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Policy Appeal and Tech Talent Migration: A Comparative Case Study of Australia and the United States

Assessing Policy Elements That Determine Each Country's Attractiveness for High-Skilled Tech Migrants

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Abstract

This thesis provides an in-depth examination of how national migration policies influence a country's ability to attract highly skilled tech migrants (HSTMs). The analysis employs a comparative case study approach, using Australia and the United States as representative examples of supply- and demand-based migration regimes, respectively. Grounded in Rational Choice and Human Capital theory, the thesis conducts a detailed document analysis of relevant Australian and American visa classes, applying known factors from previous literature that influence migrant decision-making. This type of analysis allows for a comprehensive understanding of how each country's migration policies can influence its attractiveness level for potential HSTMs in a real-world setting. The analysis concludes that while Australia has higher entry requirements for potential migrants, it provides them with more benefits upon arrival. Conversely, the United States has fewer requirements, but strict quotas negatively affect the country's attractiveness level for HSTMs. While the findings suggest potential policy reforms for Australia and the United States, the results and suggested policy adaptations are also applicable to other countries. The study underscores the need for future research to consider the ethical and moral implications of these migration policies.

List of Abbreviations

DOS	United States Department of State
EB	Employment Based
HSTM	Highly Skilled Tech Migrants
ICT	Information and Communication Technology
IMF	International Monetary Fund
OECD	Organization for Economic Cooperation and Development
OPT	Optional Practical Training
SQ	Sub Question
STEM	Science, Technology, Engineering, and Mathematics
USCIS	United States Citizenship and Immigration Services

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Introduction

In 2022, global tech spending amounted to approximately \$8.51 trillion and is expected to grow to \$11.47 trillion by 2026 (MGI Research, 2023). With spending that already exceeds the GDP of all nations except China and the United States, the tech sector is one of the most essential industries of the 21st century (World Bank, 2021). Due to its rapid growth and the relatively high skillset required by this industry, the International Monetary Fund (IMF) projects a global shortage of 85 million tech workers or more by 2030 (Da Costa, 2019).

One of the ways in which policymakers try to address this shortage is via migration. While there are many different types of migrants, highly skilled migrants already play a crucial role in the tech industry. According to a 2017 report from the National Immigration Forum (an immigrant advocacy non-profit group), people born outside the United States accounted for 13.3% of the country's inhabitants, but they made up 37.4% of Silicon Valley's total population, which is arguably the world's most prominent and influential tech hub. (National Immigration Forum, 2017). The overrepresentation of migrants in the (US) tech sector is underlined by the fact that in 2022, 22 out of the top 25 sponsors¹ for H-1B visas (a US work visa for highly skilled migrants) were tech companies (USCIS, 2022d).

The majority of OECD countries expect a growing deficit of highly skilled (tech) workers in the future and have started to introduce policies aimed at facilitating the recruitment of skilled migrant workers to combat these shortages (Chaloff & Lemaitre, 2009). Since the labor shortage in the tech sector is global, using migration as a tool to combat it puts nations in direct competition for highly skilled migrants. To gain an advantage in this competition, a country must become more attractive for HSTMs than its competitors. Past research has mainly focused on structural differences between supply and demand-based migration regimes and macro-level push and pull factors. Demetrios & Hooper (2019) analyzed systemic differences between points-based and demand-driven systems. While they included "Clear, fair, and transparently applied immigration rules" as a contributor in their analysis, their research is not focused on specific migration policies. Macaluso (2022) analyzed the influence of skill-based migration policies on a country's ability to grow its human capital via migration.

¹ Sponsoring refers to the act of "taking responsibility" for an individual's immigration process and supporting their arrival and stay in a new country. Sponsors are usually either employees who vouch to employ the migrant, or family members.

Migration is a personal process and while economic factors and the overall standard of living seem to be one of the most dominant incentives for people when choosing a country, there are other important influences to consider as well (European Parliament, 2023).

In 2019 the OECD released a policy brief labeled “*What is the best country for global talents in the OECD*” where it first presented its “*Indicators of Talent Attractiveness*”. The policy brief claims to be the first comprehensive tool to capture the strengths and weaknesses of OECD countries in their ability to attract and retain three groups of migrants (highly qualified workers, university students, and foreign entrepreneurs). One of the main results regarding highly skilled migrants was that: “*After taking into account the accessibility of OECD countries in terms of policies and practices for admission, the United States loses its top position in favour of Australia, which has lower refusal rates and less restrictive quotas for the highly skilled*” (OECD, 2019). In 2023, the OECD released a new version of their policy brief which also saw the United States (among others) penalized for unfavorable visa and admission policies (OECD, 2023).

While past scholars have established a broad framework of relevant factors that influence a nation's attractiveness level for potential migrants, the effectiveness of countries' migration policies on their ability to attract HSTMs has not been researched as thoroughly yet. This thesis aims to address that gap by analyzing how the actual policies of two countries with different migration regimes affect their ability to attract highly skilled tech migrants.

To determine and compare the effectiveness of Australia's and the United States' migration policies in their ability to attract HSTMs, a document analysis was conducted. Relevant visa attributes were determined from past research and applied to visa groups targeting HSTMs.

Based on the findings of the two OECD reports, the forecasted global labor deficit, and the indispensable role immigrants already have in the tech sector, the following research question has been developed:

“How do the United States’ and Australia’s migration policies differ, and how do these differences influence their respective ability to attract highly skilled tech workers?”

To answer the main research question more accurately, it was divided into four sub-questions:

(SQ 1) “How do migration policies for highly skilled tech workers differ between Australia and the United States?”

(SQ 2) “Which aspects of each country’s migration policy are particularly appealing to highly-skilled tech workers?”

(SQ 3) “Which aspects of each country’s migration policy make it less attractive to highly skilled migrants?”

(SQ 4) “What measures could each country take to increase its attractiveness towards highly skilled migrants?”

Theory

The theory section begins by discussing previous literature and studies used in this thesis. Following this, the concept of demand and supply driven migration systems is elaborated upon. Afterward Rational Choice and Human Capital theory are introduced. Finally, the assumptions and propositions for this thesis are outlined.

Literature Review

In this section, relevant previous literature is outlined. The literature described below was also utilized to create the coding table (see *Parameters* section).

The 2019 & 2023 OECD Migration Policy Debates Policy briefs

The two reports use a variety of factors to determine each OECD member's attractiveness for highly educated workers, entrepreneurs, and university students (OECD, 2019, 2023). Some of the factors used in the report were either adapted, or directly applied in this analysis.

Hercog, (2008): The Role of the State in Attracting Highly-skilled Migrants, The Case of the Netherlands

In this case study the researchers analyzed which measures the Netherlands could take to attract highly skilled migrants. By elaborating on existing migration theories they "*draw a list of qualities that are relevant for the decision-making process of a highly skilled migrant.*" (Hercog, 2008).

Arnita 2022: Barriers to Career Advancement Among Skilled Immigrants in the US

The article discusses the challenges that highly skilled migrants face in the US when trying to advance in their careers. Some of the analyzed reasons are directly related to migration policy and are therefore included in this analysis (Arnita, 2022).

Czaika & Parsons 2017: The Gravity of High-Skilled Migration Policies

This article presents a comprehensive cross-country assessment of policies aimed at attracting and selecting highly-skilled workers based on data from 2000 to 2012. The authors concluded several factors that have an influence on the efficiency and attractiveness of a migration regime (Czaika & Parsons, 2017).

Cournoyer, 2017: The assessment and recognition of foreign qualifications in OECD

Cournoyer discussed the challenges and benefits associated with the assessment and recognition of foreign qualifications among immigrants in OECD countries. The article also presents policy tools aimed at enhancing the benefits of the recognition of foreign degrees for immigrants, employers, and origin countries, with a focus on the labor market (Cournoyer, 2017).

Khoo, 2003: Sponsorship of Relatives for Migration and Immigrant Settlement Intention

Khoo analyzed the importance of family reunification in immigrants' decision to settle permanently in their country of destination. Their case study uses longitudinal data from a group of recent immigrants to Australia (Khoo, 2003).

Pytliková & Adserá, 2015: International migration: The impact of linguistic proximity on preferred destinations

While the main focus of their research was to analyze the extent to which refugees select their host country based on the degree of similarity between migrants' mother tongues and the language spoken in destination countries, they also studied the impact of language tests on migration flow between 1980 and 2010 (Pytliková & Adserà, 2015).

Demand and Supply Driven Migration Systems

The two primary migration regimes are demand- and supply driven systems. Demand driven migration regimes are employer centric. They require skilled migrants to have a job offer from a domestic employer who is willing to sponsor them. This ensures that immigrants have employment in the destination country upon arrival. Policymakers in demand driven systems usually implement a cap to the annual number of migrants and regulate the labor certification process. Employers play a key role in the migration process by making job offers to potential immigrants. Through their recruitment process, employers evaluate the experiences and credentials of prospective migrants and determine their ability to adapt to the work environment, as well as their motivation, and creativeness. Besides the job-offer requirement, demand-driven migration regimes tend to have fewer eligibility requirements and restrictions than supply driven systems because policymakers assume that if an immigrant is qualified enough to be sponsored by a domestic employer, they will also be qualified enough to positively contribute to the country as a whole (Aydemir, 2014).

Supply based migration systems often do not require migrants to have a job offer. Instead, the government pre-selects potential migrants based on current labor demands and an applicant's ability to contribute to the long-term economic growth of the country. Under most supply driven migration regimes, the pre-selection process involves a points-based evaluation where applicants are assigned points based on their age, their work experience, their education, their language skills, and other traits and abilities. Points-based systems are considered to be more effective in increasing the absolute number of high-skill migrants and the skill composition of international labor flows. (Czaika & Parsons, 2016).

Rational Choice Theory

Rational Choice Theory is a widely used framework for studying human decision making, particularly in fields such as microeconomics and game theory. It traces its origins back to Adam Smith's influential work, "The Wealth of Nations," and is built upon the notion that individuals act as rational decision-makers who employ logical reasoning to select actions that align with their personal preferences.

The core assumptions of rational choice theory are as follows:

- (1) Individuals have clear and distinct preferences that can be ranked based on desirability.
- (2) Rational actors analyze available options and choose the one that offers the greatest personal benefit, acting in a systematic and logical manner.
- (3) Rational actors possess complete information about the costs and benefits associated with different choices, enabling them to make well-informed decisions.
- (4) Rational actors prioritize their own self-interests and strive to achieve their personal goals within the decision-making process.

(Amadae, 2023)

Rational Choice Theory, despite its strong focus on delineating the human decision-making process, has drawn criticism for its seeming neglect of social norms, emotions, and other facets of human behavior that aren't strictly logical (Blau, 1997). Nevertheless, given that this thesis seeks to exclusively analyze elements linked to migration policy, and acknowledging that migration policy is merely one component influencing HSMT's decision-making, Rational Choice Theory can be used as a valuable framework.

Human Capital Theory

Human Capital Theory is a dominant paradigm within economics and social sciences. Individuals' knowledge, skills, experiences, and other attributes are viewed as a form of capital. It assumes that these traits can be utilized for economic profit, similar to physical or financial assets. Within Human Capital Theory, training and education are seen as investments in people that enhance their "value". This theory is essential in understanding how the wealth and growth of national economies can be influenced by the quantity and quality of human capital they possess (Sweetland, 1996).

Within the scope of migration, Human Capital Theory offers a framework to comprehend the reasoning and context under which migration policies directed at highly skilled (tech) migrants are designed. In this context, HSTMs provide countries with a way to boost their economy without investing in people's education or training. Ultimately, skilled (tech) migrants are seen as an economic catalyst, especially in developed knowledge-based economies (Kooiman et al., 2018).

While Human Capital Theory is a useful tool in the context of this thesis, it is worth mentioning that it is not universally applicable and has been criticized in the past. Critique is mainly directed at the lack of ethical and moral implications, the absence of consideration for individual awareness or understanding in the theory, as well as its neglect of the wellbeing of people (Choudhury, 2022).

Assumptions and Propositions

Relying on the theories of Rational Choice and Human Capital Theory, alongside the literature mentioned above and the increasing global need for highly skilled tech professionals, this thesis is guided by four basic assumptions:

- (1) As knowledge-based economies, Australia and the United States have an interest in attracting highly skilled (tech) workers.
- (2) HSTMs are rational actors who will move to the country that is most advantageous to them.
- (4) While numerous factors influence a migrant's choice of a host country, the perceived pros and cons of a nation's immigration policy contribute to its appeal as a potential destination.
- (5) A nation's migration regime has the capacity to shape the perceived "costs" and "benefits" associated with relocating to that country from the perspective of a migrant.

Based on the underlying assumptions and current circumstances, the subsequent propositions are established:

- (1) The more incentives (benefits) a country's migration system provides, the more migrants it will attract.
- (2) The more administrative burdens and restrictions (costs) a country puts on immigrants, the fewer migrants it will attract.
- (3) Countries can increase incentives and decrease burdens in their migration system to attract more highly skilled tech migrants.

