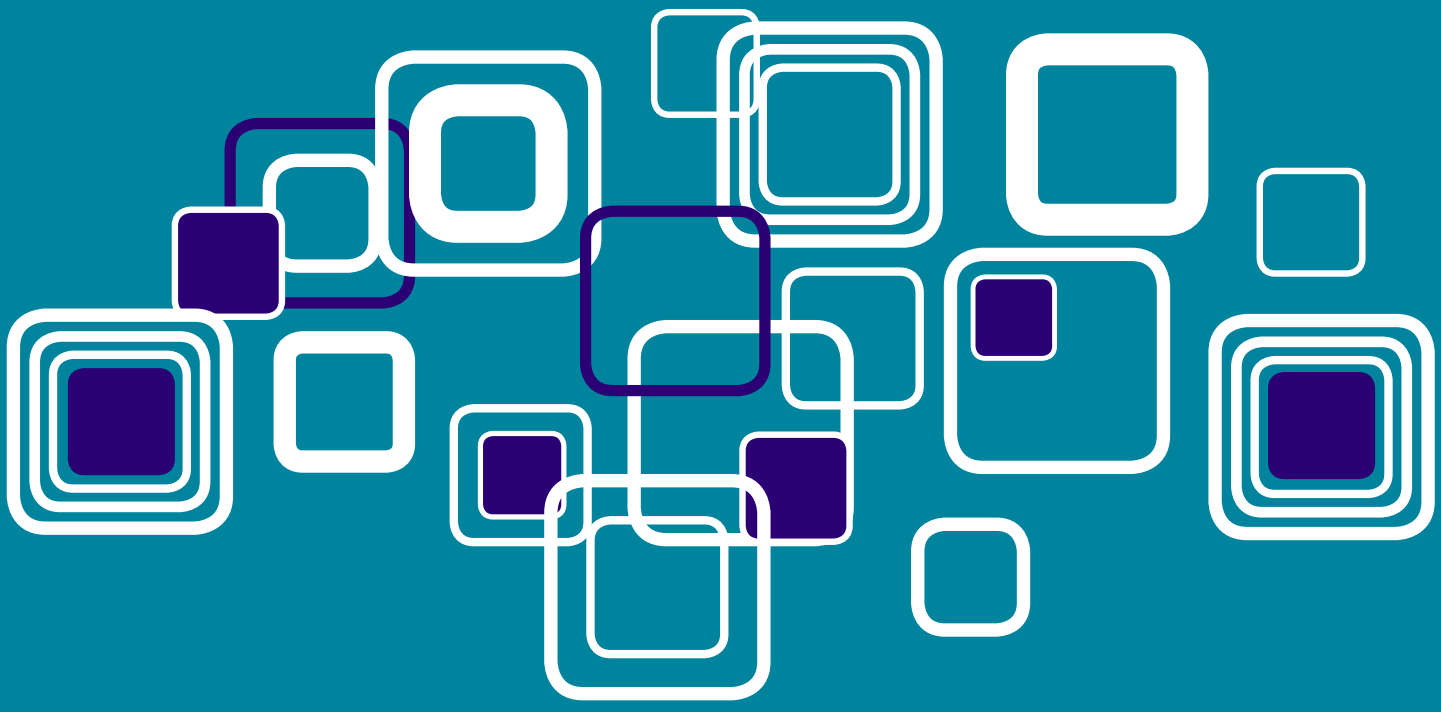
Recognizing Foreign Qualifications

Emerging Global Trends

By Lesleyanne Hawthorne



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RECOGNIZING FOREIGN QUALIFICATIONS:
Emerging Global Trends

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Executive Summary

The nature of skilled migration has changed enormously in the past two decades. As expanding numbers of skilled professionals seek to migrate, there has been rapid growth in temporary and provisional migration. Transnational companies increasingly support their investments by transferring personnel around the world with less concern for national borders than the countries that host them.

This skilled migration can pose significant challenges for national regulators attempting to maintain occupational standards while accommodating the transforming and transient patterns of mobility and facilitating the use of immigrants' skills. Traditionally, host countries have required foreign-trained workers to undergo a long, complex, and often expensive credential assessment process before gaining full rights to practice the regulated occupations there. With the rise of temporary or provisional migration flows, and an increasing role for employer-sponsored migration designed to fill specific vacancies immediately, more flexible pathways into regulated occupations have become increasingly attractive for governments, employers, and individual migrants.

The nature of skilled migration has changed enormously in the past two decades.

Some of these changes have been driven by industry and employers. For example, anecdotal evidence suggests that employers regularly bypass the need for professional registration by employing foreign-trained professionals alongside local (registered) hires who sign off on official paperwork. Meanwhile, global qualifications have emerged in industries such as accounting, engineering, and geology that aim to transcend country-specific credentials and qualify their holders (perhaps with some additional local training) to work in a range of locations. At the same time, growing international trade in services has made it easier for transnational companies and individuals working online to circumvent traditional licensing and registration requirements, rendering some regulations unenforceable or obsolete.

