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Selecting Immigrants by Skill and Global Inequality

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Correspondence: Rufaida Al Hashmi (rufaida.alhashmi@reading.ac.uk)**Received:** 4 November 2023 | **Revised:** 26 October 2024 | **Accepted:** 13 January 2025**Keywords:** Equality of Opportunity | Fairness | Immigration

1 | Introduction

Governments in the Global North are increasingly trying to attract the “best and brightest” immigrants (Kapur and McHale 2005; Boeri 2012). These highly skilled immigrants can bring the human capital that states need for economic development, especially in knowledge-based industries such as health and information technology (Triadafilopoulos 2013a; Czaika and Parsons 2017). The aging populations in almost all of these receiving countries make skill-selective immigration policy all the more important (Chand and Tung 2014). Not only are highly skilled immigrants wanted, but they are also arguably welcome, or at least more welcome than so-called “low skilled” migrants (Weiss 2005; Scott 2006; Föbker et al. 2016).¹ Highly skilled immigrants are thought to have the social capital that allows them to easily integrate into the new community.

Skill-selective immigration policies were introduced in the 1960s not only to meet economic needs but also to move away from the overt racial and ethnic selection of past immigration policies (Joppke 2005; Triadafilopoulos 2013b; Boeri 2012; Boucher 2019; Ellerman 2019). Skill has long been seen as neutral and non-discriminatory grounds for selecting among would-be immigrants.² However, there is a worry that these policies, while “designed to reduce racial bias,” might “reproduce this bias in more subtle ways” (Gest 2018; Van Goozen 2021).³ While it is true that skill-selective immigration policy does not directly exclude would-be immigrants on the basis of race or ethnicity, it might indirectly do so through selection criteria, such as the higher education requirement, that are more difficult to meet for those from low- and middle-income countries, many of which are in the Global South. In this way, skill-selective immigration policy may still be discriminatory but in less obvious ways (Lim 2023).

Skill-selective immigration policy disadvantages those from low- and lower-middle-income countries with less developed education and economic systems. However, it might seem that this only matters if we hold the view that people from different countries should have the same chances to acquire desirable positions. This is a highly contest claim in the philosophical literature. If we reject the view that there should be equal opportunities at the global level, then it does not seem morally problematic that those from low- and middle-income countries have much fewer opportunities to immigrate than those from wealthy countries.

In this paper, I argue that skill-selective immigration policy unfairly disadvantages those from low- and middle-income countries, regardless of whether we endorse global equality of opportunity.⁴ I defend two claims. The first is that skill-selective immigration policy is unfair as those from low- and lower-middle-income countries are less likely to have the skills required. In other words, skill-selective immigration policy is unfair because of inequality of opportunity *between* states. Second, skill-selective immigration policy is unfair because it exacerbates inequality of opportunity *within* low- and lower-middle-income states. While the first argument hinges on a global principle of equal opportunity, the second argument does not. Thus, even if equality of opportunity applies only within states, it is nevertheless morally problematic that skill-selective immigration policy disadvantages those from low- and lower-middle-income countries. These policies then have not wholly shed the racial and ethnic discrimination of past immigration policies.

The paper proceeds as follows. In the first section, I argue that skill-selective immigration policy is unfair because of inequality

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of opportunity *between* states. In the second section, I address the objection that inequality to do with any goods as specific as skill-based visas does not matter very much. In the third section, I argue that even if we reject the claim that equality of opportunity applies between states, inequality of opportunity *within* low- and middle-income states makes skill-selective immigration policy unfair. In the fourth section, I further explain my claim that skill-selective immigration policy exacerbates inequality of opportunity within these countries. In the fifth section, I respond to two objections.

Before I proceed, it is important to briefly explain the nature of skill-selective immigration policy. We can distinguish between two kinds of skill-selective immigration policies: “immigrant driven” and “employer driven” (Bertoli et al. 2009; Chaloff and Lemaitre 2009). Under an “employer driven” system, such as the US H1B visa system or the UK Tier 2 system, would-be immigrants must have a job offer to be eligible for admission. Under an “immigrant driven” system, such as those of Canada, Australia, New Zealand, and Denmark, would-be immigrants can apply even without a job offer as they are assessed on the basis of other criteria. The criterion that I focus on is education, which is heavily weighted in many of these “immigrant driven” systems (Facchini and Lodigiani 2014). In Australia and New Zealand, for example, education level awards the highest number of points, after age. In Canada, it is the second most important factor after language proficiency.

