

Brain mobility: Highly skilled migration in North America

CONTEMPORARY IMMIGRATION POLICIES IN NORTH AMERICA

Historically, developed countries have used immigration policies to balance the needs of economic development through foreign labour and to control the type and flow of immigrants in terms of who to “keep out” and who to “let in.” Prior to the 9/11 terrorist attacks, the United States tried to implement immigration policies that balanced the need for a diverse labour force and family reunification with nativists’ concerns and protectionism. Post-9/11, the question of who can immigrate to the United States has grown in importance. Immigration debates, and the subject of illegal/undocumented immigration, have been framed under homeland security and the prevention of terrorism. Increasingly, US immigration policies have become a heated, at times emotionally charged, topic in academia, the media, and politics, as well as among the general public. As the American general election looms large in November 2008, the paths that immigration reform may take will not only be important in the minds of Americans, but also have great impacts on Canada and Mexico.

GLOBALIZATION AND THE HIGHLY SKILLED WORKFORCE

Globalization has accelerated in recent decades with the cross-border flow of goods, information, services, financial capital, and people. One of the paradoxes of the current economic globalization process is the cross-border movement of goods and financial capital and the simultaneous restriction of human flow by nation-states. However, such restrictions are not imposed on all types of human movement. As economies have become increasingly knowledge-based, a global crusade has arisen to compete for highly skilled immigrants and temporary migrants.

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Many developed countries have shifted their immigration admission policies to actively recruit highly skilled migrants, whereas developing countries remain largely suppliers of such immigrants. In North America, the United States and Canada fit such profiles of developed economies whereas Mexico is a country supplying both skilled and unskilled labour to the other two. Although issues relating to Mexican undocumented/illegal immigrants dominate the current immigration debates in the United States, what has been largely overlooked is the highly skilled immigration within North America: the brain mobility (or brain drain) in addition to labour mobility.

SELECTIVE IMMIGRATION POLICIES IN THE UNITED STATES AND CANADA

In order to tackle the challenges of global competition for economic and geopolitical power, the United States and Canada have implemented increasingly selective immigration policies to facilitate the influx of international migrants possessing investment capital and/or human capital. For example, since 1967, Canada has adopted a points system by admitting immigrants primarily on the basis of their human capital, such as level of education, ability to speak English and/or French, and prior working experiences. In addition, a business immigrants program has been installed, with an entrepreneur stream introduced in 1978 and an investor stream introduced in 1986.

In the United States, landmark 1965 immigration legislation set aside the third and sixth preferences for employment-based visas, including, respectively, “members of the professions and scientists and artists of exceptional ability” and “skilled and unskilled workers in occupations for which labour is in short supply.” Both of these two preferences require US Department of Labor certification ensuring that no qualified Americans are available for such positions. The 1990 *Immigration Act* roughly tripled the ceiling on employment-based visas from the pre-1990 cap of 54,000 to 140,000. L-1 and H-1B non-immigrant visas were introduced to facilitate managerial personnel migration and resolve shortages of highly skilled professionals. The H-1B visa is designated for “specialty occupations” that require the equivalent of a bachelor’s degree. Its annual quotas were increased twice by Congress in 1998 and 2000 and peaked at 190,000 per year in the early 2000s. Moreover, academic institutions and non-profit organizations are exempted

from these annual caps. Two important provisions of the H-1B visa stipulation are that during the two three-year terms of their stay, H-1B visa holders (1) are eligible to bring their immediate family members under H-4 visas (although H-4 visa holders cannot work in the United States) and (2) can apply for permanent residency.

THE INFLUENCE OF NAFTA

Additionally, NAFTA extends to the citizens of Mexico (with certain stipulations) and Canada the non-immigrant class of admission exclusively for business people entering the United States to engage in activities at a “professional” level. It facilitates entry for Mexican as well as Canadian citizens seeking temporary visas as visitors for business, treaty traders, and treaty investors, as well as intercompany transferees (*Fiscal Year 2002 Yearbook of Immigration Statistics*). A new non-immigrant visa type, TN, allows citizens of Canada and Mexico to work in the United States as NAFTA professionals. Spouses and children (unmarried and under the age of 21) accompanying or following to join TN visa holders may receive a derivative TD visa and are not subject to citizenship requirements, although they cannot work while in the United States (http://travel.state.gov/visa/temp/types/types_1274.html). In both H-4 and TD cases, there are concerns of either “brain waste,” should these spouses be professionals themselves living in the United States, or family separation, should they decide to not accompany their spouse to come to the United States.

CANADIANS AND MEXICANS IN THE UNITED STATES

While Canada’s total numbers and shares in world totals of employment-based visa holders have been relatively stable from 1998 to 2006, those from Mexico have grown steadily since NAFTA. In the last four fiscal years, Mexicans not only surpassed Canadians as employment-based visa holders in the United States, but also counted for more than 20 percent of the world total. Can-

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ada and Mexico rank no. 3 and no. 5 as origin countries for employment-based immigrants to the United States, counting for 6.9 percent and 6.4 percent, respectively, in the 2005 fiscal year. In the H-1B non-immigrant categories, both Canada and Mexico have increased, jumping from approximately 20,000 in 2003 to over 24,000 afterward, and from approximately 16,000 to over 17,000, respectively. For the NAFTA TN visas, Canadians have dominated the category but Mexicans are quickly increasing in recent years. Counting H-1B and TN visas alone (data includes only principal applicants), about 90,000 skilled Canadians and 27,000 skilled Mexicans entered the United States in the 2006 fiscal year. Looking at the data for TD visas further reveals that Canadian TN visa holders are more likely to bring their immediate family members with them than are their Mexican counterparts.


THE ASYMMETRY OF NORTH AMERICAN BRAIN MOBILITY

The scope of brain mobility across the three countries is growing fast but primarily in one direction: from Canada and Mexico to the United States. Issues arising from this asymmetry include:

- The selectivity of “brain drain” from Canada to the United States in certain sectors; for example, the *Toronto Star* reported in 2007 that 12,040 Canadian-educated physicians live in the United States, and one in nine Canadian-trained medical doctors is treating Americans.
- Moreso, the brain drain from Mexico as a developing country to the United States would result in

greater impacts on the nation’s economic development than the typical global South to North unidirectional brain drain. It is difficult to examine the extent to which Mexican highly skilled return migration has occurred and, hence, what the positive impacts of brain circulation have been, if any.

- The issue of split or transnational families among Mexican TN visas holders also needs further exploration for its impact on Mexican family stability and social structure. Unlike the issue of transnational families among Asian immigrants or undocumented Mexican families, the issues faced by legal Mexican professional families have yet to draw adequate attention.

Therefore, it remains to be seen whether the incoming US administration will take into account the brain drain or brain circulation issue among the three North American countries in its ongoing debates about comprehensive immigration reform. It also remains to be seen whether the new US government will attempt to achieve more multilateral consensus in the population flow arena beyond the issues of free trade and border control. 

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