Within this context, many governments have actively facilitated the use of partial or limited recognition to make pathways to practice more flexible. This form of licensure allows foreign-trained professionals to practice under specific conditions. As a policy approach, it comes in various forms. These include registration that limits the scope of practice so that professionals must work under supervision or avoid functions in which they have insufficient experience; conditional registration designed to enable additional training or on-the-job assessment while workers make their way toward full registration; and restricted practice timeframes for those relocating for only short periods.

Where partial recognition has been used to simplify requirements, it appears to have been successful in attracting skilled migrants. A notable example is a recent Australian policy to move workers with directly comparable qualifications more quickly from partial to full registration without examination. However, partial recognition policies can carry risks, including the possibility that some migrants will be marooned in limited licensure for years, facing delays in the acquisition of full registration disproportionate to the likely deficits in their knowledge. Another concern is that professionals will be permitted to practice despite being underqualified, or that regulators will feel undue pressure to "rubber stamp" applications (perhaps in response to labor market demand pressures).

Despite these limitations, emerging models for more flexible ways to recognize qualifications have the potential to facilitate the flow of goods and services; enhance the efficiency of skilled migration programs (facilitating workers' immediate or early employment); accommodate the fast-track entry of temporary labor; expedite transnational corporations' global reach and mission; facilitate training to fill skills deficits (by providing professional experience for migrants once they have arrived); and reduce the level of skills wastage. Governments and regulators that are serious about attaining these goals must pay careful atten-

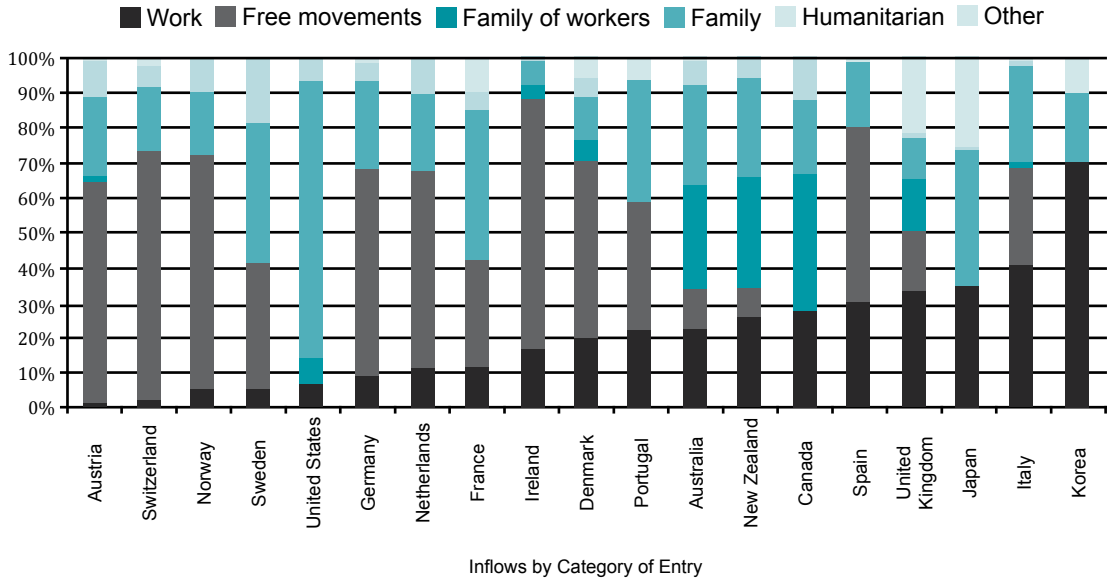
tion to these evolving tools, including their potential to bring their own regulatory systems into line with the modern labor market.

I. The Changing Global Context of Qualification Recognition

The scale of skilled migration has grown phenomenally in the past two decades. In an age of transnationalism, increasing numbers of professionals are born in one country, educated in other/s, then leverage their skills to secure economic integration "anywhere in the world."[1] Many governments have actively recruited skilled migrant professionals, introducing or tweaking selective migration systems that have included a focus on skills (favoring degrees). These systems have included new or revised points-based selection routes; periodically adjusted occupational shortage lists; enhanced host-country language requirements; dramatically increased employer sponsorship to align selection with jobs; and the prioritization of the study-migration pathway.[2]

Beyond skilled migration categories, vast numbers of migrants with qualifications — a majority, in most cases — also arrive through family and humanitarian categories. There is no advance assessment of these migrants' human-capital attributes (see Figure 1). Their migration poses major qualification recognition challenges, in particular for professionals working in regulated occupations.

Figure 1. Immigration Inflows by Category of Entry in Select Organization for Economic Cooperation and Development Countries, 2010



Note: Migration through free movement (in the European Union and Australia/New Zealand) comprises a combination of work, family, and student flows; data may thus understate the true level of work-based migration for countries with significant free-movement flows.
Source: Organization of Economic Cooperation and Development (OECD), *International Migration Outlook 2012*, Figure I.4 (Paris: OECD Publishing, 2012).