Education is also an important criterion in more “employer driven” systems. For example, an applicant for the UK skilled worker visa with a job offer that does not meet the minimum salary requirement may still be eligible if they hold a PhD in a STEM subject relevant to the job (GOV.UK 2020). In the United States, the main skill-selective immigration policy is the H1B visa category, which in addition to a job offer requires a bachelor's degree (Facchini and Lodigiani 2014). Education is therefore a criterion that is common in both “immigrant driven” and “employer driven” skill-selective policy and, as I argue, one that raises significant issues of fairness.

2 | Inequality of Opportunity Between States

My first claim is that inequality of opportunity *between* states makes skill-selective immigration policy unfair. Those from low- and lower-middle-income countries are less likely to have the skills required for a skill-based visa. It is unfair for one's chances to immigrate through this route to depend on the contingencies of birth in the same way that it is unfair, as many political theorists have argued, for one's chances to acquire other desirable positions to depend on the contingencies of birth. Thus, this argument hinges on a global principle of equal opportunity, but the second argument I later defend shows that the ways in which skill-selective immigration policy disadvantages those from low- and lower-middle-income countries matters even if we reject this principle.

I follow Rawls in defining equality of opportunity in the following way: “background social conditions are such that each citizen, regardless of class or origin, should have the same chance of attaining a favoured social position, given the same talents and

willingness to try” (Rawls 1999, 115). These favored social positions could include well-paid careers or places at universities. According to Rawls, a society with fair equality of opportunity is one where people with the same talent and willingness to use it have the same chances to attain these favored positions. For example, a child from a socioeconomically disadvantaged background should have the same chance to pursue higher education as a child who is equally talented but is from a socioeconomically advantaged background (Miller 2013, 93–114).

We care about equalizing opportunities within a state, but why care about equalizing opportunities *between* states? Why should it matter that, say, a Lebanese citizen does not have the same opportunities as, say, a British citizen? A common answer to this is that we should care about global equality of opportunity for the same reason we care about equality of opportunity within a state (Caney 2005; Carens 1987; Beitz 1979, 138–140; Tan 2005, 56).⁵ We care about equality of opportunity within a state for reasons of fairness. It seems unfair for people to have unequal opportunities because of their class or race, which are things over which people have no control. One's place of birth is also something over which one has no control. It should therefore be just as unfair that people have unequal opportunities because of where they happen to be born (Caney 2001, 115). Following Simon Caney (2001, 120), we can say that “global equality of opportunity requires that persons (of equal ability and motivation) have equal opportunities to attain the positions valued in every society.”

My first claim is that skill-selective immigration policy is unfair as those from low- and lower-middle-income countries are less likely to have the skills required because of the country they come from. There is in fact very stark global education inequality: “in the countries where people have the best access to education—in Europe and North America—children of school entrance age today can expect 15 to 20 years of formal education,” while “children entering school at the same time in countries with the poorest access to education can only expect 5 years” (Roser 2019). Given this staggering inequality in years of education, the education criterion of many skill-selective immigration policies will be much less attainable for would-be immigrants from low- and lower-middle-income countries. Similarly, Stuart Tannock (2011) cites studies that show that children in North America and Western Europe, despite accounting for only 10% of the world's child and youth population, receive more than half of total public education expenditure. Tannock (2011, 1336) concludes that “all else being equal, any immigration system based on skill and education will discriminate against the populations of poorer nations (which are pre-dominantly non-white) as a whole.”

Skill-selective immigration policy violates global equality of opportunity as persons of equal ability and motivation have unequal opportunities to acquire these skill-based visas, which I will later argue are valued positions. There are two points to note about this claim. The first is that since I am interested in the ethics of immigrant selection policy, I set aside the more fundamental question of whether states have a right to exclude.⁶ In evaluating how states select immigrants, I am implicitly accepting that states do in practice exercise a right to exclude. I therefore do not extend the point about global equality of opportunity

to immigration restrictions more broadly. While some theorists have argued that states do not have a right to exclude because nationality is a morally arbitrary feature (Carens 1987, 252), others have raised doubts about whether open borders would promote global equality of opportunity (Song 2018, 90–91). For one, it might be the wealthy who would be able to afford to move in a world of open borders. In any case, I set aside these issues as my aim here is not to scrutinize a state's right to exclude but to consider how this right is in practice exercised.⁷

Second, my claim that skill-selective immigration policy is unfair because of global inequalities does not necessarily imply that the policy should be abolished. There may be countervailing reasoning to keep it in place. For one, abolishing skill-selective immigration policy would not fix the underlying problem of inequality of access to education, and it would very likely not help the destination country either. However, this does not mean that skill-selective immigration policy should not be reformed. There are different ways to mitigate the unfairness that I discuss. First, states can redefine skill in skill-selective immigration policy in ways that avoid some of these worries. Anna Boucher (2020) surveys different skill-selective immigration policy to show that how skill is defined has important implications for the gender and ethnicity diversity of these policies. For example, Boucher (2020, 2545) notes that skill-selective immigration policies with a wage threshold, such as the United Kingdom's Tier 2 points-based system, "can reinforce existing gender and ethnicised inequalities in wage gaps globally."⁸