Methods

This section discusses the methods used to answer the research question and sub-questions. The first segment will focus on the research design and choice of methodological approaches. The subsequent segment will delve into the reasoning behind selecting Australia and the United States as cases. Following that, the data and sources used for the analysis will be elaborated upon.

Research Design

To answer the main research question and sub questions, a “most similar” case study design in combination with a systematic content analysis were chosen.

Case Study

A "most similar" case study design is a comparative research approach where cases with many shared characteristics are studied to identify and understand the impact of differing elements or variables. This approach offers several distinct advantages which are relevant for this thesis. Primarily, the “most similar” case study design is beneficial when the total number of analyzed cases is limited. It facilitates an in-depth analysis of the unique characteristics and complexity of each case which is useful when comparing the real-world differences between demand and supply driven migration regimes. Additionally, it is advantageous when the objective is to transfer the results to a larger class of similar units (Seawright & Gerring, 2008). In the context of this thesis, the comparative analysis of the US and Australia may yield insights that are applicable to other developed nations seeking to attract HSTMs. Furthermore, this design achieves variation on relevant dimensions, a crucial aspect in case study research. In this scenario, it allows to examine the impact of various factors within the scope each country’s migration regime on their ability to attract HSTMs.

Australia and the US were chosen as cases due to their many similarities. Both countries are English speaking former British colonies, both are developed democracies, both have a long history of migration, and both are large knowledge-based economies. While there are some differences between the two countries, most notably their population size, they are, overall, very similar. While the US’ employer led migration policies are a typical example of a demand driven migration regime, Australia has a supply driven migration regime, offering multiple points-based visa streams that do not require employer sponsorship.

Content Analysis

The operationalization of this analysis employs a systematic review of documents which outline the traits of relevant visa categories. Content analysis serves as a systematic examination of documents, recordings, and other form of media, enabling the extraction of relevant information through the implementation of custom codes. This method involves the process of categorizing qualitative textual data into clusters of similar categories or conceptual entities, thereby identifying patterns. In the context of qualitative research, content analysis can be interpretative as it often also involves the analysis of subtext. It acknowledges that text is open to subjective interpretation and is context-dependent (Given, 2008).

Due to the nature of this research, content analysis is an effective tool. It allows for the systematic analysis of influential traits from relevant visa categories in both countries' migration systems by applying codes. Codes are designed based on the findings of previous literature and can be found in the appendix. In the case of this research, the analysis is less interpretative since most information can be found without the need of interpreting subtext. A table of relevant visa categories and corresponding traits is displayed and elaborated upon in the analysis section. The program ATLAS.ti is used to conduct the document analysis.

Data & Sources

Except for one document, all data is derived from the Australian Department of Home Affairs and the United States Immigration and Citizenship Services (USCIS). On their websites, these governmental institutions provide comprehensive information about the rights and responsibilities of migrants as well as information regarding the traits of offered visa classes. While it is possible to extract the necessary information from each country's respective legal documents, the websites present the same information in a concise set of documents, as opposed to being dispersed across various acts, amendments, and other legal documents. This reduces the likelihood of errors due to the clear and organized presentation of information. A document outlining the U.S. migration principle of "dual intent"² and the visas it applies to was sourced from Temple University. Despite being a recognized and routinely applied legal principle, "dual intent" is not explicitly mentioned in any of the documents obtained from USCIS. A list of all source documents can be found in the appendix (Codebook).

² Dual intent is a concept applied that allows people admitted to the US on a nonimmigrant visa to eventually apply for permanent residency without facing legal consequences or systemic disadvantages. Temple University (2020)

Parameters

In this section, the visa attributes and classes used in the analysis are discussed. They were chosen based on the findings of the literature outlined in the theory section, as well as the assumptions of Rational Choice- and Human Capital theory.

Relevant Attributes

Visa characteristics are grouped into 4 categories which are discussed below. Some visa characteristics included in the analysis are merely descriptive, when this is the case, it is noted in their respective description.

Eligibility and Restrictions

The first and largest group consists of 6 items. Items in this category that are not merely descriptive always have a negative influence on a countries level of attractiveness (if present).

Target Group: An attribute not used in the analysis, but important for context, is the specific target group of each visa. Some visas may seem to offer more advantages, but are only available to a narrow demographic, a detail sometimes not captured by the attributes under analysis. For instance, the O-1A visa lacks a cap and has fewer relevant requirements than the H-1B, while offering the same benefits. However, it is essential to highlight that it is designed for “Individuals with an extraordinary ability in the sciences, education, business, or athletics,” (USCIS, 2023c).

Maximum Age: This category is derived directly from Rational Choice Theory. While age limitations that favor younger applicants can be justified under the premises of Human Capital Theory, they either reduce a countries attractiveness by providing systemic disadvantages, or by outright preventing older people from migrating.

Shortage List Occupation: Shortage list occupations require applicants to have a job that policymakers determine to be “in demand”. This creates an additional barrier for migrants which effectively makes the country less attractive and lowers the total influx of immigrants (Czaika & Parsons, 2017).

Job Offer: Job offer requirements are also included based on the findings of Czaika & Parsons research. One of their results was that “*Countries requiring a job offer recruit almost one-half as many high-skilled migrants.*” (Czaika & Parsons, 2017).

Language Requirements: This category is based on Pytliková & Adserà's research. One of their conclusions was that “[...] immigration policies in Australia, Canada and New Zealand emphasise candidates’ skills in their application processes for permanent resident visas, awarding points for English language proficiency [...] Our results show that migration flows to countries with stricter language requirements are smaller [...] ” (Pytliková & Adserà, 2015).

Tertiary Education: Educational requirements are included because they automatically exclude some people from qualifying for a visa. While most employees in the tech sector require a college degree, there are some that have no requirements. According to a 2022 survey from the Cengage Group, 19% of employers in the tech industry said that most entry-level jobs either have no degree requirements or that degree requirements vary significantly by department and role (Cengage Group, 2022).

Administrative Process

Items in this category are related to the administrative process of a visa application.

Recognition of Foreign Degrees: This category is based on Cournoyer's research about the recognition of foreign qualifications. Their article focused on the challenges migrants face on the job market if their degree is not recognized, or if domestic degrees are preferred. The article concludes that “*Recognition [of foreign degrees] improves the labour market prospects of immigrants, regardless of their migration category, field of expertise, or the origin of their degree*” (Cournoyer, 2017). While they analyzed migrants’ employability chances, “Recognition of Foreign Degrees” is included as a factor since it will increase their chances for employment. In this category, a country's attractiveness level is enhanced by equal recognition of qualifications. However, preferential treatment for domestic degrees results in a minor negative impact, while a lack of recognition leads to a major negative impact.

Visa Caps: This category is based on the OECD reports’ variable “*Quota for highly skilled workers*” (OECD, 2023). In this thesis, the presence of visa caps is regarded as unfavorable. Visa caps lacking information regarding their selection process or relying on chance-based lottery systems are considered to have the most negative impact due to their lack of transparency and the absence of ways for applicants to enhance their chances. Conversely, caps based on a scoring system are considered to have a relatively lesser negative impact as they offer transparency and afford applicants the opportunity to improve their selection prospects by expanding their qualifications in relevant categories. Caps utilizing waitlists are perceived

to have a moderately negative impact as they exhibit transparency but do not enable applicants to increase their chances.

Is Points Based: In their research, Czaika & Parsons conclude that: *“The main result of this article is that supply-led systems—that is, points-based systems—increase both the absolute numbers of high-skilled migrants and the skill composition of international labor flows.”* (Czaika & Parsons, 2017). Point based systems provide applicants with a variety of ways to qualify for a visa which makes these visas more flexible and therefore more attractive.

Prospects

Items in this category have a positive influence on a country’s attractiveness level (if present/fulfilled).

Validity Period: This category is derived directly from Rational Choice Theory. Longer validity periods are considered positive because they provide migrants with a higher “reward”.

Citizenship: The possibility to apply for citizenship as a relevant characteristic is derived from the variable “Acquisition of nationality” of the OECD’s 2023’s *Migration Policy Debates* report (OECD, 2023). Citizenship is one of the most important factors, as it renders all other obstacles obsolete once acquired. The faster a migrant can qualify for citizenship the higher the positive impact.

Permanent Residency: Like citizenship, permanent residency is one of the most crucial variables since it usually grants migrants with most of the rights citizens have which means that they do not have to apply for another visa. Furthermore it prevents underutilization due to work restrictions implemented by some visas (Arnita, 2022). Highly skilled migrants are strongly attracted by the prospect of permanent residency (Czaika & Parsons, 2017; OECD, 2023). Permanent residency is therefore considered to have a positive impact.

Family Rights

This category concerns the rights of a visa holders first-degree relatives.

Spouse, Parents & Siblings: The rights of spouses, parents, and siblings are analyzed individually; however, they are evaluated based on the same criteria. Both OECD reports measured the *“Right for spouse to join migrant and to work”* (OECD, 2019, 2023). The importance of families as a *“decision-making unit”* where both partners gains and losses are considered when migrating is pointed out by Hercog (Hercog, 2008). Khoo’s research concludes that *“The results of these analyses show that there is a strong relation between*

sponsorship of relatives for migration and immigrants' permanent settlement intention after controlling for various migrant attributes. It is clear that migrants are more likely to settle permanently if they have sponsored close relatives such as parents or siblings to migrate to join them than if they have not." (Khoo, 2003). Based on these findings, the rights of Spouses, Parents, and Siblings to join migrants and to work is considered as positive if present and as negative if absent.

Children: The right of migrants to sponsor their children is derived from the same sources as the right to sponsor spouses, parents, and siblings. Since both Australia and the US have age limits for children to be sponsored as dependents, these will be included in the analysis as well. The lower the age limit the higher it's negative impact.

Relevant Visa Classes

Only visas that are directed at (highly) skilled workers, and that are generally available (i.e. not restricted to applicants from select countries) are included in the analysis. Neither investor, nor student visas are included. While investor visas are important from a Human Capital perspective, their purpose is not to combat labor shortages. Student visas are also not included in the analysis. However, both the US and Australia provide pathways for university students to stay and work after they graduate. These pathways/programs will be mentioned in the analysis but are not the primary focus. Selected visa categories are listed below.

Australia

Subclass 482, Temporary Skill Shortage visa (medium-, and short-term stream): *"This visa enables employers to address labour shortages by bringing in skilled workers where employers can't source an appropriately skilled Australian worker."* It consists of four streams: a short-term, medium-term, labor agreement, and subsequent entrant stream (Department of Home Affairs, 2021b). For this analysis, the labor agreement stream is disregarded as it is only available to migrants from select countries. The medium-, and short-term stream are analyzed jointly as the only category they differ in (which is relevant for this analysis) is their validity period. The Subsequent entrant stream is also included as it outlines the rights of sponsored family members.

Subclass 489, Skilled Regional (Provisional) visa, (invited pathway): *"This is a temporary visa. It is for skilled workers who want to live and work in regional Australia."* Subclass 489 is divided into three pathways: the invited pathway, the extended stay pathway, and the subsequent entry pathway (Department of Home Affairs, 2022c). The extended stay pathway

is not included in the analysis as it requires applicants to already hold an Australian visa. The subsequent entry pathway is included to determine the rights of sponsored family members.

Subclass 494 (employer sponsored stream): *“This visa enables regional employers to address identified labour shortages within their region by sponsoring skilled workers where employers can't source an appropriately skilled Australian worker.”* It consists of an employer sponsored-, a labor agreement-, and a subsequent entrant stream (Department of Home Affairs, 2021d). The labor agreement stream is disregarded, and the employer sponsored-, and subsequent entrant stream (for family members) are analyzed jointly.

Subclass 491: *“A visa for skilled people nominated by a state or territory government to live and work in regional Australia.”* (Department of Home Affairs, 2021c) It consists of a main applicant and subsequent entrant (family member) pathway which are analyzed jointly.

Subclass 186 (direct entry stream): *“This visa lets skilled workers, who are nominated by their employer, live and work in Australia permanently.”* It consists of three sub-streams (direct entry-, labor agreement-, and temporary residence stream) (Department of Home Affairs, 2021a). Only the direct entry stream is included in the analysis as the other streams are merely available to a subsection of HSTMs.

Subclass 858: *“This is a permanent visa for people who have an internationally recognised record of exceptional and outstanding achievement in an eligible field.”* There are no dedicated sub streams (Department of Home Affairs, 2023g).

Subclass 189 (Points tested stream) & Subclass 190: Subclasses 189 and 190 are identical with the exception that subclass 190 requires applicants to be nominated. *“This visa lets nominated skilled workers live and work in Australia as permanent residents.”* (Department of Home Affairs, 2023f). Subclass 189 provides the same benefits as Subclass 190 but also includes two streams that are reserved exclusively for New Zealand, and Hong Kong (or British National (Overseas)) passport holders *“This visa is for invited workers, eligible New Zealand citizens and eligible Hong Kong or British National (Overseas) passport holders with skills we need, to live and work permanently anywhere in Australia.”* (Department of Home Affairs, 2022a). Because of their similarities, the points tested stream of Subclass 189 and Subclass 190 will be analyzed as one unit.