1 Steven Vertovec, "Fostering Cosmopolitanism: A Conceptual Survey and a Media Experiment in Berlin" (working paper WPTC-2K-06, Institute of Social and Cultural Anthropology, University of Oxford, 2006): 1, 7, www.transcomm.ox.ac.uk/working%20papers/vertovec.pdf.

2 Lesleyanne Hawthorne, "Designer Immigrants? International Students and Two-Step Migration," in *The Sage Handbook of International Higher Education,* eds. Darla Deardorff, Hans de Witt, Tony Adams, and John Heyl (New York: Sage, 2012).

Applying for the right to practice an occupation can be an extremely time-consuming and difficult process. Many skilled migrants are not able or willing to invest the resources required, particularly if moving on a temporary basis. Governments seeking to simplify and reduce barriers to professional practice face a highly complex system with a wide range of stakeholders responsible for different aspects of the recognition process — especially where occupational regulation is delegated to subnational actors, such as in Canada, the United States, and Germany. Evidence from multiple countries shows that the entry barriers these regulations create can delay entry into skilled work, in many cases for years, while large numbers of migrants who start the process of applying for recognition never complete it.[3] These barriers create substantial costs, as highly qualified professionals remain out of the labor force, are unemployed, or are employed in jobs for which they are overqualified.[4]

There are several factors behind the poor recognition of credentials. One is professional protectionism. Professional bodies work not just to ensure quality, but also have an interest in creating barriers to entry for outsiders who do not have the "superior" credentials these bodies endorse. Another is the varying quality of education and training worldwide. It would be naïve to regard all qualification systems as equal. Educational resourcing varies markedly in migrant source countries. Many systems are under-resourced, and quality assurance is often marginally developed, creating challenges for harmonization.[5] By way of illustration, the Shanghai Jiao Tong University ranking of the world's top 500 universities — regarded as relatively unbiased — in 2012 included 202 universities in Europe, 182 in the Americas (principally in the United States and Canada), 112 in the Asia-Pacific, 11 in the Middle East (primarily Israel), but just four in Africa.[6]

There are several factors behind the poor recognition of credentials.

Many major receiving countries now rely heavily on temporary migration, either followed by return migration or as a step toward permanent residence (the latter is sometimes known as "two-step" or "provisional" migration).[7] In Australia, for example, the number of temporary workers admitted now exceeds the permanent skilled intake, and temporary/provisional migration has been a major phenomenon in the United States for over two decades. Some migrants may even be termed hypermobile: one Australian study, for example, found that 66 percent of medical migrants had made six or more major geographic moves prior to their current position.[8] The scale of temporary employer-sponsored entry is now dramatically expanding in traditional immigrant destinations such as Canada, New Zealand, and Australia. In New Zealand, for example, 80–88 percent of permanent skilled applicants are already resident in New Zealand

3 Anke Schuster, Maria Vincenza Desiderio, and Giuliana Urso, eds., *Recognition of Qualifications and Competences of Migrants* (Brussels: International Organization of Migration LINET, 2013), www.labourmigration.eu/research/report/20-recognition-of-qualifications-and-competences-of-migrants.

4 Ibid; Lesleyanne Hawthorne, *Migration and Education Quality Assurance and Mutual Recognition of Qualifications Country Report: Australia* (Paris: UNESCO, 2008), http://unesdoc.unesco.org/images/0017/001798/179842e.pdf. As early as 1990 Australia estimated an AU$100 million to AU$350 million economic loss due to nonrecognition of foreign degrees (around 200,000 migrants). Canada estimates its economic loss at CAN$2 billion annually.

5 In the Philippines, for instance, quality assurance is voluntary rather than mandatory, and associated with minimal institutional engagement. In 2008 just 221 of the nation's 1,943 institutions participated (constituting 19 percent of all higher education programs). Ethel Agnes P. Valenzuela, *Migration and Education: Quality Assurance and Mutual Recognition of Qualifications – The Philippines* (Paris: UNESCO, 2008). Reflecting this, Filipinos often secure modest global recognition, when subject to knowledge and practice assessment post-migration. At the time of Canada's 2001 Census, for example, 80 percent of doctors from the Philippines, 66 percent of engineers, and 61 percent of degree-qualified nurses who had migrated in the past five years secured low-skilled employment within their first five years of residence. Similar trends were evident in Australia. See Hawthorne, *Migration and Education Quality Assurance*, Table 12.

6 Top Asia-Pacific universities were based in China (42), Japan (21), Australia (19), and South Korea (10), compared to just one in India. See Shanghai Jiao Tong University, "Academic Rankings of World Universities 2012," www.shanghairanking.com/ARWU2012.html.

7 "Two-step migration" includes both temporary workers and international students who enter on short-term visas and subsequently convert to permanent resident status (typically as skilled-category workers).