This unfairness can also be mitigated by maintaining so-called "low skill" immigration routes, which typically do not require a higher education degree. This kind of immigration route does not have the criteria of skill-selective immigration policy that violate global equality of opportunity. As low-skilled migration is coming under attack in many countries,⁹ my argument can lend support to the view voiced by those in many sectors that low-skilled migration is much-needed.¹⁰ In addition to arguably being economically beneficial, these immigration routes can also compensate for the unfairness of skill-selective immigration policy. This is not just the unfairness to do with the inequalities between states but also, as I will later explain, the inequalities within states. Thus, there are different ways that states can address the unfairness of skill-selective immigration policy that stop short of abolishing the policy entirely.

3 | Skill-Based Visas and Valuable Opportunities

My first claim is that skill-selective immigration policy is unfair as it violates global equality of opportunity. That is, persons of equal ability and motivation have unequal opportunities to acquire skill-based visas because of where they happen to be born. However, for this inequality to matter, skill-based visas have to be valuable opportunities. It would not be morally troubling for there to be an inequality of opportunity to acquire what is not valuable.¹¹

In this section, I further explain why this point matters and defend the claim that skill-based visas are in fact valuable opportunities. To see this issue more clearly, we can begin with the example Darrel Moellendorf (2002, 49) presents to illustrate a

world with global equality of opportunity: "a child growing up in rural Mozambique would be statistically as likely as the child of a senior executive at a Swiss bank to reach the position of the latter's parent." According to Moellendorf, it is unfair that the child in Mozambique does not have the same opportunities as the child of the Swiss banker.

But equality of which opportunities exactly? If it is the opportunity to become a Swiss banker, this does not seem to matter very much, especially if the child from Mozambique has the chance to attain a similar post in Mozambique or elsewhere. David Miller (2005) argues that such a fine-grained metric of global equality of opportunity not only tracks something that we do not find particularly valuable but is also far too demanding. There would have to be unlimited rights of migration to Switzerland and unrestricted admission to citizenship so that everyone can have the same chance to become a Swiss banker (Miller 2005, 60).

Miller argues that a broad-grained metric of global equality of opportunity can also track opportunities that are not valuable. A broad-grained metric focuses not on equality of opportunity for specific positions such as banking in Switzerland but on more general opportunities, such as access to education. But even this, Miller contends, does not necessarily track opportunities that are valuable: "if education, for example, takes different forms in different places, how can we judge whether a child in country A has better or worse opportunities than a child in country B?" In other words, a broad focus on, for example, access to education will not necessarily track valuable opportunities as people in different countries will value different kinds and levels of education. Thus, there is a worry that both a fine-grained and a broad-grained metric of inequality of opportunity do not track valuable opportunities.¹²

As I mentioned, the first argument relies on skill-based visas being *valuable* opportunities, otherwise it would not matter that those from low- and lower-middle-income countries are much less likely to acquire these visas. These visas would not be valuable opportunities if specified in terms of a fine-grained metric. Such a metric, for example, would focus on the opportunity to acquire every single skill-based visa available. As in the banker example, it is not clear that inequality of these kinds of opportunities is morally problematic. One might argue that it is not morally problematic that a would-be immigrant does not have an opportunity to acquire the skill-based visa for a particular country, if they have the opportunity to acquire the visas for many other countries. Moreover, as in the banker example, rectifying this inequality seems very demanding. For example, it would require free classes in all countries to learn all the languages that are required by the various skill-based visas and the same employment opportunities to develop the required skills.

Instead of a fine-grained metric, a broad-grained metric is useful in the case of skill-selective immigration policy. The relevant opportunity here is the opportunity to acquire *some* but not necessarily all skill-based visas. Consider how one might argue that this is not a valuable opportunity. Suppose no Indian values becoming a computer programmer, but every Jordanian does. Further suppose that computer science education is very strong in Jordan but non-existent in India. If the United Kingdom

opens a special programme to recruit computer trainees, then there would be an inequality of opportunity between India and Jordan but not one of any normative significance. This is simply because the opportunity to acquire this visa is not valued by Indians.

Unlike the example above, access to at least some skill-based visas is arguably valuable in our world today. This is for two reasons: there is a consensus that would-be immigrants must have *some* country they can move to and states are increasingly converging on a preference for highly skilled migrants. Let me explain each in turn. The first point is straightforward. The right to leave one's country—the right of exit—is enshrined in international law. The Universal Declaration of Human Rights stipulates that “everyone has the right to leave any country, even his own.” This does not necessarily imply that would-be immigrants must be able to enter each and every country.¹³ Indeed, there is no corresponding right to enter a specific country that is protected by international law. But it does mean that would-be immigrants must be able to leave and in turn move to *some* country.