Subclass 103 (Parent visa): *“This permanent visa lets a parent of a settled Australian citizen, Australian permanent resident or eligible New Zealand citizen move to Australia.”*

(Department of Home Affairs, 2023d) It will not be analyzed independently but is included in the analysis of visas that grant permanent residency.

United States

O-1A: The O-1A visa is for “*Individuals with an extraordinary ability in the sciences, education, business, or athletics [...]*”. The O-3 visa is also included as it is designed for “*Individuals who are the spouse or children of O-1 and O-2 visa holders.*” (USCIS, 2023c)

L-1B: “*The L-1B nonimmigrant classification enables a U.S. employer to transfer a professional employee with specialized knowledge relating to the organization’s interests from one of its affiliated foreign offices to one of its offices in the United States.*” L-2 visas will be included because they are designed for spouses and children of L-1 visa holders (USCIS, 2022e).

H-1B (Specialty Occupations): The H-1B visa is for people working in “*Specialty Occupations, DOD Cooperative Research and Development Project Workers, and Fashion Models*”. The H-4 visa is the corresponding visa for spouses and children of H-1B visa holders and will therefore be included in the analysis (USCIS, 2022d).

EB-1; EB-2; EB-3: Employment based (EB) visas provide immigrants with permanent residency. EB classes are designed for workers and professionals with varying experience and qualifications. The following employment-based (EB) categories are relevant for HSTMs:

The first category (EB-1) is for priority workers and includes individuals with exceptional skills in fields such as science, arts, education, business, or sports; exceptional professors and researchers; and certain multinational managers and executives.

The second category (EB-2) is designated for professionals holding advanced degrees or individuals with exceptional skills.

The third category (EB-3) is for skilled workers, professionals, and other types of workers.

Due to the increasing requirements for EB visas with smaller numbers, demand for these subclasses is lower which leads to faster processing times and earlier admission. EB visas will be analyzed as one category since they provide the same benefits (USCIS, 2022c). In the analysis, requirements that only apply for some (more restrictive) classes will be marked as “beneficial” because they allow applicants to qualify for a “better” EB subclass.

Analysis

Table 1 provides an overview of the information derived from the document analysis, the glossary and codebook are included in the appendix. Each sub question is analyzed and answered based on the findings of the document analysis.

Table 1

Visa Class	Target Group	Maximum Age	Eligibility and Restrictions			Administrative Process			Prospects			Family Rights		
			Shortage List Occupation	Job Offer	Language Requirements	Tertiary Education	Recognition of Foreign Degrees	Visa Caps	Is Points Based	Validity Period	Citizenship	Permanent Residency	Spouse	Parents
O-1A	Individuals with extraordinary abilities or achievements				Beneficial	Equal	<input type="checkbox"/>	3-4 Years			Cannot Work			
	Temporary intra-company transferees who have specialized knowledge				Not Required	Irrelevant	<input type="checkbox"/>	3-5 Years	No Cap		Can Work			
L-1B	Individuals with specialty occupations, DOD cooperative research and development project workers, and fashion models	No Maximum Age	Not Required	Required							Pathway			
H-1B	Workers with varying degrees of qualifications and experience				Bachelor	Domestic Advantage	<input type="checkbox"/>	3-6 Years	Lottery		Restricted Working Rights	Cannot Sponsor	Cannot Sponsor	Under 21
EB-1; EB-2; EB-3				Required for EB-2 and EB-3. Beneficial for EB-1	Benefit	Equal	<input type="checkbox"/>	Permanently	Waitlist		Can Work			
Subclass 482 (Medium- and Short-Term Stream)	Skilled workers who want to work in Australia temporarily	No Maximum Age	Required	Required	Not Required	Irrelevant	<input type="checkbox"/>	Up to 4 Years						
	Skilled workers who want to live and work in regional Australia	Under 45	Required	Required + Beneficial	Benefit	Domestic Advantage	<input checked="" type="checkbox"/>	4 Years	No Cap		Pathway		Cannot Sponsor	
Subclass 489 (Invited Pathway)	Skilled workers who are sponsored by regional employees	Under 45	Not Required	Required	Not Required	Irrelevant	<input type="checkbox"/>	5 Years						
Subclass 494 (Employer Sponsored Stream)	Skilled workers who want to live and work in regional Australia	Under 45 + Beneficial	Required	Required + Beneficial	Benefit	Domestic Advantage	<input checked="" type="checkbox"/>	5 Years	Score		Can Work			
Subclass 491 (Direct Entry Stream)	Skilled workers who are nominated by an employer	Under 45	Required	Required	Not Required	Irrelevant	<input type="checkbox"/>		Selection Process Not Defined					
Subclass 858	People who have an internationally recognized record of exceptional and outstanding achievement in an eligible field	Benefit if between 18-54	Not Required	Required	Benefit	Equal	<input type="checkbox"/>	Permanently	Selection Process Not Defined		Granted			Can Work
Subclass 189 (Points Test Stream) & Subclass 190	Skilled workers with (190) and without (189) nomination	Under 45 + Beneficial	Required	Required + Beneficial	Benefit	Domestic Advantage	<input checked="" type="checkbox"/>		Score					

(SQ 1) Migration Policy Differences

The main difference between the migration policies of the United States and Australia is that Australia uses a supply driven migration system while the United States has a demand driven migration regime. The first sub-question “*How do migration policies for highly-skilled tech workers differ between Australia and the United States?*” is answered section by section to provide a better overview.

Eligibility and Restrictions

Both, Australia and the United States provide a variety of visa types that include visas for temporary workers (L-1B, H-1B, Subclass 482, and Subclass 494), skilled workers that want to stay permanently (EB-2, EB-3, and Subclass 186), as well as visas for people with extraordinary abilities (O-1A, EB-1, and Subclass 858). However, except for the EB-3 visa, all American visas require applicants to be sponsored by an American employer. Australia also offers a variety of visas outside the “extraordinary ability” category that do not require a job offer. (Subclasses 189, 190, 489, and 491). While these visas are employer independent, they require applicants to have an occupation that is on Australia’s “Specialty Occupation List”. Therefore, both countries “filter” migrants in a way to directly combat job shortages in their country, which was expected based on the principles of Human Capital theory. While the Australian government takes a more direct role in deciding which professions are “in demand”, the United States “outsources” this to the private sector by requiring a job offer for (almost) all visa classes. This is a common difference between demand-, and supply driven migration regimes (Gurría, 2011).

Except for job offer requirements and the necessity of a bachelor’s degree for H-1B visas the United States has no other requirements relevant for this analysis. Australia requires language tests for all analyzed visas and excludes people over the age of 45 from applying for any of the analyzed visa except for subclasses 482 and 858. Due to the nature of Australia’s supply driven migration regime, many requirements are more flexible by providing applicants with systemic benefits if they have certain qualifications, even when applying for visa subclasses that are not points based.

Administrative Process

Four of eight analyzed Australian visas are points based (Subclasses 189, 190, 489, and 491). The minimum required threshold to be considered for a points-based visa is 65 points, as of June 2023 (Department of Home Affairs, 2022a). While the United States does not offer any points-based visas, it does have a more “liberal” degree recognition policy. Both nations recognize foreign degrees, but all Australian points-based visas provide additional points to graduates from Australian universities. Applicants are awarded 10 additional points if they hold “*A Masters degree by research or a Doctorate degree from an Australian educational institution that included at least 2 academic years study in a relevant field.*” and 5 additional points if they “*Meet the Australian study requirement*” which requires them to “[...] *have completed [their] study in Australia, in a total of no less than 16 calendar months, [...].*” (Department of Home Affairs, 2023b, 2023c).

The H-1B is the only American visa that provides a systemic advantage to applicants with a domestic (postgraduate) degree. It does so via its visa cap lottery system. The H-1B visa distribution lottery system consists of two rounds: during the first round 65,000 visas are randomly distributed among all participants³. If a participant who has a master’s or doctoral degree from an American University is not chosen during the first round they qualify for a second round with an additional 20,000 available visas (USCIS, 2023a). While Australia does implement numerical limits to some visa subclasses, they are not as present as in the US. In 2022 there were 483,972 applications for 85,000 available H-1B visas which resulted in an 18% chance of being selected (with slightly higher chances for applicants holding a U.S. master’s degree or higher) (Michailov, 2023). Employment Based (EB) visas are also capped but they are distributed based on a participants priority date (a waitlist). Waiting periods can vary severely depending on EB category and country of origin. As of July 2023, EB-3 visas for applicants from India are available to those that applied before January 1st 2009, while there is no waiting period for EB-1 applicants who are not Chinese or Indian citizens (U.S. Department of State, 2023).

³ Up to 6,800 H-1B visas are set aside from the fiscal limit of 65,000 visas under the U.S.-Chile and U.S.-Singapore free trade agreements. H-1B workers performing labor or services in the Commonwealth of the Northern Mariana Islands and Guam may be exempt from the cap. H-1B workers who are employed or petitioned for by an institution of higher education or its affiliated or related nonprofit entities or research organizations are exempt from the cap as well USCIS (2022d, 2023a).

The Australian system is less transparent. While capped point-based visas (Subclasses 189, 190, and 491) are distributed based on applicants' scores, the selection process for Subclasses 186, and 858 is not publicly available. However, no sources were found that indicated a backlog or severe oversubscription of either category. Subclasses 482, 489, and 494 are not subject to a cap.

Prospects

While both countries allow permanent residents to apply for citizenship, the waiting period is one year shorter in Australia (4 versus 5 years). All analyzed visas provide at least a pathway to permanent residency and validity periods are similar for temporary visas in both countries, ranging from 4-5 years in Australia and 3-6 years in the US. Besides the analyzed characteristics, it should be mentioned that holders of L-1B visas cannot switch employers and will have to leave the country if they lose their job (Peng & Weber, 2011).

Family Rights

Neither country allows visa holders to sponsor their siblings. While the US does not permit migrants to sponsor their parents, Australia has a designated "Parent Visa" (Subclass 103). However, it should be noted that, due to an oversubscription of the parent visa, waiting periods take at least 29 years as of June 2023 (Department of Home Affairs, 2023d). Because of that oversubscription the Australian government has introduced the *Sponsored Parent (Temporary) visa* (Subclass 870) with an average processing time of 70 days. This visa allows parents of permanent residents to stay in Australia for up to 10 years but, unlike the parent visa, does not grant parents permanent residency and does not permit them to work (Department of Home Affairs, 2023a). Australia and the US allow migrants to sponsor underaged children (children under the ages of 21 (US) or 18 years (Australia)) and both countries provide exceptions for children that are still dependent on their parents. All analyzed Australian visas allow spouses of migrants to work. In the US, spouses of EB-, and L-1B visa holders are permitted to work while spouses of H-1B visa holders only receive working authorization if the primary visa holder has begun the process of seeking employment-based lawful permanent resident status (USCIS, 2023b). Spouses of O-1A visa holder do not have any work authorization.

While not shown in the table, both, Australia and the US allow migrants to sponsor same sex partners (Nanthaveth & Associates, 2022; VisaEnvoy, 2020).

Graduate Program

Student visas were not included in this analysis. However, it should be mentioned that the United States and Australia allow former students to stay in the country after graduating. Permitting graduates to stay and work after graduation does align with the expectations of Human Capital Theory since international graduates of domestic universities are better prepared to contribute to the domestic economy and labor market than most other immigrants. As of 2022, Australia is home to 619,371 international students (Department of Education, 2022) while the United States hosted 948,519 foreign students in the same year (Statista, 2022). In the US, international graduates on an F1 (student) visas can stay and work in the US for 12 months while graduates in STEM fields can stay and work for up to 3 years as part of OPT (Optional Practical Training) or STEM OPT (USCIS, 2022f). In Australia, graduates can apply for a Subclass 485 visa which, depending on the stream they qualify for and the region they live in, lets them stay and work in Australia for up to 4 years (Department of Home Affairs, 2022b).

(SQ 2) Appealing Aspects

The second sub-question “*Which aspects of each country’s migration policy are particularly appealing to highly-skilled tech workers?*” will be answered for each country respectively.

Australia

The main strengths of the Australian system are its transparency, its selection process (caps) and its family policies. Australia offers eight visas with different requirements for highly skilled migrants, seven if people with extraordinary abilities are excluded. This offers HSTMs a variety of visa types to choose from depending on their situation. While the number of points-based visas is limited, they provide applicants with transparency and allow them to work on their qualifications to score additional points. Australia provides further transparency by informing applicants about visa fees, processing times, rights, and requirements on their website.

Australia does recognize foreign degrees while providing advantages to visa applicants with an Australian degree for all its points-based categories. Recent graduates also have the option to apply for a designated postgraduate visa, which provides recent graduates with further incentives to stay in Australia.

Most Australian visas do not require a job offer. It is more convenient for employers to hire migrants who have already completed all administrative burdens, rather than having to navigate the sponsorship process themselves. This is especially true for Subclass 189 and 190 visas which allow immigrants to become permanent residents without a job offer.