8 Lesleyanne Hawthorne, Bob Birrell, and Doris Young, *The Retention of Overseas Trained General Practitioners in Regional Victoria* (Melbourne: Rural Workforce Agency Victoria, 2003).

and employed when they received permanent residence, or hold a New Zealand job offer.[9]

Regulatory frameworks, however, have often failed to catch up with these developments. Migrants, employers, and governments share the goal of rapid economic integration, with workers joining the labor market immediately (especially if their stay is of limited duration). But the process of securing professional registration is often long and burdensome. This creates a strong incentive to find ways around the cumbersome process of gaining full recognition for foreign qualifications.

The process of securing professional registration is often long and burdensome.

II. New Approaches to Recognizing Professional Qualifications

A range of practical solutions has evolved to address such challenges in recent decades. Governments, regulatory authorities, professional associations, and the private sector have developed innovative approaches designed to recognize qualifications more quickly, to allow individuals to work without full recognition, and to create new types of qualification designed to facilitate the transfer of skills to host countries.

Perhaps most notably, private firms in many countries are able to bypass some regulations by distributing responsibilities between registered and nonregistered employees. In China for example, an enormous number of individuals now have foreign qualifications, including Chinese students returning from overseas, and thousands of expatriate professionals from countries as diverse as Australia, Canada, France, Germany, Japan, Malaysia, Singapore, South Korea, the United Kingdom, and the United States.[10] These foreign experts are typically "professionals at high-level position, having rich practical experience and special skills," employed on wide-ranging government, industry and tertiary institute projects.[11] In theory, to secure professional registration to practice, expatriates and returning Chinese students are obliged to sit and pass Mandarin-language national exams. Few attempt them, however, and anecdotal evidence suggests that "foreign experts" provide expertise while registered Chinese professionals sign off on projects.

Private firms in many countries are able to bypass some regulations by distributing responsibilities between registered and nonregistered employees.

A. Partial or Conditional Recognition of Qualifications

Bypassing regulations in this way is often not possible. The self-employed, as well as employees in fully regulated occupations such as medicine, for example, find it much more difficult to work at their skill level

9 Lesleyanne Hawthorne, *Competing for Skills: Migration Policies and Trends in New Zealand and Australia* (Wellington: Government of New Zealand, 2011), www.immi.gov.au/media/publications/research/_pdf/migration-policies-trends-fullreport.pdf.

10 These numbered 210,000 by 2007, according to Libing Wang, *Migration, Quality Assurance and Mutual Recognition of Qualifications – A Country Paper of the People's Republic of China* (Paris: UNESCO, 2008), http://unesdoc.unesco.org/images/0017/001798/179837e.pdf.

11 D. Xiuhua, "Migration and Mutual Recognition of Professional Qualifications: Case Study of Shanghai" (paper presented at the Project Workshop on Migration and Mutual Recognition of Professional Qualifications, Shanghai Academy of Educational Sciences, Hangzhou University, Hangzhou, 2009): 9.

without official authorization of some kind. As a result, several countries have experimented with policies that allow foreign practitioners to work without immediately conferring full licensing or registration. This form of licensure may involve a range of variants, including:

- ***Limited scope of practice.*** This involves restricting migrants to defined functions that exclude areas of practice in which they have limited experience and/or more senior, unsupervised areas of responsibility (in the case of engineering, for example, excluding sign-off of building projects; in the case of medicine, mandating a requirement for supervised clinical practice).
- ***Conditional registration.*** Some applicants have near-sufficient skills or education to be licensed in the host country, but require limited or conditional licensure for additional training (for example through completion of host country bridging programs, internships, or examinations).
- ***Restricted practice time frames.*** These are defined periods of licensure that cater, for example, to transnational corporation employees engaged in a temporary transfer abroad.[12]

Partial licensing to facilitate professional practice has become widespread. In its study of health professionals' regulation, the Organization for Economic Cooperation and Development (OECD) notes a wide range of temporary, limited, provisional, and conditional registration statuses in the countries studied.[13] While the academic literature on this question is almost nonexistent, several hundred interviews conducted by the author over the past decade (most recently with 37 health regulators in seven countries)[14] affirmed the existence of multiple partial recognition initiatives.

Partial licensure pathways vary markedly. For international medical graduates (IMGs), for example, they may involve a passing grade on the Professional and Linguistic Assessments Board (PLAB) exam prior to a year of supervised practice (in the United Kingdom); or supervised service in a hospital, then a health center, then private practice (Finland); completion of a residency (United States); repetition of two to six years of university training, depending on the credits awarded for previous education (Canada); or public hospital practice under variable levels of supervision (in a wide range of countries).[15] These approaches are designed to support prerecognition training, while imposing major restrictions on the scope and level of the individual's practice. A number of pathways involve simplified requirements, the aim being to assist immigrant adjustment by maximizing support. In other cases, by contrast, there are few concessions and requirements remain almost punitive. In the United States, for example, medical residencies must be sought on a highly competitive basis and completed in full, even when foreign professionals have substantial experience in another high-income country.