Many countries in the Global North are increasingly favoring highly skilled migration. There has been a steady rise in the popularity of skill-selective immigration policies. In 2015, 44% of countries had a policy to increase the immigration of highly skilled workers, compared to 22% in 2005 (UN 2017). In 2010, the number of tertiary-educated international migrants rose to 35 million, which is 70% higher than the previous decade (Arslan et al. 2014). An increasing number of countries are introducing skill-selective immigration policy, such as the EU's “blue card” proposal and the UK's points-based system. As Parsons et al. (2020, 279) put it, “if we indeed live in the Age of Migration, then the last two decades or so might best be described as an ‘era of high-skilled migration’.” Many predict this trend will continue: the pressures on welfare states by aging populations, the higher demand for human capital-intensive activities, declining transport costs all point towards a continued preference for highly skilled migration (Boeri 2012).

Countries are therefore converging on a preference for highly skilled migrants, which are typically defined as those with post-secondary education. This distinguishes the case of skill-selective immigration policy from the imagined one of UK visas for computer programmers. These visas for computer programmers are not valuable opportunities as they are not, in this hypothetical example, valued across different countries. However, with skill-selective immigration policy, the right to enter *some* country is valued across countries—it is a right enshrined in international law—and skill-based visas are increasingly becoming the dominant immigration route. Thus, skill-based visas are valuable opportunities, meaning it is unfair that these visas are much less attainable for those from low- and lower-middle-income countries.

4 | Inequality of Opportunity Within States

The argument in the previous two sections hinges on a global principle of equal opportunity. I drew on a view about the unfairness of global inequality of opportunity and argued that it extends to skill-selective immigration policy. However, some

critics of global egalitarianism reject the view that equality of opportunity applies at the global level. As I explained, Miller, for example, argues that global equality of opportunity as an ideal fails because of different cultural understandings. Others have appealed to different reasons for why global egalitarianism, including global equality of opportunity, does not extend to the global level. Some maintain that there is a specific feature that grounds duties of distributive justice and that this feature is absent at the global level. For Michael Blake (2001), this feature is coercion, and for Andrea Sangiovanni (2007) and Brian Barry (1982) it is social cooperation.¹⁴

My argument would not be persuasive to critics of global equality of opportunity. If global inequality of opportunity is not particularly concerning, then nor is global inequality of opportunity to acquire skill-based visas. In what follows, I argue that even if equality of opportunity only applies within states, inequality of opportunity *within* low- and lower-middle-income states poses a problem for skill-selective immigration policy. The upshot is that skill-selective immigration policy unfairly disadvantages those from these countries, *even* if equality of opportunity does not apply between states.

I argue that critics of global equality of opportunity should be concerned with inequality of opportunity within states other than their own and that this does not commit one to accepting a global principle of equality of opportunity. I begin with the first part of this claim. Consider why one might argue that critics of global equality of opportunity should not be concerned with inequality of opportunity within states other than their own. As I said, a common view is that equality of opportunity, and other principles of distributive justice, do not apply between states because the relationship among fellow nationals is special in a morally relevant sense and this special relationship is absent at the global level. It is not clear why a proponent of this view would be troubled by what happens to equality of opportunity in other countries as this special relationship is not shared with those in other countries.

My claim is that if states value equality of opportunity for their own societies—because of, say, the specialness of the relationship among fellow-nationals—then they should also recognize this is valuable for other countries for the same reason.¹⁵ Importantly, this means that states should not hinder other state's pursuit of equality of opportunity within their own societies. Consider an analogy. Suppose that I think that I have special duties to my parents—to support them at times of need—because of the special nature of the parent–child relationship. Now suppose that as an employer I refuse to allow any of my employees to support their parents at times of need, assuming that this would come at very little cost to myself. This seems inconsistent of me. If I truly think that I have these special duties to my parents because of the special nature of the parent–child relationship, then I should recognize that others have the same duties for the same reasons. And it seems inconsistent of me to then hinder others' pursuit of this value, particularly when there is very little cost to myself. Similarly, critics of a global principle of equality of opportunity should also recognize that equality of opportunity is valuable in other states for the same reason equality of opportunity is valuable in one's own state. It is therefore wrong to hinder other state's pursuit of equality of opportunity.