Another advantage of Australia's migration system are its family sponsorship policies. All analyzed visa categories permit migrants to sponsor their underaged or dependent children and allow their spouses to work. Permanent residents can sponsor their parents, providing them with an opportunity to attain permanent residency. However, as of June 2023 the waiting period for the "Parent Visa" is at least 29 years (Department of Home Affairs, 2023d). As an alternative, permanent residents can sponsor their parents for a Subclass 870 visa. This visa offers parents the ability to reside in Australia for up to 10 years. It is important to note though that the Subclass 870 visa does not confer the right to work while in Australia.

United States

The main advantage of analyzed American visa categories are their low requirements. While all visas (except the EB-1) require a job offer, there is no maximum age for applicants, no shortage list requirements, and no language tests. This is common in supply driven migration regimes because governments assume that employers will only sponsor migrants that have sufficient qualifications. Policymakers therefore do not have to "pre-select" applicants based on their qualifications. All analyzed American visas provide immigrants with pathways to become permanent residents and permanent residents can apply for citizenship after having lived in the United States for at least 5 consecutive years. Like in Australia, immigrants in the US have the right to sponsor their spouses and unmarried children under the age of 21. Spouses, under the L-1B and EB visas, are granted permission to engage in employment. Furthermore, spouses of H-1B visa holders may seek employment if the primary visa holder has initiated the process of transitioning to permanent residency.

(SQ 3) Repealing Aspects

This subsection concerns the analysis of sub-question 3: *“Which aspects of each country’s migration policy make it less attractive to highly skilled migrants?”*

Australia

Under the assumptions of Human Capital Theory, governments want to admit migrants who will yield (the highest) profit. In demand-driven migration regimes, it is believed that employers will naturally choose the most qualified candidates. Consequently, governments in these countries tend to adopt fewer visa requirements, as they operate under the assumption that the candidate who proves most profitable for an employer will also bring significant benefits to the country as a whole. Because Australia’s migration regime is supply driven, policymakers want to “pre-selects” migrants via tighter visa requirements to narrow the pool of applicants to those deemed “most profitable”. Because of this, all analyzed Australian visas require a language test and most require applicants to have a job that is on a governmentally issued “Shortage Occupation List”. Such lists can become burdensome if they are not kept up to date. Furthermore, all visa subclasses (except 858 and 482) are limited to applicants under the age of 45 with Subclass 858 requiring that *“If you are under 18 years old, or are 55 years or older when you apply, you must be of exceptional benefit to the Australian community.”* (Department of Home Affairs, 2023g). While these requirements are reasonable from a Human Capital perspective, they exclude or penalize a large group of potential migrants and therefore have a negative impact on the attractiveness of Australia as destination for HSTMs under the assumptions of Rational Choice Theory.

Besides its high eligibility requirements, another aspect of Australia's migration law that negatively influences the country's level of attractiveness is the lack of visas for first-degree relatives who are not part of a migrant’s nuclear family. Additionally, only permanent residents can sponsor their parents. While parents sponsored for a Subclass 103 parent visa are granted permanent residency (which includes the right to work), the 29-year waiting period strongly incentivize permanent residents to sponsor their parents via Subclass 870 visas which does not provide permanent residency or working rights. None of the analyzed visas allow for the sponsorship of siblings by default. While Australian citizens or permanent residents can use visa Subclass 115 to sponsor family members who do not have a near relative that lives outside of Australia, as of June 2023, *“A new Remaining Relative visa application may take at least 24 years to process.”* (Department of Home Affairs, 2023e)

United States

Since the US has a demand driven migration regime, it imposes fewer requirements than Australia. However, by default all visas (except category EB-3) require a job offer which can be difficult to achieve from abroad. According to the migration law firm *Herman Legal Group*, sponsoring an immigrant for an H-1B visa can cost employers between \$1,700 and \$8,000 depending on attorney fees, optional fees, and company size (Herman Legal Group, 2022). In addition, tertiary education is a de-facto requirement for HSTMs applying for any visa other than the L-1B or EB-1. While the H-1B is the only visa that legally requires all applicants to hold at least a bachelor's degree, HSTMs applying for O-1A and EB-1 will need to prove that they possess extraordinary abilities in their field, which becomes difficult without an academic degree. (USCIS, 2022a, 2023c). HSTMs applying for an EB-2 visa will likely apply under the “*Advanced Degree*” stream which requires applicants to possess a bachelor's degree or higher (USCIS, 2022b). Another factor that decreases America's attractiveness as a destination are its limited family sponsorship options.

While all analyzed visas provide immigrants with the option to sponsor their children and spouse, spouses are only eligible to work if the primary visa holder is a permanent resident or holds an L-1B visa. Spouses of H-1B visa holders are only permitted to work if “[...]the H-1B nonimmigrant has already started the process of seeking employment-based lawful permanent resident status.” (USCIS, 2023b) This effectively excludes most spouses of H-1B immigrants from working. In addition, none of the analyzed visa categories allow migrants to sponsor their parents or siblings.

The final revealing aspects are the US' strict quotas and its visa selection processes. As mentioned above, waiting periods for some EB visas can be up to 14 years (U.S. Department of State, 2023), while the chance of being selected for an H-1B visa is 18% for applicants without an American master's degree or higher. This means that applicants who have found an employer willing to sponsor them have an 82% chance of not being selected, even though they fulfill all requirements (Michailov, 2023).

(SQ 4) Possible Adaptations

In this section, the final sub-question “*What measures could each country take to increase its attractiveness towards highly skilled migrants?*” will be addressed. A set of potential policies will be introduced to address the findings of sub question 3. Policy propositions are designed in accordance with each countries current migration regime and operate under the assumptions of Rational Choice-, and Human Capital Theory.

Australia

Australia was already the most attractive OECD country for highly skilled migrants in 2019 and fourth most attractive in 2023 (OECD, 2019b, 2023). It employs a supply-driven migration regime which are generally considered to be more successful at attracting highly skilled migrants (Macaluso, 2022) but still offers some employment-based visas. The negative aspects outlined in sub-question 3 are mainly a result of the tension between the government’s desire to limit skilled migration to those deemed “most-valuable” and the deficit of highly skilled (tech) workers in the labor market. These deficits can be divided into two categories: family sponsorship opportunities and age & job restrictions.

Family Sponsorship Opportunities

While Australia already allows the sponsoring of same-sex partners and offers generous rights for members of a migrant’s nuclear family, this family model is mostly predominant in the United States, Canada, Australia, New Zealand & northern Europe. In most other countries and regions, family units include at least some members of the extended family, most commonly parents, grandparents, and siblings (Georgas, 2003). While Australia does have an interest to only admit migrants which it believes to be profitable, it should consider introducing family specific visas that are not tailored to western family models. This would make the country more attractive for HSTMs with strong ties to their (extended) family.

The first step to address the deficits related to family sponsorship options is to increase the annual limit of subclass 103 parent visas by a margin large enough to significantly reduce the 29-year waiting period. Afterward, a similar visa could be introduced for siblings. In return, the parent- and newly introduced sibling visa could be reformed by removing the permanent resident status for parents and siblings while still providing them with most of the benefits that are associated with permanent residency (including the right to work). This way, all direct family members could be sponsored by the main applicant. They would all have the right to stay and work in Australia and would be treated as de-facto permanent residents without having

the right to sponsor family members themselves. The Australian government would allow highly skilled migrants to sponsor their family members but in return tie family members' rights to the presence of the primary migrant. If sponsored family members meet the eligibility criteria of other immigrant visas, they would be able to apply and become a "primary visa holder" themselves. However, they should not be awarded with additional points as to prevent decreasing the chances of independent applicants.

Another option would be to allow applicants of points-based visa categories to include direct family members in their application. As of June 2023, Australia already allows applicants of all analyzed points-based visa Subclasses to include their partner in the main application. However, applicants are effectively losing 5 points⁴ if their partner does not meet the age and skill criteria of the visa and cannot include their partner if they do not meet the language requirements (Department of Home Affairs, 2023c). Points based visas could be redesigned to also include siblings and parents. While family members who fail to meet the age or skill criteria would reduce an applicant's chance of receiving a visa, this proposed compromise provides potential immigrants with the option to include some members of their extended family in their application. While Australia would still provide systemic advantages for applicants (or families) who match all criteria, this pathway could eliminate the uncertainty of family reunification and allow all family members to "increase their value" in the eyes of the Australian government by working on their qualifications to gain more points.

Age & Job Restrictions

Australia has the potential to enhance its level of attractiveness in another two key areas: age and job restrictions. While the English language requirements may discourage certain prospective migrants, adequate preparation can help to overcome this hurdle. However, age restrictions automatically disqualify individuals over the age of 45 for most analyzed visa categories, except for subclasses 858 and 482. Although shortage list occupation requirements are attainable by anyone, the necessity to change careers for the purpose of migration significantly diminishes the appeal of the target country and may exclude a substantial number of potential migrants. While Australia enforces these restrictions with the aim of elevating the average human capital value within its migrant pool, there is room for reform to introduce

⁴ Applicants who are single or have a partner who is either an Australian citizen or permanent resident receive 10 points. Applicants whose partners meet the visa's basic age, language, and skill requirements also receive 10 points, while applicants only receive 5 points if their partner is over the age of 45 and/or does not meet the skill criteria. Partners who fail to meet the English language requirement cannot be included in the application at all. Department of Home Affairs (2023c).

greater flexibility while still maintaining a migrant pool with a high human capital index. One way to achieve this would be to make job offer- and shortage occupation list requirements interchangeable. This way, the Australian government could merge some of its visas (Subclasses 491, 494, and 189) which by itself provides migrants with more simplicity. Furthermore, Australia would increase its number of potential applicants while still guaranteeing that all applicants benefit the economy but without the risk of excluding skilled immigrants in areas with underemployment that have not yet been included in the list of “in-demand” occupations. Age requirements could be relaxed to some degree. If the aim of age requirements is to ensure that applicants who can contribute to the Australian Economy for the longest time are preferred, age requirements could be lifted while still providing more points to younger applicants. One of the main reasons for age requirements is to ensure that immigrants contribute to, rather than take from the retirement system. However, Australia’s retirement policies are not the topic of this thesis and should be analyzed in future research.

United States

The 3 main negative factors to the US’ attractiveness level elaborated in sub-question 3 are: limited family rights, strict job requirements, and the discouraging cap system. In this section, potential policy adaptations will be recommended based on the results of the previous sub-questions.

Limited Family Rights

One of the least invasive changes the United States could undertake to attract more HSTMs is to grant the right to work to spouses of all migrants that hold one of the analyzed visas. Not only would this increase the countries attractiveness for HSTMs, but it might also help to combat the larger labor shortage the US is currently facing. Based on data from the U.S. Bureau of Labor, the last business day of April 2023 saw 10.1 million job openings, while the number of unemployed individuals in the United States stood at 6.1 million as of May 2023 (U.S. Department of Labor, 2023a, 2023b). Permitting spouses of all HSTMs to work would allow the economy to utilize the additional human capital added to the labor market to address the shortage of 4.0 million workers.

Furthermore, the United States should consider introducing a visa similar to the parent-, and proposed sibling visa in Australia. As mentioned in the policy recommendation for Australia, this would make the country a more attractive destination for HSTMs, especially for those from countries where the nuclear family model is less common. It would also add more people to the

labor pool and further help to combat the labor shortage. If policymakers are concerned that the additional workforce admitted to the country via the new family visa will displace domestic employees, a less “generous” version of the family visa could be introduced that does not grant the right to work. Migrants admitted under the family visa would then be allowed to apply for regular work visas while in the country.

Strict Job Requirements

With the exception of EB-1 visas, which are targeted at people with extraordinary abilities, outstanding professors, and certain multinational managers or executives, the US does not offer an employer-independent visa. While this is a result of the demand-driven nature of America’s migration regime, the country might consider either reforming some of its current visas or introducing a new type of work visa to allow the admission of HSTMs who do not (yet) have a job offer. If the U.S. were to introduce a specialty occupation list, like Australia, it could lift the sponsorship requirement for H-1B applicants with a profession on the list of specialty occupations while still require a sponsor when applying for permanent residency.

Alternatively, a new visa that is designed to work in tandem with the H-1B could be introduced. This new visa (which will be referred to as H-1X for the purposes of this analysis) would allow applicants with a profession on the specialty occupations list to be admitted to the US for a certain number of years and grant them the right to work. Once the initial admission expires, H-1X visa holders will be allowed to change their status to H-1B assuming that they found employment in a field of work that either is (or was at the time they were admitted) on the list of specialty occupations.

Both, the expansion of the H-1B program and the introduction of an H-1X visa would still require applicants to eventually find employment and therefore not change the demand-based nature of the current system. By offering an additional way to qualify for a US work visa, either option would make the country a more attractive destination for HSTMs without a job offer. Furthermore, both policies would make it easier for domestic employers to hire HSTMs by eliminating the bureaucratic and financial burdens associated with sponsorship. This might trickle down to HSTMs in the form of more employment opportunities which should further increase the countries attractiveness.