Partial licensing to facilitate professional practice has become widespread.

12 Interview on partial recognition of qualifications conducted by author with Tim Owen, Director, World Education Services, Canada, July 18, 2012; and Tim Owen and Sophia J. Lowe, "Labour Market Integration of Skilled Immigrants: Good Practices for the Recognition of International Credentials – Appendix," in *Canada Country Report: Migration and Education – Quality Assurance and Mutual Recognition of Qualifications* (Paris: UNESCO, 2008).

13 One example is Ireland, where "temporary registration allows non-EU doctors to be employed and to receive further training in the practice of medicine. Temporary registration can be granted for a total aggregate period of seven years . . . In Ireland, it represented about 1,300 doctors in 1999 as compared to 1,200 foreign-trained doctors fully registered (respectively about 1,000 and 4,000 in 2004)." Organization for Economic Cooperation and Development (OECD), "Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration," in *International Migration Outlook: SOPEMI 2007* (Paris: OECD, 2007).

14 Most recently taped interviews were conducted with the heads or registrars of regulatory bodies in Australia, Canada, Ireland, New Zealand, Singapore, the United Kingdom, and the United States to assess registration standards for practice in the fields of medicine, nursing, pharmacy, physiotherapy, and dentistry. This study was commissioned by the Australian Health Practitioner Regulation Agency, which controls access in Australia to registration in the 16 major medical and allied health fields.

15 OECD, "Immigrant Health Workers in OECD Countries," 196.

Box 1. Definitions of Key Terms

Licensing body: An authority charged with the exclusive right to determine eligibility for and to issue licenses in a specific occupation or set of occupations. Licensing bodies set the minimum standards of practice for many professions.

Provisional license: A license that permits practice in an occupation on a temporary basis. It may contain restrictions on the practice or conditions that must be met for the holder to qualify for a permanent license.

Recognition: Formal acceptance of a student's knowledge, skills, or former academic studies and the granting of advanced standing or credit. May also apply to formal acceptance of an educational institution by another institution or public authority.

Regulation: Governance of a trade or profession with regard to entry requirements, occupational standards and ethics, credentials, licensure, discipline, professional development, continuing competence, compliance with legislative provisions, portability, and so on.

Regulatory agency: An organization that has legislated authority to carry out the governing legislation of a profession.

Registration: Formal entry following admission into an educational institution; acceptance into a professional body in compliance with regulations governing the profession.

Overqualification or skills discounting: Employment at a level substantially below the worker's formal qualification skill level.

Competency-based assessment: An attempted democratization of skills recognition, based on demonstration of vocational skills in situ, rather than the date, time, or grade of original qualifications. Migrants typically follow a two-phase recognition process, with preliminary assessment of paper-based qualifications, followed by practical skills assessment leading to full certification (typically following a period of additional training).

Source: Tim Owen and Sophia J. Lowe, "Labour Market Integration of Skilled Immigrants: Good Practices for the Recognition of International Credentials – Appendix," in *Canada Country Report: Migration and Education – Quality Assurance and Mutual Recognition of Qualifications* (Paris: UNESCO, 2008): 9–12; Lesleyanne Hawthorne, "Qualifications Recognition Reform for Skilled Migrants in Australia: Applying Competency-Based Assessment to Overseas-Qualified Nurses," *International Migration Review* 40, no. 6 (2002): 55–92.

The licensing process for foreign professionals is often seen as a stark choice: either qualifications are recognized and full registration awarded, or qualifications are not recognized with individuals excluded from the profession until they complete the necessary assessments or additional schooling. While this dual model still prevails in many cases, the process is evolving and far more fluid. It can involve multiple levels of registration as well as qualifications that confer different types of privileges to their holders. In several cases, qualifications developed by industry, not government, have become important in regulating global professions. The following pages lay out some examples of these new trends. They involve (1) the use of conditional registration to speed up foreign professionals' access to the labor market; (2) mutual recognition agreements between countries, which have created pathways for some individuals — though by no means all — to achieve registration faster; and (3) the development of global qualifications designed to position internationally mobile individuals for work in several countries and that in many (though by no means all) countries are recognized by regulatory authorities for meeting legal practice requirements.

B. Fast-Track Medical Registration in Australia

Medicine often involves the strictest regulation, with results that have been well studied. A recent policy, Australia's fast-track Competent Authority (CA) pathway, seeks to align qualifications recognition in this field more closely with the needs of migrants and their employers. This model allows international medical graduates (IMGs) to work full time while avoiding exams entirely.

Australia relies heavily on international health professionals (importing around 50,000 every five years). Four-fifths of these foreign professionals were sponsored on a temporary basis from 2005-06 to 2010-11 (17,910 compared to 2,790 selected as permanent skilled migrants).[16] Virtually all these IMGs immediately started work, with limited registration in teaching hospitals supported by clinical supervision. This followed mandatory English language testing, which represents a formidable hurdle. (In 2011, 62 percent of migrant dentists, 52 percent of doctors, 38 percent of pharmacists, 32 percent of physiotherapists, and just 17 percent of nurses passed Australia's Occupational English Test for migrant health professionals on one or multiple attempts.)[17]

Australia relies heavily on international health professionals.