But what about countries that have no aspirations of equality of opportunity? We might think of Rawls's (1999) description of decent hierarchical societies that do not subscribe to liberal-egalitarian values. Many would agree with Rawls that these societies should be respected and should not have the values of others imposed on them. However, this is consistent with the claim that these societies should not be hindered in their pursuit of equality of opportunity, should they decide to pursue it. I am assuming equality of opportunity is a morally legitimate but not necessarily a morally required aim of other states. To see why this does not affect my argument, we can return to the example of the hypocritical employer. My point about the example does not depend on whether caring for one's parents is seen as morally required or merely morally legitimate. If the employer thinks that they have special duties to their parents because of the special nature of the parent-child relationship, then it is only right for them to refrain from hindering others in fulfilling these duties to their parents, regardless of whether these special duties are thought to be morally required or only morally legitimate. Thus, my claim that states should not hinder other state's pursuit of equality of opportunity does not depend on whether equality of opportunity is a morally required or merely a morally legitimate aim.

However—and this brings me to my second point—a concern for equality of opportunity within other states does not necessarily imply a concern for global equality of opportunity. For example, it seems perfectly possible to care deeply about the Taliban's denial of equal opportunities to women within Afghanistan without taking any view on whether Afghan women should have the same opportunities as women in Mexico, say.

Let us return to skill-selective immigration policies. My claim is that these policies unfairly disadvantage those from low- and middle-income countries, *even* if we reject the view that equality of opportunity applies between states. This is because skill-selective immigration policies exacerbate inequality of opportunity within these states. To see this, let us again focus on the education criterion of skill-selective immigration policies. Educational attainment is lowest in low- and middle-income countries. Consider the lower secondary out-of-school rates: “the regions with the highest percentages of out-of-school adolescents are sub-Saharan Africa (34%), Southern Asia (20%), Western Asia (16%) and South-Eastern Asia (14%)” (UNESCO 2016, 5). Consider also the upper secondary out-of-school rates: “58% of all youth between the ages of about 15 and 17 are out of school in sub-Saharan Africa, followed by Southern Asia (50%), South-Eastern Asia (37%) and Western Asia (33%) ... Only the developed regions have a relatively low out-of-school rate” (UNESCO 2016, 7).

There is inequality of educational opportunity within low- and middle-income countries as it is the wealthy who enjoy these educational opportunities. A report that uses data from UNESCO notes that “in developing countries, a child from a poor family is seven times less likely to finish secondary school than a child from a rich family” (Walker et al. 2019, 4). For example, in Pakistan, over 75% of the richest children complete primary school. By contrast, under 30% of the very poorest complete primary school (Walker et al. 2019, 20). There is even greater inequality after primary school: “in a large majority of developing countries, the poorest children have less than 10% of the

chances of rich children to attend higher education” (Walker et al. 2019, 20).

My claim is that even if we do not think that equality of opportunity applies between states, inequality of opportunity *within* low- and middle-income countries poses a problem for skill-selective immigration policies.¹⁶ As we have seen, there are very large gaps between the educational attainment of the wealthy and the poor in these countries. Skill-selective immigration policy, with its tertiary education criterion, will be attainable mostly only for the wealthy in these countries. As I will argue, this means that skill-selective immigration policy exacerbates inequality of opportunity within low- and middle-income countries. These policies offer skill-based visas to the wealthy and their offspring, who already enjoy greater opportunities within the state.¹⁷

5 | Exacerbating Inequality of Opportunity

In this section, I explain the claim that skill-selective immigration policy exacerbates inequality of opportunity within low- and middle-income countries. I argue that this happens for two reasons: (1) further opportunities are extended to an already privileged group; (2) these opportunities are among the most desired opportunities. I explain each in turn.

On the first point, consider the following potential objection. One might argue that it is not obvious that a policy that increases opportunities for some can really be said to exacerbate inequality of opportunity. For example, suppose that there is only one secondary school in a neighborhood and that this school admits only those who achieve an A result. Further suppose that 10% of students get an A and only 50% of those students are admitted to the secondary school. Suppose that there is a new secondary school with the same admission policy. All A students are now admitted to either one of the schools, and the rest of the students are not admitted anywhere. Does the creation of this new school increase or reduce inequality of opportunity overall? It seems unclear. The new school is after all providing educational opportunities to children who previously did not have any, even while creating an opportunity gap between these students and the students who are not admitted. Similarly, a state is also increasing opportunities to immigrate through its skill-selective immigration policy. So, why should it be said to exacerbate inequality of opportunity?