The Cap System

The final policy proposition concerns the U.S.' cap system for EB, but especially H-1B visas. The simplest solution would be to increase (or eliminate) the cap for both visas. However, many oppose increasing the limit over allegations that large companies, including tech companies, use the H-1B program to replace domestic workers with migrants who are willing work for less money (Costa & Hira, 2023). Furthermore, if an H-1B worker loses their job, they are required to find a new occupation in their field within 60 days if they wish to stay in the country. Due to the oligopolistic nature of the American tech sector, this provides large US tech companies with leverage against H-1B migrants, which they might use to pressure them to accept worse working conditions than their American colleagues (Conyon et al., 2022). If policymakers wish to address these concerns, they could include working conditions as a requirement for H-1B, EB, and (potentially) H-1X visa sponsorship. As of June 2023, similar requirements regarding wages of H-1B workers are already in place⁵. Additionally, policymakers could increase the grace period⁶ of H-1B visas. Both measures would take some of the leverage away from large tech companies and allow the U.S. government to increase or abolish the caps.

An alternative way to address the current cap situation would be to exclude tech workers (and workers in other industries that face major labor shortages) from the H-1B lottery system and EB waitlists. This could either be achieved by excluding people from the lottery system (and waiting lists) based on their profession (via specialty occupation lists) or based on their degree (similar to the way STEM-OPT provides more benefits to recent graduates than regular OPT). However, those solutions do not address concerns regarding working conditions.

⁵ “Employers must attest to the Department of Labor that they will pay wages to the H-1B nonimmigrant workers that are at least equal to the actual wage paid by the employer to other workers with similar experience and qualifications for the job in question, or the prevailing wage for the occupation in the area of intended employment – whichever is greater.” U.S. Department of Labor (2023c)

⁶ The amount of time a sponsored worker has to find a new employer after losing their job.

Conclusion

The conclusion begins by summarizing the thesis and by answering the main research question. Afterward, implications that go beyond the analysis are discussed. The final section addresses limitations of the thesis and proposes ideas for future research.

Main Research Question and Key Insights

A 2019 article published by the IMF estimates a global deficit of over 85 million tech workers by 2030 (Da Costa, 2019). Human Capital Theory suggests that countries with knowledge-based economies should increase investments in their human capital (i.e. skilled tech workers) in order to avoid a labor shortage and economic repercussion. One way to invest in human capital is via the recruitment of highly skilled tech migrants (HSTMs). Rational Choice Theory argues that actors, in this case HSTMs, make decisions rationally. They carefully evaluate all options, considering both the costs and benefits, and ultimately choose the one that yields the highest benefits to them. While there are many factors that influence a migrant's decision when choosing a nation to migrate to, countries' migration policies do have at least some impact on a migrant's choice by influencing a country's attractiveness level for highly skilled migrants (OECD, 2019b, 2023). This means that knowledge-based economies, like Australia and the United States, are in a direct competition to attract and retain HSTMs, which raises the question: *“How do the United States' and Australia's migration policies differ, and how do these differences influence their respective ability to attract highly skilled tech workers?”*

To answer this question, which was broken down in 4 sub-questions outlined in the introduction section, a document analysis of relevant visa categories and their respective traits in each country was employed. The document analysis was conducted under the assumptions of Rational Choice-, and Human Capital Theory. Relevant visa types and traits were chosen based on the findings of previous research. This addresses a research gap by analyzing the ways in which migration policy is used to address labor shortages, rather than analyzing general push- and pull factors of migration.

So, how do the United States' and Australia's migration policies differ, and how do these differences influence their respective ability to attract highly skilled tech workers?

The United States employs a demand driven regime. Demand driven migration regimes are known for being employer centric and less interfering. This means that governments require potential migrants to have an employer willing to sponsor them, but generally have fewer requirements for applicants to qualify for a visa than under supply driven systems. Instead, they

implement quotas on the annual number of migrants allowed to enter the country but leave the selection of applicants to employers (Czaika & Parsons, 2016). These traits can be observed in the migration policies of the United States.

Australia's supply driven migration regime stands in contrast to that of the United States. Supply driven migration regimes admit migrants based on their ability to contribute to the long-term growth of the country's economy. Policymakers "pre-select" migrants, usually in form of a visas that award applicants with points depending on an applicant's merit, age, the ability to speak the host country's language, and their field of occupation (Aydemir, 2014).

Both countries offer a variety of visas targeted at different groups of skilled (tech) migrants and both already host a significant migrant community. While Australia provides migrants with more rights upon arrival, like more rights for the spouses of migrants and easier pathways toward permanent residency, the US has fewer requirements for potential migrants, like the absence of language tests and age requirements. From a Rational Choice Theory perspective, Australia has higher "costs", but also provides more "benefits". That is, until visa caps are taken into consideration, which are the main disadvantage of the US' migration policy. In 2022, the chance of qualified candidates to be selected for an H-1B visa were about 18% (Michailov, 2023) while waiting periods for some EB visas can be as long as 14 years depending on EB class and country of origin (U.S. Department of State, 2023). Australia's main disadvantage are its strict age requirements for most visas. Both countries only offer limited family sponsorship opportunities.

Sub question 4 discussed potential solutions to the shortcomings of each countries migration policy based on the analysis. They included the implementation of more family sponsorship opportunities in both countries, a reform to the US' cap system as well as the implementation of shortage occupation lists to substitute sponsorship requirements. For Australia, age requirements should be changed to a soft- instead of a hard cap by removing the age limit while increasing the weight of the age category in the points system.

In conclusion, the differences between both countries' migration policies can largely be attributed to their usage of different migration regimes. Both countries are already successful in attracting and retaining Highly Skilled Tech Migrants which can be observed based on their large migrant communities and high rankings in the OECD's 2019 and 2023 *Migration Policy Debates* reports. However, this success is largely credited to their strong economic advantages which yield high wages, as well as the presence of large migrant networks (Simpson, 2017).

Implications

While previous research established which factors influence a migrants decision when choosing a host country (see parameters section), this thesis analyzed how these factors are addressed by countries interested in attracting HSTMs. It builds on the findings of previous scholars and studies, most notably the 2019 & 2023 OECD *Migration Policy Debates reports* and applies the factors they have found to be relevant in a real-world setting. This is done by evaluating the degree to which Australia and the United States address these factors in their migration policy and in regard to their respective migration regime.

While the solutions proposed in the analysis section (sub-question 4) are in regard to each country's migration regime, further adaptations that go beyond the scope of this research should seriously be considered. The United States could implement at least some supply driven migration visas, since they are considered to be more effective at attracting and maintaining skilled (tech) migrants (Czaika & Parsons, 2016). Similarly, Australia might consider implementing a supply-based permanent residency migration visa subclass. This would allow companies to compensate short-term labor shortages that have not yet been addressed by policymakers. While visa Subclass 482 already offers a supply-driven alternative that allows Australian employers to sponsor migrants regardless of their age and education, it is only valid for 4 years and cannot be renewed. The implementation of a new visa subclass that offers permanent residency and is employer centric (meaning that it has no requirements other than a job offer and is capped by the government) would provide Australia with additional flexibility to address the projected labor shortage in the tech sector. In conclusion, both countries might profit by moving closer to a hybrid migration regime, rather than employing purely supply-, or demand driven one.

While this comparative case study focused on Australia and the United States, the findings are not necessarily restricted to these two cases. This is because the cases were selected to represent both supply- and demand driven migration regimes which are the two main approaches for skill-based migration (Aydemir, 2014). These results should hold relevance for policymakers of all countries with developed knowledge-based economies wishing to attract more HSTMs. They imply that policymakers can achieve this by providing prospective migrants with a long-term perspective (generous family sponsorship opportunities and pathways to permanent residency & citizenship) and by making requirements and restrictions flexible rather than static (implementing more than one way to qualify for a visa and refrain from chance-based caps or caps that result in long waiting periods).

Limitations & Future Research

While this thesis analyzed the ways in which countries can adapt their migration regime to attract more HSTMs, it focused solely on work visas. Student visas have been mentioned as another way to attract skilled migrants, furthermore, investor visas also play a crucial role in strengthening the tech sector (through investments). The attractiveness of countries for international students and investors was also analyzed in the 2019 and 2023 OECD *migration policy debates* reports. Future research could focus on these groups of migrants and their impact on the labor shortage.

Migration policy is only one of many aspects that influence a countries' attractiveness level. While there is already a large body of research that analyzes which factors are important to migrants, future research could analyze how nations can adapt other policy fields to increase their attractiveness level.

Visa refusal rates, application processing times, as well as the process of digitalization were not considered in this analysis, despite being included in the OECD reports. This omission was necessary to comply with the University of Twente's requirements for bachelor theses, which impose a limit of 12,000 words. Including these categories would likely have exceeded the word limit, as they involve less transparent aspects and would have necessitated the incorporation of additional methods.

Finally, it should be noted that while migration is a potential tool to address domestic labor shortages in the tech sector, it will not solve the predicted global deficit of 85 million tech workers. Most likely, increasing migration during a global labor shortage will result in an international competition for talent which will most likely be "won" by already wealthy nations that can provide potential migrants with more benefits. The resulting brain drain will further strengthen global inequalities by depriving developing economies of their human capital.

References

- Amadae, S. M. (2023). *Rational choice theory | Definition, Examples, & Facts*. Encyclopedia Britannica. <https://www.britannica.com/topic/rational-choice-theory>
- Arnita, C. (2022, December 9). Barriers to Career Advancement Among Skilled Immigrants in the US. *Ballard Brief*. <https://ballardbrief.byu.edu/issue-briefs/barriers-to-career-advancement-among-skilled-immigrants-in-the-us>
- Aydemir, A. (2014). Skill-based immigration, economic integration, and economic performance: Benefiting from highly skilled immigrants requires a complementary mix of immigrant selection and economic integration policies. *IZA World of Labor*. Advance online publication. <https://doi.org/10.15185/izawol.41>
- Blau, P. M. (1997). On Limitations of Rational Choice Theory for Sociology. *The American Sociologist*, 28(2), 13–21. <https://www-jstor-org.ezproxy2.utwente.nl/stable/27698825?seq=1>
- Cengage Group. (2022). *Cengage Group's Employability Report: Degree Requirements & Outdated Mindset Accelerate The Current Talent Crunch*. Cengage Group. <https://cengage.widen.net/s/wn9bprbrmz/cg-employability-survey-report-part2-final>
- Chaloff, J., & Lemaitre, G. (2009). *MANAGING HIGHLY-SKILLED LABOUR MIGRATION: A COMPARATIVE ANALYSIS OF MIGRATION POLICIES AND CHALLENGES IN OECD COUNTRIES*. Organisation for Economic Co-operation and Development. <https://www.oecd.org/migration/mig/46656535.pdf>
- Choudhury, M. A. (Ed.). (2022). *Knowledge and the University: Islam and Development in the Southeast Asia Cooperation Region*. Springer. https://link.springer.com/chapter/10.1007/978-981-16-6986-6_9
- Canyon, M., Ellman, M., Pitelis, C. N., Shipman, A., & Tomlinson, P. R. (2022). Big Tech Oligopolies, Keith Cowling, and Monopoly Capitalism. *Cambridge Journal of Economics*, 46(6), 1205–1224. <https://doi.org/10.1093/cje/beac062>
- Costa, D., & Hira, R. (2023, April 11). *Tech and outsourcing companies continue to exploit the H-1B visa program at a time of mass layoffs*. Economic Policy Institute. <https://www.epi.org/blog/tech-and-outsourcing-companies-continue-to-exploit-the-h-1b-visa-program-at-a-time-of-mass-layoffs-the-top-30-h-1b-employers-hired-34000-new-h-1b-workers-in-2022-and-laid-off-at-least-85000-workers/>
- Cournoyer, M. (2017). *Immigration – The assessment and recognition of foreign qualifications in OECD*. Job Market Monitor. <https://jobmarketmonitor.com/2017/07/18/immigration-the-assessment-and-recognition-of-foreign-qualifications-in-oecd/>
- Czaika, M., & Parsons, C. R [Christopher R]. (2016). *Policy Brief 5 Attracting High-Skilled Migrants*. <https://www.knomad.org/sites/default/files/2017-03/Policy%20Brief%205%20Attracting%20High-Skilled%20Migrants.pdf>
- Czaika, M., & Parsons, C. R [Christopher R.] (2017). The Gravity of High-Skilled Migration Policies. *Demography*, 54(2), 603–630. <https://doi.org/10.1007/s13524-017-0559-1>
- Da Costa, P. N. (2019). *The Global Competition for Technology Talent – IMF Finance & Development Magazine | March 2019*. International Monetary Fund. <https://www.imf.org/en/Publications/fandd/issues/2019/03/global-competition-for-technology-workers-costa>