From 2007 the federal government introduced four pathways to medical registration (fast track, medium track, slow track, and specialist track), in an attempt to regulate what had become a highly demand-driven process.[18] The fast-track Competent Authority pathway was introduced that year by the Australian Medical Council (AMC), with minimal political resistance. Based on 30 years of examination outcomes, it is designed to transit IMGs from partial to full registration within a year, while medically employed and without passing exams. This fast-track program is only available to what might be termed the elite of Australia's medical migration program. The CA model recognizes that some regulators in other countries have developed screening procedures whose standards are just as high as those of the AMC, allowing professionals registered in those countries to participate. Four examination and two accreditation systems have been approved: the PLAB Examination of the United Kingdom, the Medical Council of Canada Licensing Examination, the United States Medical Licensing Exam, the New Zealand Registration Exam for Overseas Doctors; and degrees from UK medical schools accredited by the General Medical Council, and Irish medical schools accredited by the Medical Council of Ireland.

Within the model, IMGs' country of original qualification is deemed less important than their form of accreditation, and thus many of the beneficiaries have primary medical qualifications from countries (such as India and Pakistan) whose training programs are not recognized (Table 1). To address ethical issues nations seeking to minimize out-migration to Australia can refuse CA recognition (for example, South Africa and Singapore chose to opt out in the preliminary period, to curb out-migration, despite strong Australian demand for these qualifications). Doctors fully accredited by one of the six systems, and who have at least 12 months post-examination practice in a country designated by the CA, are eligible to complete the CA pathway without further assessment of their medical knowledge or clinical skills. This entitles them to 12 months of partial licensure supported by light clinical supervision, after which they can achieve full Australian Medical Council[19] certification — an English language test being their sole examination requirement.[20] Registration is then provided by the Medical Board of Australia. Other Australian professions, such as physiotherapy, are developing similar models.

16 Lesleyanne Hawthorne, "International Medical Migration: What is the Future for Australia?" *Medical Journal of Australia Open*, Supplement Australia Open, Suppl. 3 (2012): 18–21, www.mja.com.au/open/2012/1/3/international-medical-migration-what-future-australia.

17 Lesleyanne Hawthorne and Anna To, *English Language Skills Registration Standards – An Australian and Global Comparative Assessment* (Melbourne: Australian Health Practitioner Regulation Agency, 2012). Data based on analysis of all candidate results by field in the Occupational English Test.

18 Rick McLean and J. Bennett, "Nationally Consistent Assessment of International Medical Graduates" *Medical Journal of Australia* 188 (2008): 464–8.

19 The Australian Medical Council is responsible for licensing medical schools in Australia, and assessing international medical graduates. It has governance of the Competent Authority pathway. The Medical Board of Australia since 2010 has had responsibility for medical registration to practice.

20 Australian Medical Council, *Submission to the House of Representatives Standing Committee on Health and Ageing Inquiry into Registration Processes and Support for Overseas Trained Doctors* (Canberra: Australian Medical Council, February 4, 2011): 9, www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=haa/overseasdoctors/subs/sub42.pdf.

Migrant doctors' response to the CA pathway has been immediate and positive, while the AMC has reported a surge in the number of applicants applying to migrate since it was introduced. According to Ian Frank, the CEO of the AMC:

> *Up until 30 April 2010 we processed over 4,000 (candidates) in the time period since August 2008. 2,300 have been assessed as being eligible to proceed into the assessment pathways and went through, 1,700 have been granted AMC certificates and qualified for general registration .... Before we introduced this, we were lucky if we had 50 UK graduates per year and in two years we've got over 2,000. It is a very powerful attractor, and much to the chagrin of our Canadian colleagues, not to mention our colleagues in the [United Kingdom's] General Medical Council, these (doctors) are nearly all young — 2-3 years out of UK university graduates, very well qualified . . . The feedback that we are getting from our hospitals where these people are located is that they are having no trouble with them and they are an ideal workforce.*[21]

Table 1. Australian Medical Council (AMC) Competent Authority Pathway Outcomes by Top 10 Countries of Training, 2007-10

Country of Training	Applications Received	Advanced Standing Certificates Issued	AMC Certificates Issued
United Kingdom	2,784	1,976	1,019
Ireland	631	483	176
India	575	290	422
Pakistan	146	83	78
United States	96	63	9
Sri Lanka	84	60	8
Canada	84	60	8
Myanmar	55	22	44
Iraq	48	30	18
Bangladesh	42	22	22
Other countries	423	260	167
Total	**4,955**	**3,327**	**2,009**

Note: International medical graduates who have completed AMC-approved training or assessment are eligible to apply for "advanced standing" toward the AMC certificate. If the AMC grants advanced standing status, the individual can forgo certain written and clinical examinations, and can instead have a workplace-based performance assessment.
Source: Lesleyanne Hawthorne, *Health Workforce Migration to Australia: Trends and Outcomes 2004-2010* (Adelaide: Health Workforce Australia, 2012), www.hwa.gov.au/work-programs/international-health-professionals/health-profession-migration): 99.

