey, or because a person has been invited to work in Guernsey because of their essential skills, or because Guernsey doesn't have enough people to undertake all the jobs that need filling.

The Population Objective – the high level policy position of the States with regard to the size and make-up of the Island's population - is set by the States following political debate.

More detailed policies (e.g. what types of employment attract what length of Employment Permit) relating to the management of the Island's population are set by the Committee for Home Affairs.

A Population Employment Advisory Panel (PEAP) gives up to date information to the Committee about the Island's employment market, and the current and future needs of the Island's employers

There are six PEAP members, and an independent Chairperson, who represent the interests of all sectors of employment in Guernsey. The PEAP is a channel for information to flow to and from the Committee to the

⁵ Isle of Man worker qualification <https://www.gov.im/categories/working-in-the-isle-of-man/work-permits/definitions/isle-of-man-worker/>

Island's business sectors, about the different levels of skills and manpower shortages in Guernsey and Employment Permit policies.

A 'Certificate' is issued to a person who is entitled to live in Guernsey, and who is able to undertake any employment in the Island.

A 'Permit' is issued to a person whose ability to live and/or work in Guernsey, is conditional. The Permit will explain what the conditions of residence are, but these can include things like working in a specific job, or living with a specific person. If the conditions of a Permit are broken, it becomes invalid.

There are 3 main types of permit⁶:

Short Term Employment Permit - up to 12 months, renewable annually up to 5 years, local market shared accommodation (can't have family join them). No further permits issued after 5 years.

Medium Term Employment Permit – up to 5 years, not renewable, Local market (can have family join them).

Long Term Employment Permit – up to 8 years, renewable, established resident status after 8 years. Access to Local Market.

Housing

Guernsey has a two-tier housing system and all accommodation in Guernsey is classified as Local Market or Open Market. The majority of Guernsey's housing (about 27,000 properties) is classified as Local Market, and is primarily reserved for people with an automatic right to live in Guernsey.

People who live and work in Guernsey because of their essential skills or to fill manpower shortages are normally permitted to live in Local Market accommodation. Depending on the type of employment and the skills the person brings, some people moving to Guernsey are given a Permit that invites them and their immediate family to stay in Guernsey long enough to become 'Permanent Residents'.

In general terms, adults who live in Open Market housing are not building up any right to live in Local Market housing.

Conclusion

Australia, New Zealand and Canada are often quoted as exemplars of immigration selection systems. In the main this is because they invest heavily in their immigration systems, continually evaluate their economic and skills shortages, assess how well migrants integrate and frequently adjust their systems and policies accordingly.

These systems control the immigration of foreign migrants who make up the majority of migrants into their countries. Little account needs to be given to the free movement of citizens from outside of their own countries.

In Jersey the free movement of EEA nationals, the continued (regardless of Brexit outcomes) free movement of British and Irish citizens within the CTA, and the reliance upon the UK's immigration system would make the implementation of an Australia/New Zealand/Canada-type Points Based system problematic in the Crown Dependencies.

⁶ States of Guernsey Population Management *Quick Guide to permits and certificates*
<https://www.gov.gg/CHttpHandler.ashx?id=102679&p=0>

The systems in place in Bermuda, Barbados, Isle of Man and Jersey tend towards the 'demand-driven' end of the continuum. They allow employers to decide which roles require filling and who they would like to fill those vacancies. These applications are then judged against set criteria by the relevant government departments.

The systems in Barbados and the Isle of Man protect the local workforce and help fill local skill shortages but do little to control population, however in these jurisdictions this is not their intent.

By having a two-tier housing system and a restricted and expensive supply of housing stock for migrants Bermuda does control population to some extent.

Historical statistics indicate that whilst the systems in place in Jersey control access to housing and work they have not been able to control population to the levels desired by Government.

Guernsey has now moved closer towards a 'merit-based' system, in so much as the Government highlights the skills gaps and specific roles it wishes to fill in advance and only considers applicants with the relevant employment skills and experience to fill those gaps. By regularly reviewing the employment skills, labour resource shortages and any changes in Government strategy it is able to have a greater control of the size and make-up of its population.

Some useful lessons that can be taken from the systems considered are to:

- Ensure that systems are flexible and responsive: predicting future skills gaps and labour needs is a difficult and imprecise task. Systems need to be able to respond quickly to changes in these shortages.
- Protect the local workforce: Inward migration cannot be used as a shortcut for business/Government to import skills at the expense of the local workforce. Investment in education, training, and re-training is vital to ensure that the local workforce remains relevant to the changing business need and is competitive in the global market.
- Monitor and review how well the system works: setting success criteria, gathering data and regular review of the system is required to ensure that it remains relevant, effective and efficient.
- Install integration policies for migrants: Gathering data on the integration outcomes for migrants allows integration policies to be produced and amended, such as examining migrants' barriers to labour market integration and connect new migrants with the relevant services they require as early as possible.

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