- Demetrios, P. G., & Hooper, K. (2019). *Competing Approaches to Selecting Economic Immigrants: Points-Based vs. Demand-Driven Systems*.
<https://www.migrationpolicy.org/research/selecting-economic-immigrants-points-based-demand-driven-systems>
- Department of Education. (2022). *International student numbers by country, by state and territory*. <https://www.education.gov.au/international-education-data-and-research/international-student-numbers-country-state-and-territory>
- Department of Home Affairs. (2021a). *Subclass 186 Employer Nomination Scheme visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/employer-nomination-scheme-186>
- Department of Home Affairs. (2021b). *Subclass 482 Temporary Skill Shortage visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482>
- Department of Home Affairs. (2021c). *Subclass 491 Skilled Work Regional (Provisional) visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-work-regional-provisional-491>
- Department of Home Affairs. (2021d). *Subclass 494 Skilled Employer Sponsored Regional (Provisional) visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-employer-sponsored-regional-494>
- Department of Home Affairs. (2022a). *(Subclass 189) Skilled independent visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-independent-189>
- Department of Home Affairs. (2022b). *Subclass 485 Temporary Graduate visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-graduate-485>
- Department of Home Affairs. (2022c). *Subclass 489 Skilled Regional (Provisional) visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489>
- Department of Home Affairs. (2023a). *(Subclass 870) Sponsored Parent (Temporary) visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/sponsored-parent-temporary-870>
- Department of Home Affairs. (2023b). *Meeting the Australian study requirements*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/australian-study-requirements>
- Department of Home Affairs. (2023c). *Points calculator*. <https://immi.homeaffairs.gov.au/help-support/tools/points-calculator>
- Department of Home Affairs. (2023d). *Subclass 103 Parent visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/parent-103>
- Department of Home Affairs. (2023e). *Subclass 115 Remaining Relative visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/remaining-relative-115#Overview>
- Department of Home Affairs. (2023f). *Subclass 190 Skilled Nominated visa*. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-nominated-190>

- Department of Home Affairs. (2023g). *Subclass 858 Global Talent visa*.
<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/global-talent-visa-858>
- European Parliament. (2023). *Exploring migration causes: why people migrate*. European Parliament.
https://www.europarl.europa.eu/pdfs/news/expert/2020/7/story/20200624STO81906/20200624STO81906_en.pdf
- Georgas, J. (2003). Family: Variations and Changes Across Cultures. *Developmental Psychology and Culture*, 6(3).
<https://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1061&context=orpc>
- Given, L. M. (2008). *The SAGE Encyclopedia of QUALITATIVE RESEARCH METHODS* (1&2). SAGE Reference.
<http://www.yanchukvladimir.com/docs/Library/Sage%20Encyclopedia%20of%20Qualitative%20Research%20Methods-%202008.pdf>
- Gurría, A. (2011). *Professional mobility and migrants integration - OECD*. Organisation for Economic Co-operation and Development.
<https://www.oecd.org/migration/professionalmobilityandmigrantsintegration.htm>
- Hercog, M. (2008). *The Role of the State in Attracting Highly-skilled Migrants: The Case of the Netherlands*. Maastricht Graduate School of Governance.
http://aei.pitt.edu/11032/1/20090130170607_SCOPE2008-3_3_MetkaHercog.pdf
- Herman Legal Group. (2022). *H1B Processing Fees: The Only Guide You Need*.
<https://www.lawfirm4immigrants.com/h1b-processing-fees/>
- Khoo, S.-E. (2003). Sponsorship of Relatives for Migration and Immigrant Settlement Intention. *International Migration*, 41(5), 178–199.
<https://library.fes.de/libalt/journals/swetsfulltext/18870828.pdf>
- Kooiman, N., Latten, J., & Bontje, M. (2018). Human Capital Migration: A Longitudinal Perspective. *Tijdschrift Voor Economische En Sociale Geografie*, 109(5), 644–660.
<https://doi.org/10.1111/tesg.12324>
- Macaluso, M. (2022). The influence of skill-based policies on the immigrant selection process. *Economia Politica (Bologna, Italy)*, 39(2), 595–621.
<https://doi.org/10.1007/s40888-022-00264-w>
- MGI Research. (2023). *The Global Tech Market Is Bigger Than You Think - MGI Research*. MGI Research. <https://mgiresearch.com/research/the-global-tech-market-is-bigger-than-you-think/>
- Michailov, D. (2023, January 10). How to Increase the H-1B Cap Lottery Chances of Success This Year? *Capitol Immigration Law Group PLLC*.
<https://cilawgroup.com/news/2023/01/10/increase-h-1b-cap-lottery-chances-success/>
- Nanthaveth & Associates. (2022). *Same-Sex Marriage Green Cards and Immigration Benefits*. <https://austinimmigrationattorney.com/practice-areas/same-sex-marriage-green-cards/>
- National Immigration Forum. (2017). *Building the Skills of the Immigrant Workforce in Silicon Valley: Learnings from the Boston, Salt Lake City, and Seattle Regions*. National Immigration Forum. <https://immigrationforum.org/wp-content/uploads/2017/05/SVCF-report-Final.pdf>

- OECD (2019). migration-policy-debates-19. <https://www.oecd.org/els/mig/migration-policy-debates-19.pdf>
- OECD. (2023). *What is the best country for global talents in the OECD?* Organisation for Economic Co-operation and Development. <https://www.oecd.org/migration/mig/What-is-the-best-country-for-global-talents-in-the-OECD-Migration-Policy-Debates-March-2023.pdf>
- Peng, E., & Weber, C. M. (2011). *FAQs for L-1 Visa Holders and their Families by Peng & Weber*. Peng & Weber U.S. Immigration Lawyers. <https://www.greencardlawyers.com/workvisas/L-1visas/FAQL-1Holder.html>
- Pytliková, M., & Adserà, A. (2015). *International migration: The impact of linguistic proximity on preferred destinations*. COX EU; CEPR. <https://cepr.org/voxeu/columns/international-migration-impact-linguistic-proximity-preferred-destinations>
- Seawright, J., & Gerring, J. (2008). Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options. *Political Research Quarterly*, 61(2), 294–308.
- Simpson, N. (2017). Demographic and economic determinants of migration. *IZA World of Labor*. Advance online publication. <https://doi.org/10.15185/izawol.373>
- Statista. (2022). *International students in the U.S. 2022 | Statista*. Statista. <https://www.statista.com/statistics/237681/international-students-in-the-us/>
- Sweetland, S. R. (1996). Human Capital Theory: Foundations of a Field of Inquiry. *Review of Educational Research*, 66(3), 341. <https://doi.org/10.2307/1170527>
- Temple University. (2020). *The Immigration Concept Of Dual Intent*. International Student and Scholar Services, Temple University. <https://iss.temple.edu/international/h-1b-temporary-employees/immigration-concept-dual-intent>
- U.S. Department of Labor. (2023a, May 31). *Economic News Release: Job Openings and Labor Turnover Summary*. U.S. Department of Labor. <https://www.bls.gov/news.release/jolts.nr0.htm>
- U.S. Department of Labor. (2023b, June 2). *The Employment Situation - May 2023*. Bureau of Labor Statistics. <https://www.bls.gov/news.release/pdf/empsit.pdf>
- U.S. Department of Labor. (2023c, June 15). *H-1B Program*. <https://www.dol.gov/agencies/whd/immigration/h1b>
- U.S. Department of State. (2023). *Visa Bulletin For July 2023*. U.S. Department of State. <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2023/visa-bulletin-for-july-2023.html>
- USCIS. (2022a). *Employment-Based Immigration: First Preference EB-1*. <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-first-preference-eb-1>
- USCIS. (2022b). *Employment-Based Immigration: Second Preference EB-2*. <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-second-preference-eb-2>
- USCIS. (2022c). *Green Card for Employment-Based Immigrants*. <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-employment-based-immigrants>

- USCIS. (2022d). *H-1B Employer Data Hub*. https://www.uscis.gov/tools/reports-and-studies/h-1b-employer-data-hub?state=All&fy=1&naics=All&items_per_page=25&order=field_h1b_int_app&sort=desc
- USCIS. (2022e). *L-1B Intracompany Transferee Specialized Knowledge*. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1b-intracompany-transferee-specialized-knowledge>
- USCIS. (2022f). *Optional Practical Training Extension for STEM Students (STEM OPT)*. USCIS. <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/optional-practical-training-extension-for-stem-students-stem-opt>
- USCIS. (2023a). *H-1B Cap Season*. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-cap-season>
- USCIS. (2023b). *H-1B Specialty Occupations, DOD Cooperative Research and Development Project Workers, and Fashion Models*. United States Citizenship and Immigration Services. <https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations>
- USCIS. (2023c). *O-1 Visa: Individuals with Extraordinary Ability or Achievement*. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/o-1-visa-individuals-with-extraordinary-ability-or-achievement>
- VisaEnvoy. (2020, December 22). *Partner Visa for Same-Sex Relationships*. Visa Envoy Migration Lawyers. <https://visaenvoy.com/partner-visa-for-same-sex-relationships/>
- World Bank. (2021). *GDP (current US\$): World Bank national accounts data, and OECD National Accounts data files*. The World Bank. https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?most_recent_value_desc=true

Appendix

Appendix 1: Source Documents, Document Analysis

Subclass 482 (Medium-, and Short-Term Stream)

Australian Government. (2023, June 7). Become an Australian citizen (by conferral):

Permanent residents or eligible New Zealand citizens.

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Australian Parliament House. (2022). The Temporary Skill SHortage visa - a quick guide.

https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/pubs/rp/rp2223/Quick_Guides/TemporarySkillShortageVisa

Department of Home Affairs. (2023a, June 7). Become an Australian citizen (by coferral):

Permanent residents or eligible New Zealand citizens).

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Department of Home Affairs. (2023b, June 7). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023c, June 7). Points table for the Skilled Regional (Provisional) visa (subclass 489). <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/points-table>

Department of Home Affairs. (2023d, June 7). Skilled Regional (Provisional) visa (subclass

489): Invited pathway. [https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/invited-pathway)

[listing/skilled-regional-provisional-489/invited-pathway](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/invited-pathway)

Department of Home Affairs. (2023e, June 7). Temporary Skill Shortage visa (subclass 482):

Medium-term stream. [https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482/medium-term-stream)

[listing/temporary-skill-shortage-482/medium-term-stream](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482/medium-term-stream)

Department of Home Affairs. (2023f, June 7). Temporary Skill Shortage Visa (subclass 482):

Short-term stream. [https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482/short-term-stream)

[listing/temporary-skill-shortage-482/short-term-stream](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482/short-term-stream)

Department of Home Affairs. (2023g, June 7). Temporary Skill Shortage visa (subclass 482):

Subsequent entrant. [https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482/subsequent-entrant)

[listing/temporary-skill-shortage-482/subsequent-entrant](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/temporary-skill-shortage-482/subsequent-entrant)

Subclass 489 (Invited Pathway)

Department of Home Affairs. (2023a, June 7). Become an Australian citizen (by coferral):

Permanent residents or eligible New Zealand citizens).

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Department of Home Affairs. (2023b, June 7). Points table for the Skilled

Regional(Provisional) visa (subclass 489).

[https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/points-table)

[listing/skilled-regional-provisional-489/points-table](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/points-table)

Department of Home Affairs. (2023c, June 7). Skilled Regional (Provisional) visa (subclass

489): Invited pathway. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-regional-provisional-489/invited-pathway>

Subclass 494 (Employer Sponsored Stream)

Department of Home Affairs. (2023a, June 8). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023b, June 8). Skilled Employer Sponsored Regional (Provisional) visa (subclass 494). <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-employer-sponsored-regional-494/employer-sponsored-stream>

Department of Home Affairs. (2023c, June 8). Skilled Employer Sponsored Regional (Provisional) visa (subclass 494): Subsequent entrant.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-employer-sponsored-regional-494/subsequent-entrant>

Subclass 491

Department of Home Affairs. (2023a, June 8). Become an Australian citizen (by conferral): Permanent residents or eligible New Zealand citizens.

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Department of Home Affairs. (2023b, June 8). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023c, June 8). Points table for SKilled Work Regional (Provisional) visa (subclass 491). <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-work-regional-provisional-491/points-table>

Department of Home Affairs. (2023d, June 8). Skilled Work Regional (Provisional) visa Subsequent entrant. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-work-regional-provisional-491/subsequent-entrant>

Department of Home Affairs. (2023e, June 8). Subclass 103 Parent visa.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/parent-103>

Department of Home Affairs. (2023f, June 8). Subclass 491 Skilled Work Regional (Provisional) visa - Main applicant. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-work-regional-provisional-491/application>

Subclass 186 (Direct Entry Stream)

Department of Home Affairs. (2023a, June 7). Become an Australian citizen (by conferral): Permanent residents or eligible New Zealand citizens.

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Department of Home Affairs. (2023b, June 7). Employer Nomination Scheme visa (subclass 186): Direct Entry stream. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/employer-nomination-scheme-186/direct-entry-stream>

Department of Home Affairs. (2023c, June 7). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023d, June 7). Subclass 103: Parent Visa.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/parent-103>

Subclass 858

Department of Home Affairs. (2023a, June 8). Become an Australian citizen (by conferral):

Permanent residents or eligible New Zealand citizens.

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Department of Home Affairs. (2023b, June 8). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023c, June 8). Subclass 103 Parent visa.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/parent-103>

Department of Home Affairs. (2023d, June 8). Subclass 858 Global Talent visa.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/global-talent-visa-858>

Subclass 189/190 (Points Tested Stream)

Department of Home Affairs. (2023a, June 8). Become an Australian citizen (by conferral):

Permanent residents or eligible New Zealand citizens.