By contrast, many international medical graduates deemed ineligible for the CA pathway secure medical positions under variants of limited licensure (for example to serve in undersupplied medical sites termed 'areas of need'). These IMGs must first pass Australia's English test and Multiple Choice Question medical exam. Many will take years to secure full registration, by passing the AMC's mandatory Clinical Examination.[22]

21 Lesleyanne Hawthorne, *Health Workforce Migration to Australia: Trends and Outcomes 2004-2010* (Adelaide: Health Workforce Australia, 2012): 99, www.hwa.gov.au/sites/uploads/HAWTHORNE-%20HealthWorkforceMigrationFullReport30May_0.pdf.

22 Lesleyanne Hawthorne, Graeme Hawthorne, and Brendan Crotty, *The Registration of and Training Status of Overseas Trained Doctors in Australia* (Canberra: Department of Health and Ageing, 2007), www.health.gov.au/internet/main/publishing.nsf/Content/D949ABAA95DCE77FCA2572AD007E1710/$File/otdreg.pdf.

C. Reciprocal Recognition Agreements for Engineers

In the CA pathway just described, Australia recognizes other countries' accreditation or registration models without any requirement for reciprocity. By contrast, several groupings of countries have negotiated policies for reciprocal recognition of their nationals' professional qualifications.

In the field of engineering, three international agreements govern the mutual recognition of professional qualifications:[23]

- ***The Washington Accord*** (signed in 1989, and recognizing substantial equivalence in professional engineering qualifications of at least four years' duration)
- ***The Sydney Accord*** (2001, focused on engineering technology qualifications of at least three years' duration)
- ***The Dublin Accord*** (2002, focused on technician training of around two years' duration)

In principle, under these agreements a person recognized in one country as reaching the agreed international standard of competence should only be minimally assessed prior to obtaining registration in another country that is also a signatory (primarily for local knowledge, such as electrical requirements or building standards). The oldest such agreement is the Asia Pacific Economic Cooperation (APEC) Engineer agreement (1999), keenly supported by governments in participating APEC economies.

Countries have negotiated policies for reciprocal recognition of their nationals' professional qualifications.

It is instructive to examine what the Washington Accord delivers in terms of foreign qualification recognition. According to Dr. Maurice Allen, National Assessor at Engineers Australia:

> *The Washington Accord is essentially about two things. It's about standards, and it's also about accreditation practices. The way the accord works is that each country produces a list of accredited courses, and it's only those courses that are covered by the Washington Accord. So in India or Russia only the best universities would be covered, and if you should happen to come from a nonaccredited course you would have to come through the full accreditation process (after migration). So there is a possibility for China, with a good raft of excellent universities, to have those universities accredited and play a full part in the Washington Accord. But those engineers who have qualified in other universities will need to have to have their qualifications examined when they go to another country.*[24]

In other words, the Washington Accord is a global (rather than a regional) field-specific multilateral agreement. Its current members are Australia, Canada, Chinese Taipei, Hong Kong China, Ireland, Japan, Korea, Malaysia, New Zealand, Russia, Singapore, South Africa, Turkey, United Kingdom and the United

23 Three other agreements address equivalence at the practicing engineer level, in a context where the individual person, not the qualification, is required to meet the benchmark standard. The oldest is the *APEC Engineer Agreement*, which commenced in 1999. The representative organization in each country creates a "register" of those engineers wishing to be recognized as meeting the generic international standard. Other countries should give credit when such an engineer seeks to have his or her competence recognized. The *Engineers Mobility Forum Agreement* commenced in 2001. It operates the same competence standard as the *APEC Engineer Agreement* but any country/economy may join. The *Engineering Technologist Mobility Forum Agreement* was signed by participating economies/countries in 2003. The parties to the agreement have agreed to begin establishing a mutual recognition scheme for engineering technologists.

24 Lesleyanne Hawthorne and Wendy Wong, *Australia-Canada Roundtable on Foreign Qualification Recognition-Annex 1: An Overview of Selected Occupations, 13-15 April* (Ottawa: Public Policy Forum, 2011): 12.

States.[25] The agreement recognizes that there is substantial equivalency of programs accredited by those signatories. Graduates of institutions in member countries are also deemed to have met the *academic* requirements for entry to practice. Within this context, regulatory bodies in member countries maintain significant powers to mandate extended periods of partial rather than full licensure.[26] Engineering professionals may also be required to pass examinations or interviews to ensure they satisfy practice requirements in their new host country (e.g., understand codes and professional standards not related to the technical competence of the applicant).