There is an important difference between the school example and the case of skill-selective immigration policy. In the school example, opportunities are extended to a wider group of people. In the immigration case, more opportunities go to the same privileged group of people. Consider a revised version of the school example. Suppose that A students are the most privileged group in society as they enjoy much more opportunities than the rest of society. Now suppose that a university opens with an admissions requirement of an A result. Only those who attend the university would be eligible for the new jobs for university graduates, which are for various reasons the most desirable jobs. As a result, A students have even more opportunities—now the opportunity to attend university and qualify for these jobs. In this case, it seems clear that the university is exacerbating

inequality of opportunity because the most privileged group is receiving even more opportunities. This is different from the previous example where opportunities were increased for more than just the privileged group. So, inequality of opportunity is exacerbated when opportunities are increased for the group of people who already enjoy the most opportunities, and this is the case with skill-selective immigration policy. It is true that high-skilled migrants may create further opportunities in the receiving states, but there is no guarantee that these opportunities will go to those in the sending states. The charge of exacerbating inequality of opportunity in *sending* states therefore cannot be resisted in this way.

The second reason why skill-selective immigration policy exacerbates inequality of opportunity within the state is that these opportunities are among the most desirable ones. Let us again begin by considering an objection. One might argue that skill-selective immigration policy does not exacerbate inequality of opportunity within low- and middle-income countries on the grounds that this has positive knock-on effects on the sending states. There is a wealth of evidence that has been leveled against the so-called brain drain hypothesis (Docquier and Rapport 2011). The most studied positive side effect is the incentive effect or “brain gain” (Mountford 1997; Stark et al. 1997; Vidal 1998; Beine et al. 2001). The idea here is that the possibility of emigration encourages people, including those who do not in the end emigrate, to pursue further education. Thus, the emigration of skilled workers may increase human capital in the origin country. Other potential positive effects have been studied. For example, skilled migrants may return to their origin countries and bring with them new skills that contribute to important industries (Stark et al. 1997), and migration and diaspora networks may help improve political institutions (Batista and Vicente 2011; Li et al. 2016).

Skill-selective immigration policy can therefore have different positive effects on the sending country. Some of these positive effects might translate to increased opportunities for those who remain in the country. For example, it is plausible that, as a result of the incentive effect, those from disadvantaged socioeconomic background now have a higher level of education and more employment opportunities. Or, in line with other studies, those who do migrate create new opportunities for those who remain through improving political institutions and funding key industries. One might therefore argue that skill-selective immigration policy does not *exacerbate* inequality of opportunity within low- and middle-income countries as it does in fact extend opportunities to beyond just the privileged groups that do migrate.

However, it is morally problematic that the most sought-after opportunities go to the privileged groups in society. When an immigrant leaves a job in order to immigrate, it is probably because the option to immigrate is better than the option to stay in the job. In this sense, the option to immigrate is the more desirable one. A policy that results in the privileged group in society receiving more of the most desirable opportunities is one that exacerbates inequality of opportunity. To see this, suppose that in a certain school it is only the wealthy students who are able to qualify for science classes thanks to the help of private tutors. The wealthy students enroll in science classes because

jobs in science are for various reasons more desirable. Now suppose that this school offers two new classes: law and economics. Jobs in law and economics are even more desirable than jobs in science. Again, only wealthy students qualify for these classes thanks to private tutoring. The wealthy students therefore move from the science classes to the law and economics classes, thereby opening spots in the science classes for the non-wealthy students. Even though the new law and economics classes indirectly allow the non-wealthy students to enroll in the science classes, this does not seem wholly unproblematic. Indeed, it does seem troubling that the wealthy students continue to receive the most desirable opportunities, while the non-wealthy students receive the second-best ones.

In the immigration case, the example above suggests that skill-selective immigration policy does exacerbate inequality of opportunity even if it increases opportunities for more than just the privileged group, as long as the privileged group continue to receive the most desirable opportunities. Beyond the immigration context, we do think it is morally problematic for the desirable opportunities to go exclusively or largely to the privileged groups in society. We try to limit this by, for example, having laws against discrimination and widening access programs. So, while in practice desirable opportunities do go to privileged groups, we do not think this can be ignored. My claim is that the same should be true of skill-selective immigration policy.

To sum up my second claim, skill-selective immigration policy exacerbates inequality of opportunity within low- and middle-income countries for two reasons: (1) it increases opportunities for the privileged group and (2) these opportunities are among the most desirable ones. This argument is distinct from my first argument, which focused on global inequality of opportunity. It might appear that the second argument also concerns not domestic but global equality of opportunity. Skill-selective immigration policy creates opportunities that exist across borders and not within the state so it could be said that this second argument is about global equality of opportunity as well. To clarify, the first argument focused on inequality of opportunity between those from high-income countries and those from low- and middle-income countries. The second argument, however, focuses on the inequality of opportunity between fellow nationals. There will be some citizens, who have the opportunity to acquire skill-based visas, and some citizens of the same country who do not. The opportunities might be located abroad, but this is nevertheless an inequality between fellow nationals and not between those in different countries.