<https://immi.homeaffairs.gov.au/citizenship/become-a-citizen/permanent-resident>

Department of Home Affairs. (2023b, June 8). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023c, June 8). Migration Program planning levels.

<https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

Department of Home Affairs. (2023d, June 8). Points table for Skilled Independent visa

(subclass 189). <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-independent-189/points-table>

Department of Home Affairs. (2023e, June 8). Points table for Skilled Nominated visa

(subclass 190). <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-nominated-190/points-table>

Department of Home Affairs. (2023f, June 8). Skilled Independent visa (subclass 189): Points

tested stream. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-independent-189/points-tested>

Department of Home Affairs. (2023g, June 8). Subclass 103 Parent visa.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/parent-103>

Department of Home Affairs. (2023h, June 8). Subclass 190 Skilled Nominated visa.

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/skilled-nominated-190>

O-1A

International Student and Scholar Services. (2020). The Immigration Concept Of Dual Intent. Temple University. <https://iss.temple.edu/international/h-1b-temporary-employees/immigration-concept-dual-intent>

USCIS. (2023a). Chapter 4 - O-1 Beneficiaries. <https://www.uscis.gov/policymanual/volume-2-part-m-chapter-4>

USCIS. (2023b). O-1 Visa: Individuals with Extraordinary Ability or Achievement. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/o-1-visa-individuals-with-extraordinary-ability-or-achievement>

L-1B

International Student and Scholar Services. (2020). The Immigration Concept Of Dual Intent. Temple University. <https://iss.temple.edu/international/h-1b-temporary-employees/immigration-concept-dual-intent>

USCIS. (2022). L-1B Intracompany Transferee Specialized Knowledge. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/l-1b-intracompany-transferee-specialized-knowledge>

H-1B

9 FAM 402.10 (U) TEMPORARY WORKERS AND TRAINEES - H VISAS. (2022, September 29). <https://fam.state.gov/fam/09FAM/09FAM040210.html>

USCIS. (2023a). H-1B Electronic Registration Process. <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process>

USCIS. (2023b). H-1B Specialty Occupations, DOD Cooperative Research and Development Project Workers, and Fashion Models. <https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations>

EB-1;EB-2;EB-3

USCIS. (2020a). Employment-Based Immigration: Third Preference EB-3. <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-third-preference-eb-3>

USCIS. (2020b). I am a Lawful Permanent Resident of 5 Years. <https://www.uscis.gov/citizenship/learn-about-citizenship/citizenship-and-naturalization/i-am-a-lawful-permanent-resident-of-5-years>

USCIS. (2020c). Visa Availability and Priority Dates. <https://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-and-priority-dates>

USCIS. (2021). Become a U.S. Citizen Through Naturalization. <https://www.uscis.gov/forms/explore-my-options/become-a-us-citizen-through-naturalization>

USCIS. (2022a). Employment-Based Immigration: First Preference EB-1.

<https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-first-preference-eb-1>

USCIS. (2022b). Employment-Based Immigration: Second Preference EB-2.

<https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-second-preference-eb-2>

USCIS. (2022c). Green Card for Employment-Based Immigrants.

<https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-employment-based-immigrants>

USCIS. (2023). Fiscal Year 2023 Employment-Based Adjustment of Status FAQs.

2023 <https://www.uscis.gov/green-card/green-card-processes-and-procedures/fiscal-year-employment-based-adjustment-of-status-faqs>

Appendix 2: Glossary

Eligibility and Restrictions

Glossary				
Group	Item	Output	Meaning	Applies if the following codes are present
Eligibility and Restrictions	Target Group	Description of target group	A short description of the group of people for whom this visa is designed.	target(description)
	Age	"No Maximum Age"	There is no maximum age limit for visa applicants.	age_no_codes_present OR age(no_limit)
		The maximum age of applicants in order to qualify for this visa.	Applicants only qualify for this visa if they meet the following age requirements.	age(limit)
		"Beneficial"	Applicants of certain age groups face systemic advantages when applying for this visa. There is no maximum age limit but minimum age requirements may apply.	age(benefit)
		The maximum age of applicants in order to qualify for this visa AND "Beneficial"	Applicants only qualify for this visa if they meet the following age requirements. Applicants of certain age groups face systemic advantages when applying for this visa.	age(limit) AND age(benefit)
		Shortage List Occupation	"Not Required"	Having an occupation that is considered to be "in demand" (either by being on a list of "specialty" occupations or by being in a sector that is considered to be "in demand") is not required and does not provide the applicant with systemic advantages.
	"Required"		Applicants are required to have an occupation that is considered to be "in demand" (either by being on a list of "specialty" occupations or by being in a sector that is considered to be "in demand") in order to qualify for this visa.	list(required)
	"Beneficial"		Having an occupation that is considered to be "in demand" (either by being on a list of "specialty" occupations or by being in a sector that is considered to be "in demand") is not required but does provide applicants with systemic advantages.	list(benefit)
	Job Offer	"Not Required"	A job offer is not required to qualify for this visa. Having a job offer (sponsor) does not provide the applicant with systemic advantages.	job_offer_no_codes_present OR job_offer(not_required)
		"Required"	A job offer (sponsor) is required to qualify for this visa.	job_offer(required)
		"Beneficial"	A job offer is not required but increases the likelihood of receiving this visa (systemic advantage).	job_offer(benefit)
	Language Requirements	"None"	English language skills are not required when applying for this visa and do not provide the applicant with systemic advantages.	language_no_codes_present OR language(not_required)
		"Required"	Applicants need to prove that they have a certain level of English language skills (usually by taking a recognized test). Exceeding the minimum requirements does not provide applicants with systemic advantages.	language(required)
		"Beneficial"	Applicants can choose to prove their English language skills (usually by taking a recognized test). Doing so will increase their chances of receiving the visa depending on their result.	language(benefit)
		"Required" AND "Beneficial"	Applicants need to prove that they have a certain level of English language skills (usually by taking a recognized test). Exceeding the minimum requirements does provide the applicant with systemic advantages depending on their results.	language(required) AND language(benefit)
	Tertiary Education	"Not Required"	No tertiary education is required.	degree_no_codes_present OR degree(not_required)
		The required degree to qualify for this visa.	The following degree is required to qualify for this visa. Having a higher degree will not increase the chances of an applicant to be selected for this visa.	degree(required)
		"Beneficial"	No tertiary education is required to qualify for this visa. Having tertiary education will increase the chances of an applicant to be selected for this visa.	degree(benefit)
		The required degree to qualify for this visa. AND "Beneficial"	The following degree is required to qualify for this visa. Having a higher degree will increase the chances of applicants to be selected for this visa.	degree(benefit) AND degree(required)

Glossary					
Group	Item	Output	Meaning	Applies if the following codes are present	
Administrative Process	Recognition of Foreign Degrees	"Irrelevant"	No tertiary education is required .	degree_no_code_present OR degree(not_required)	
		"Not Recognized"	Foreign academic degrees are not recognized when applying for this visa. Exceptions may apply.	recognition(not_recognized)	
		"Domestic Advantage"	Foreign academic degrees are recognized but not (always) treated equally. There are at least some situations in which domestic degrees provide systemic advantages in the application process.	recognition(domestic_advantage)	
		"Equal"	Domestic academic degrees provide no systemic advantages over foreign academic degrees of a similar level.	recognition(equal)	
	Caps	"No Cap"	The amount of visas that can be granted is not subject to a cap or limited.	cap_no_codes_present OR cap(no_cap)	
		"Selection Process Not Defined"	The amount of visas that can be granted is capped or limited. The selection process is not publicly available.	cap(exists)	
		"Waitlist"	The amount of visas that can be granted is capped or limited. If demand exceeds supply applicants are put on a waitlist until a visa becomes available.	cap(exists) AND cap(waitlist)	
		"Score"	The amount of visas that can be granted is capped or limited. If demand exceeds supply applicants are chosen based on their score (usually in form of a points based system).	cap(exists) AND cap(score) OR points(points_based)	
		"Lottery"	The amount of visas that can be granted is capped or limited. If demand exceeds supply applicants are randomly chosen.	cap(exists) AND cap(lottery)	
		"First Come First Served"	The amount of visas that can be granted is capped or limited. If demand exceeds supply visas are granted on a "first come first served" basis.	cap(exists) AND cap(first_come_first_served)	
	Is Points Based	<input type="checkbox"/>	This visa is not points based.	points_no_codes_present OR points(not_points_based)	
		<input checked="" type="checkbox"/>	This visa is points based.	points(points_based)	
	Prospects	Citizenship	"Does Not Qualify"	This visa types does not qualify its holder to apply for citizenship.	citizenship_no_codes_present OR citizenship(cannot_apply)
			Can apply for citizenship after [THIS MANY] years.	This visa type qualifies its holder to apply for citizenship after [THIS MANY] years.	citizenship(years)
Permanent Residency		"Cannot Apply"	This visa does not grand its holder with permanent residency status and does not provide a pathway for its holder to apply for permanent residency.	permanent_residency_no_codes_present OR permanent_residency(no_pathway)	
		"Pathway"	This visa does not grand its holder with permanent residency status but provides a pathway to eventually apply for permanent residency.	permanent_desidency(pathway)	
		"Granted"	This visa grants its holder with permanent residency status.	permanent_residency(granted)	
Validity Period		" [VALIDITY_DEFAULT] - [VALIDITY_MAX] years"	Describes the period for wich the visa is valid. The first number indicates the default validity of the visa while the second number indicates the maximum possible validity of the visa including extention.	validity(default) AND {IF PRESENT} validity(max)	
		"Permanently"	This visa does not have an expiration date.	validity(unlimited) OR permanent_residency(granted)	

Glossary

Family Rights

Group	Item	Output	Meaning	Applies if the following codes are present
Family Rights	Spouse	"Cannot Sponsor"	The holder of this visa cannot sponsor/bring their spouse based on the rights granted by this visa.	spouse_no_codes_present OR spouse(cannot_sponsor)
		"Cannot Work"	The holder of this visa can sponsor their spouse but their spouse does not have the right to work.	spouse(can_sponsor) OR spouse(cannot_work)
		"Restricted Working Rights"	The holder of this visa can sponsor their spouse. Spouses do not have the right to work by default but may be allowed to work in certain situations/special circumstances or only have limited working rights (restricted hours, jobss or wages).	spouse(can_sponsor) AND spouse(work_restricted)
		"Can Work"	The holder of this visa can sponsor their spouse and their spouse has unrestricted working rights.	spouse(can_sponsor) AND spouse(work_permitet)
	Parents	"Cannot Sponsor"	The holder of this visa cannot sponsor/bring their Parents based on the rights granted by this visa.	parents_no_codes_present OR parents(cannot_sponsor)
		"Cannot Work"	The holder of this visa can sponsor their parents but they do not have the right to work.	parents(can_sponsor) OR parents(cannot_work)
		"Restricted Working Rights"	The holder of this visa can sponsor their parents. Parents do not have the right to work by default but may be allowed to work in certain situations/special circumstances or only have limited working rights (restricted hours, jobss or wages).	parents(can_sponsor) AND parents(work_restricted)
		"Can Work"	The holder of this visa can sponsor their parents and their parents have unrestricted working rights.	parents(can_sponsor) AND spouse(work_permitet)
	Siblings	"Cannot Sponsor"	The holder of this visa cannot sponsor/bring their siblings based on the rights granted by this visa.	siblings_no_codes_present OR siblings(cannot_sponsor)
		"Cannot Work"	The holder of this visa can sponsor their Siblings but they do not have the right to work.	siblings(can_sponsor) OR siblings(cannot_work)
		"Restricted Working Rights"	The holder of this visa can sponsor their Siblings. Siblings do not have the right to work by default but may be allowed to work in certain situations/special circumstances or only have limited working rights (restricted hours, jobss or wages).	siblings(can_sponsor) AND siblings(work_restricted)
		"Can Work"	The holder of this visa can sponsor their siblings and their siblings have unrestricted working rights.	siblings(can_sponsor) AND siblings(work_permitet)
	Children	"Cannot Sponsor"	The holder of this visa cannot sponsor their children.	children_no_codes_present OR children(cannot_sponsor)
		"Under [AGE LIMIT]"	Visa holders can sponsor their children if they are younger than this age. Children that excede the age limit cannot be sponsored by default. Exceptions may apply in special circumstances or where children are still dependent on their parents.	children(age_limit)
		"Any Age"	Visa holders can sponsor their children, no age limits apply.	children(no_age_limit)

Appendix 3: Codebook

Eligibility and Restrictions

		Codebook		
Group	Item	Code	Applied If:	Example
Eligibility and Restrictions	Target Group	target(description)	Target group of visa is described.	<p><i>"The O nonimmigrant classification are commonly referred to as: O-1A: Individuals with an extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion pictures or television industry)"</i></p> <p>O-1A</p>
	Age	age(no_limit)	This visa has no maximum age restriction.	<p><i>"There is no age requirement for this visa."</i></p> <p>Short term Temporary Skill Shortage Visa (subclass 482) Short-term stream</p> <p><i>"You must be aged under 45 when we invite you to apply for the visa."</i></p>
		age(limit)	In order to qualify for this visa applicants must be younger than this amount of years.	Subclass 190 Skilled Nominated visa
		age(benefit)	An applicants age influences their chances of receiving this visa.	<p><i>"You can be any age to apply for this visa. If you are under 18 years old, or are 55 years or older when you apply, you must be of exceptional benefit to the Australian community."</i></p> <p>Subclass 858 Global Talent visa</p>
	Shortage List Occupation	list(not_required)	The visa specifically mentions that having an occupation that is considered to be "in demand" (either by being on a list of "in demand" occupations or by being in a sector that is considered to be "in demand") is not required.	Not found in any of the documents.
		list(benefit)	Having an occupation that is considered to be "in demand" (either by being on a list of "in demand" occupations or by being in a sector that is considered to be "in demand") will provide the applicant with increased chances of being granted the visa.	Not found in any of the documents.
		list(required)	Applicants are required to have an occupation that is considered to be "in demand" (either by being on a list of "in demand" occupations or by being in a sector that is considered to be "in demand") in order to qualify for this visa.	<p><i>"Your occupation must be on the relevant list of eligible skilled occupations (/visas/working-in-australia/skill-occupation-list)."</i></p> <p>Subclass 186</p>
	Job Offer	job_offer(not_required)	A job offer is not required to qualify for this visa.	<p><i>"No offer of employment or labor certification is required."</i></p> <p>EB-1</p>
		job_offer(required)	A job offer is required to qualify for this visa.	<p><i>"You must be nominated by an Australian employer whose business is actively and lawfully operating."</i></p> <p>Subclass 186</p>
		job_offer(benefit)	A job offer increases the chances of receiving this visa.	<p>To qualify for an EB-1 visa applicants need to fall into one of three categories. Two of the three categories require a job offer. (Group 1) <i>"[...] No offer of employment or labor certification is required.[...]"</i> (Group 2) <i>"[...] an offer of employment from the prospective U.S. employer [...]"</i> (Group 3) <i>"Your petitioning employer must be a U.S. employer and intend to employ you in a managerial or executive capacity. [...]"</i> EB 1</p>
	Language Requirements	language(not_required)	The document specifically mentions that English language skills are not required.	Not found in any of the documents.
		language(required)	Applicants need to proof their english skills in order to qualify for this visa.	<p>At the time of invitation, you must have at least competent English</p> <p>subclass 189</p>
		language(benefit)	English language skills increase the applicants chances of receiving this visa.	<p>Point distribution for english language skills:</p> <p><i>"Competent English 0 Proficient English 10 Superior English 20"</i></p> <p>Subclass 189</p>
	Tertiary Education	degree(not_required)	No tertiary degree is required to qualify for this visa.	<p><i>"If you are the primary visa applicant, you must demonstrate that you have the skills and experience necessary to perform the nominated occupation."</i></p> <p>Subclass 189</p>
		degree(benefit)	Having tertiary education will increase the chances of an applicant to be selected for- /granted this visa.	<p>The points table for visa subclass 189 (Australia) awards additional points to people depending on their degree. <i>"A Doctorate from an Australian educational institution or a Doctorate from another educational institution, that is of a recognised standard. 20 [points] At least a Bachelor degree from an Australian educational institution or at least a Bachelor qualification, from another educational institution, that is of a recognised standard. 15 [points] A diploma or trade qualification from an Australian educational institution. 10 [points] Attained a qualification or award recognised by the relevant assessing authority for your nominated skilled occupation as being suitable for that occupation 10 [points]"</i></p> <p>Subclass 489</p>
		degree(required)	The marked degree is required to qualify for the visa.	<p><i>"Attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States."</i></p> <p>H-1B</p>

		Codebook		
Group	Item	Code	Applied If:	Example
Administrative Process	Recognition of Foreign Degrees	recognition(irrelevant)	No academic degree is required for this visa/ no points are awarded for academic degrees.	"If you are the primary visa applicant, you must demonstrate that you have the skills and experience necessary to perform the nominated occupation." Subclass 482
		recognition(not_recognized)	Foreign college and university degrees are not recognized when applying for this visa.	Not found in any of the documents.
		recognition(domestic_advantage)	Foreign degrees of a similar level are recognized but not (always) treated equally. There are at least some situations in which domestic degrees provide systemic advantages.	"The H-1B classification has an annual numerical limit (cap) of 65,000 new statuses/visas each fiscal year. An additional 20,000 petitions filed on behalf of beneficiaries with a master's degree or higher from a U.S. institution of higher education are exempt from the cap." H-1B
		recognition(equal)	Foreign degrees are equal to domestic degrees of a similar level. Domestic degrees provide no systemic advantages.	"The job you apply for must require an advanced degree and you must possess such a degree or its foreign equivalent" EB-2
	Caps	cap(no_cap)	There is no annual limit or cap to the amount of visas of this type that can be granted.	"There is no cap on the number of visas which can be granted in any year." Subclass 482
		cap(exists)	The annual amount of visas issued is subject to a cap or otherwise limited.	"The H-1B classification has an annual numerical limit (cap) of 65,000 new statuses/visas each fiscal year." H-1B
		cap(waitlist)	The amount of visas of this type that can be granted is limited. If demand exceeds supply people are put on a waitlist until a visa becomes available.	"When the demand is higher than the supply of visas for a given year in any given category or country, a visa queue (a waiting list or backlog) forms." EB 1-3
		cap(score)	The amount of visas of this type that can be granted is limited. Visas are distributed based on a score system.	"If you score enough points, state and territory government agencies can see your EOI and might nominate you for the visa." Subclass 489 Invited pathway
		cap(lottery)	The amount of visas of this type that can be granted is limited. Visas are distributed randomly.	"The large number of eligible registrations for beneficiaries with multiple eligible registrations - much larger than in previous years - has raised serious concerns that some may have tried to gain an unfair advantage by working together to submit multiple registrations on behalf of the same beneficiary. This may have unfairly increased their chances of selection." H-1B
		cap(first_come_first_served)	The amount of visas of this type that can be granted is limited. Visas are distributed on a "first come first serve" base.	Not found in any of the documents.
	Is Points Based	points(not_points_based)	Description specifically mentions that the visa is not points based.	Not found in any of the documents.
		points(points_based)	This visa is points based.	"The subclass 190 is a points-tested visa." Subclass 190
	Prospects	Citizenship	citizenship(cannot_apply)	Visa holders cannot apply for citizenship.
citizenship(years)			Visa holders can apply for citizenship after this many years.	"With this visa, you can live, work and study in Australia indefinitely sponsor eligible family members to come to Australia apply for Australian citizenship, if eligible" + "When you apply you must have been: living in Australia on a valid visa for the past 4 years a permanent resident or eligible New Zealand citizen for the past 12 months away from Australia for no more than 12 months in total in the past 4 years, including no more than 90 days in total in the past 12 months." Subclass 186
Permanent Residency		permanent_residency(no_pathway)	It is explicitly stated that visa holders cannot apply for permanent residency.	Not found in any of the documents.
		permanent_residency(pathway)	Visa permits it's holder to eventually apply for permanent residency.	"If eligible, you can apply for permanent residence after you have held your 494 visa for 3 years." Subclass 494
		permanent_residency(granted)	Visa grants permanent residency.	"You become a permanent resident on the day the visa is granted." Subclass 186
Validity Period		validity(default)	The default validity period of the visa excluding extensions and special circumstances. If the initial admission period is "up to X years" X will be used as the default admission period.	"Stay 5 Years" Subclass 491
		validity(max)	The maximum validity period of the visa including extensions but excluding special circumstances.	"For all L-1B employees, requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of five years." L-1B
		validity(unlimited)	The visa does not have a predefined limitation on its validity period, excluding special circumstances.	"Stay Permanently" Subclass 186

		Codebook			
Group	Item	Code	Applied If:	Example	
Family Rights	Spouse	spouse(cannot_sponsor)	Visa holders cannot sponsor their spouse.	Not found in any of the documents.	
		spouse(can_sponsor)	Visa holders can sponsor their spouse.	"Your spouse and unmarried children under 21 years of age may seek admission in the H-4 nonimmigrant classification." H-1B	
		spouse(cannot_work)	Spouses do not have the right to work.	"If your spouse and children under the age of 21 will accompany you or join you later (called "following to join"), they may be eligible to apply for an O-3 nonimmigrant visa, that will be subject to the same period of admission and limitations as you. They may not work in the United States under this classification, but they may participate in full-time or part-time study on an O-3 visa." O-1A	
		spouse(work_restricted)	The right of a spouse to work is heavily restricted. This is the case if: (1) The variety of jobs a spouse can work at is limited. (2) Spouses are limited in the amount of hours they can work. (3) Spouses are limited in the amount of money they can earn. (4) Spouses are only granted the right to work in exceptional situations. (5) The right of spouses to work is severely limited in another way.	"Beginning May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants can file Form I-765, Application for Employment Authorization, as long as the H-1B nonimmigrant has already started the process of seeking employment-based lawful permanent resident status." H-1B	
		spouse(work_permitted)	Spouses have the right to work.	"Spouses of L-1 workers in valid L-2S nonimmigrant status are considered employment authorized incident to status." L-1B	
	Parents	parents(cannot_sponsor)	Visa holders cannot sponsor their parents.		"Family of H-1B Visa Holders □ Your spouse and unmarried children under 21 years of age may seek admission in the H-4 nonimmigrant classification. Beginning May 26, 2015, certain H-4 dependent spouses of H-1B nonimmigrants can file Form I-765, Application for Employment Authorization, as long as the H-1B nonimmigrant has already started the process of seeking employment-based lawful permanent resident status. Please visit our Employment Authorization for Certain H-4 Dependent Spouses page to learn more." H-1B
		parents(can_sponsor)	Visa holders can sponsor their parents.		Requirement for the parent visa (Australia, subclass 103) is that "You must have an eligible child who is a settled Australian citizen, Australian permanent resident or eligible New Zealand citizen." + "You become a permanent resident on the day we grant the visa." Subclass 190 in combination with subclass 103
		parents(cannot_work)	Parents do not have the right to work.		"Family members who can apply for this visa are those who are members of the family unit of the primary subclass 457 or TSS visa holder." + "For visa purposes, you are a member of the main applicant's family unit if you are: the main applicant's spouse or de facto partner the main applicant's child, or their partner's child, who is not engaged, married or in a de facto relationship and is: aged under 18 years, or aged 18 to 23 years and dependent on the main applicant or the main applicant's partner, or aged 23 years or older and dependent on the main applicant or the main applicant's partner due to a partial or total physical or mental disability the dependent child of the child above" Subclass 482
		parents(work_restricted)	The right of parents to work is heavily restricted. This is the case if: (1) The variety of jobs parents can work at is limited. (2) Parents are limited in the amount of hours they can work. (3) Parents are limited in the amount of money they can earn. (4) Parents are only granted the right to work in exceptional situations. (5) The right of parents to work is severely limited in another way.		Not found in any of the documents.
		parents(work_permitted)	Parents have the right to work.		Parent visa (subclass 103) "With this visa you can move to or stay in Australia as a permanent resident" The requirement for a parent visa is that applicants have a child who is a permanent resident (or citizen). Therefore this code was applied for every Australian visa that grants permanent residency. + "You become a permanent resident on the day we grant the visa." Subclass 190 in combination with subclass 103
	Siblings	siblings(cannot_sponsor)	Visa holders cannot sponsor their Siblings.		"Family members who can apply for this visa are those who are members of the family unit of the primary subclass 457 or TSS visa holder." + "For visa purposes, you are a member of the main applicant's family unit if you are: the main applicant's spouse or de facto partner the main applicant's child, or their partner's child, who is not engaged, married or in a de facto relationship and is: aged under 18 years, or aged 18 to 23 years and dependent on the main applicant or the main applicant's partner, or aged 23 years or older and dependent on the main applicant or the main applicant's partner due to a partial or total physical or mental disability the dependent child of the child above" Subclass 482
		siblings(can_sponsor)	Visa holders can sponsor their Siblings.		Not found in any of the documents.
		siblings(cannot_work)	Siblings do not have the right to work.		Not found in any of the documents.
		siblings(work_restricted)	The right of siblings to work is heavily restricted. This is the case if: (1) The variety of jobs siblings can work at is limited. (2) Siblings are limited in the amount of hours they can work. (3) Siblings are limited in the amount of money they can earn. (4) Siblings are only granted the right to work in exceptional situations. (5) The right of siblings to work is severely limited in another way.		Not found in any of the documents.
		siblings(work_permitted)	Siblings have the right to work.		Not found in any of the documents.
	Children	children(cannot_sponsor)	Visa holders cannot sponsor their children.		Not found in any of the documents.
		children(age_limit)	Visa holders can sponsor their children if they are younger than this age. Children that exceed the age limit cannot be sponsored by default. Exceptions may apply in special circumstances or where children are still dependent on their parents.		"Your spouse and unmarried children under 21 years of age may seek admission in the H-4 nonimmigrant classification." H-1B
		children(no_age_limit)	Visa holders can sponsor their children, no age limit applies.		Not found in any of the documents.