6 | Two Objections

In what follows, I consider two objections to the argument that skill-selective immigration policy unfairly disadvantages those from low- and middle-income countries by exacerbating inequality of opportunity within these countries. First, one might argue that it is not morally problematic if a state exacerbates inequality of opportunity that it is not responsible for. This can be defended as follows: via its skill-selective immigration policy, Country A is creating new opportunities for some of country C's members. If the result of this is that inequality of opportunity increases in C, that is the responsibility of C's government to

fix. For example, this can be counteracted by greater investment in public education. Country A would not be making it harder for C's government to protect equality of opportunity. If C's government invested more in education, then A would not be exacerbating inequality of opportunity because there would be no stark inequality of educational opportunity to begin with.

Michael Blake considers an argument similar to the one I make and raises such an objection. He acknowledges that in some cases "to prefer the well-educated...is to give privilege to those who have already gained benefits from an unjust social system and to punish those who have already been treated unjustly" (Blake 2008, 972). He explains that this may be especially morally problematic in cases where "the injustice is one in which the society accepting immigrants has been complicit; if persistent underdevelopment is even partly the result of the unjust foreign policy and practices of our own state" (Blake 2008, 973). The suggestion here is that it may not be morally problematic for a state to exacerbate inequality of opportunity that it is not responsible for.

However, even if a government is partly or wholly responsible for inequality of opportunity in its society, it would be unfair for another state or agent to exacerbate this inequality. To see this, consider the following example. Suppose that a neighborhood has stark educational inequality of opportunity because of the negligence of the neighborhood council. The council has ignored and taken no action regarding the fact that there are no A students at public schools. Now suppose that an elite university creates a new scholarship for A students in this neighborhood. Even if we assume that there are no A students in public schools purely because of the council's negligence—for example, because of its decision to underfund these schools—the scholarship does seem to be unfair. The scholarship exacerbates inequality of opportunity by providing more opportunities to the group that is already privileged. Similarly, even if the governments of some low- and lower-middle-income states are wholly responsible for inequality of opportunity in their societies, it would still be unfair for other states to exacerbate this inequality.

The second objection claims that even if a state has a duty to not exacerbate inequality of opportunity in other countries, this duty can be fulfilled in ways that do not have to do with immigrant admissions or immigration policy reform more generally. Blake makes a similar argument and illustrates it using the following example:

I contemplate hiring you as my surgeon but carelessly burn your hand with coffee as I walk into your office. It is clear that I owe you something—compensation for your unjustly burned hand, at least—but it is not clear that I have any obligation to let you continue acting as my surgeon. However unjust it may be, you simply do not have the skills required to do the job. If this is so—and if no particular surgeon has a right to act as my surgeon—then my moral duties do not include a general prohibition on taking skills into account in choosing a surgeon, a fact which remains

true even when the skill sets are the result of injustice (Blake 2008, 973).

Similarly, he argues, "the foreign poor have a great many moral rights that are currently being ignored, but it is not clear to me that a right to entry into a foreign society is one of them" (Blake 2008, 974). So, a state may have to mitigate the ways in which it is exacerbating inequality of opportunity in poor countries but that need not be done through immigrant admissions. This is illustrated by the surgeon example because I clearly need not rectify spilling coffee on the surgeon's hand by offering him the job.

However, Blake's analogy is not very apt. A better one would be the following. Suppose that I always place my coffee in such a way that it spills on this person's hand. Further suppose that this person has a skin condition that I aggravate every time I spill coffee on them. I obviously have a duty to place my coffee more carefully so that I avoid spilling coffee on this person's hand. This analogy is more comparable to the case of skill-selective immigration policy. States are harming the global poor by exacerbating inequality of opportunity, and this means that states have a duty to fix whatever they are doing that is causing this. Since states exacerbate inequality of opportunity through their immigration policies, these policies need to be reformed.

7 | Conclusion

Skill-selective immigration policies, along with other kinds of immigrant selection policies, were introduced in the 1960s to replace the racial and ethnic discrimination of past policies. It's true that skill-selective immigration policies do not explicitly select would-be immigrants on the basis of race or ethnicity. However, the criteria that are commonly used by these policies to select among would-be immigrants disadvantage not only would-be immigrants from low- and middle-income countries, many of which are located in the Global South, but also those who remain in these countries. Thus, while skill-selective immigration policies may not directly discriminate against those from the Global South in the ways that previous policies did, these policies nevertheless do end up unfairly disadvantaging these groups, but in more hidden and indirect ways.

Whether this matters, however, seemed to depend on whether we think opportunities should be equal at the global level in the first place. I argued that skill-selective immigration policy wrongfully disadvantages those from the Global South, regardless of our views on the scope of the principle of equal opportunity. I put forward two arguments. First, I argued that skill-selective immigration policy is unfair as people from low- and middle-income countries are less likely to meet the criteria. Second, I argued that skill-selective immigration policy is unfair because it exacerbates inequality of opportunity within low- and middle-income countries. While the first argument relies on a global principle of equal opportunity, the second one does not. Thus, the charge that skill-selective immigration policy disadvantages those from the Global South is a serious one, and one that highlights that countries in the Global North need to do more to distance themselves from the racial and ethnic discrimination of past immigrant selection policies.

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Conflicts of Interest

The author declares no conflicts of interest.

Endnotes

- ¹ This view has, however, come under scrutiny. For example, see Reitz (2005).
- ² For example, Christian Joppke (2005, 3–4) describes immigrant selection policies based on skill and education as “nondiscriminatory” and “innocent.”
- ³ Relatedly, Désirée Lim (2023) argues that skill-selective immigration policy tracks gendered and racist stereotypes within the receiving state. However, while Lim primarily focuses on the domestic aspect of these policies, I am interested in the global aspect. See also Van Goozen (2021).
- ⁴ This contributes to the rich literature on the ethics of skill-selective immigration policies (Egan, 2020; Ball-Blakely 2022; Erez 2021; Lim 2017, 2019; Shachar 2016; MacKay 2016) by exploring an unexamined and, as I argue, important, aspect of these policies. For an approach that also takes a global perspective to the ethics of immigrant selection criteria, see Akhtar (2024).
- ⁵ As Chris Armstrong (2010, 315) points out, “there is scarcely a defender of global distributive justice, or more narrowly of global egalitarianism, who has not made recourse to the intuition that nationality must be morally arbitrary in a way that is comparable to race or gender.”
- ⁶ This is similar to what Joseph Carens (1996) describes as a realistic approach to the ethics of migration.
- ⁷ It could be said that it is immigration restrictions in general that prevent access to employment and opportunities in the receiving state, and so the argument I advance is not unique to skill-selective immigration policy. I agree that, any immigration restriction, whether it is skill-selective or not, will prevent some people from accessing valuable opportunities. I focus on skill-selective immigration policies, however, for two reasons. The first is that its criteria are less accessible to those in the Global South. It is an open question whether other immigration restrictions have criteria that are less accessible to particular groups of would-be immigrants. If they do not, then my argument concerning unequal opportunities would not apply. Second, even if other immigrant selection criteria have this unequal impact, I focus on skill-selective immigration policy for reasons I outlined earlier: skill-selective immigration policy has historically been justified on the grounds that it replaces the racial and ethnic bias of previous policies. It is then especially important to examine the unequal impact of these policies.
- ⁸ For more on these issues, see Lim (2019, 2023).
- ⁹ For example, see Goodfellow (2020) and McClure (2021).
- ¹⁰ For instance, see O’Carroll et al. (2020).
- ¹¹ For more on why immigration is a valuable opportunity and why this matters to immigrant selection policy, see Akhtar (2024, 85–109).
- ¹² Gillian Brock (2007) makes a similar argument. For responses to this type of criticism, see Caney (2001, 2007).

¹³ For more on this, see Wellman (2016).

¹⁴ To be clear, these critics of global egalitarianism argue that egalitarian justice should be confined to the domestic context, not that nothing is owed to those beyond one’s borders. They might, for example, support humanitarian policies to meet people’s basic needs (Barry and Valentini 2009, 487). Yet global egalitarians go a step further by arguing that, as in the domestic context, not all kinds of global inequalities are morally justified.

¹⁵ Kai Nielson (1999) makes a similar point with regards to liberal nationalism. He notes that national self-determination must be a “reiterative right,” a right that, all nations and not just their own, have. Nielson (1999, 302) writes, “a liberal nationalist will reiterate (if you will, recursively define) her nationalism, taking it that, since group identity and cultural memberships are key goods for all human beings (arguably, in Rawls’s sense, a primary good), then it is something that, morally speaking, must not be recognized (acknowledged and accepted) only for her group but for all human beings.”

¹⁶ Similarly, Tannock (2011, 1336) cites studies that show that in most countries individuals from lower socioeconomic classes have fewer educational opportunities and concludes that “an education-based immigration policy will inevitably end up discriminating against these groups overall as well.” I build on this insight by elaborating on how exactly skill-selective immigration policy wrongs these groups.

¹⁷ My account here has some affinities with Hellman’s (2018) account of how some policies compound prior injustices. However, while Hellman focuses on injustices more broadly, I focus on inequality of opportunity, which as I later explain raises unique challenges.

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