Because the Washington Accord covers only the educational component of professional training, and not any defined periods of industrial practice, its value to participants may vary depending on the additional requirements that countries of origin and destination impose beyond academic education. Some countries routinely require local professional practice to secure full registration (such as Canada and the United Kingdom), while others do not (such as Australia). As a result, Canadian professional engineers moving to Australia secure full and immediate professional recognition, while Australian engineers in Canada are subject to provincial barriers, including a mandatory work requirement. While understandable for civil engineers transitioning to work in harsh Arctic climates, this seems less comprehensible in a range of other fields.[27]

In Canada international engineers are required to complete three to four years of engineering work, of which at least 12 months must take place in Canada itself (even for those whose qualifications are recognised from countries that are signatory to the Washington Accord). This work experience can be hard to secure. A key recommendation from a 2003 review was that migrant engineers should be issued with a provisional license once they meet all the requirements for licensure except the one-year Canadian experience requirement. Despite slow progress toward implementing this recommendation,[28] by 2012 Engineers Canada had established partial licensure to facilitate the year of required professional practice. Alongside this development, temporary permits are being issued to facilitate the entry of short-term workers. Partial recognition based on skills upgrading is also being developed, designed to remediate identified gaps prior to full licensure. A "bridge-to-licensure" strategy is being planned for applicants in select provinces eligible for "limited, partial or temporary" licensure options. Significant challenges remain however, according to Citizenship and Immigration Canada's Foreign Credential Recognition Office, including "program accessibility and sustainability, and insufficient work placement opportunities . . . to gain the necessary Canadian experience." There is also no current prospect of removing the professional practice requirement.[29]

D. *Corporate Qualifications for Global Practice: The Association of Chartered Certified Accountants*

While global standards-setting in engineering has been primarily driven by regulatory bodies, in other cases private bodies have taken the lead. One such example is in the accounting profession. Transnational corporations (TNCs) are a major presence in the accounting field, and have emerged as key drivers of innovative credentialing practices combined with migration flows. Deloitte China, for example, employs over 8,000 staff members, primarily located in Shanghai, Beijing, and Hangzhou. While many reside permanently in China, staffers employed at higher levels are corporate transients working in multiple Deloitte sites, requiring qualifications that employers recognize internationally. Accounting is a major

25 International Engineering Alliance (IEA), "Washington Accord," undated, www.washingtonaccord.org/Washington-Accord/signatories.cfm.
26 IEA, "International Engineering Alliance: Educational Accords," June 2012, www.washingtonaccord.org/Rules_and_procedures.pdf.
27 This pattern of skewed reciprocity also applied in medicine. Canadian physicians are eligible for Australia's fast-track Competent Authority pathway, securing full registration without taking exams. There is no reciprocal option to date in Canada, despite Australian physicians' 99 percent pass rate in the Medical Council of Canada exams, the highest candidate rate.
28 Tim Owen and Sophia Lowe, *Labour Market Integration*, 35–8.
29 Information derived from author interview with C. Prince-St-Amand, Director, Foreign Credentials Referral Office, Citizenship and Immigration Canada, August 23, 2012.

field for intracompany migration, in a context where some level of regulatory permission is often required to provide tax, audit, and advisory services. Within this field, it is often industry (including private employers) rather than universities that play the lead role in defining the relevant competencies, and licensure often requires a substantial work experience component.

Against this backdrop, the Association of Chartered Certified Accountants (ACCA) — a global accountancy body with members and students across the world — has pioneered the development of portable business qualifications, in order to maximize global recognition. ACCA aims to provide globally recognizable qualifications — which it deems superior to university courses — to meet the "needs of the evolving global environment."[30] Professionals qualifying as accountants may commence work at 16, train wholly through ACCA courses, and emerge with the equivalent of a well-regarded tertiary degree (a degree option through a tertiary education affiliate is also available if required, for migration or registration purposes). The model is designed to position accountants for global careers. It also represents a new form of credentialing, devised by and embedded within industry rather than delivered by "classic" education providers. For example:

- A student in Pakistan may gain an ACCA qualification at home; move to a better remunerated job (for example in the Gulf); work first in an unregulated financial context; improve professional status by taking ACCA modules tailored to local requirements; then plan for skilled migration to the United Kingdom or Canada by passing target destination business, tax, and company law modules.[31]
- In the course of offshoring, a TNC may set up an India-based virtual center to undertake auditing for UK and US customers. It may seek Indian staff with ACCA accreditation, supplemented by virtual training in UK or US tax law to serve a specific client base. The project requirements would include excellent English-language skills, ACCA accreditation, plus training or examinations addressing local accreditation requirements.

The Association of Chartered Certified Accountants (ACCA) has pioneered the development of portable business qualifications.

Private-sector employers widely recognize ACCA qualifications. Regulatory bodies in some nations (such as the United Kingdom, Canada, the 28 EU Member States, and a range of other countries across Africa, Asia, and the Caribbean) accept them as meeting some or all of the conditions for registration, in addition to any local testing or work experience requirements. Others — including the professional association for accountants in the United States — do not.

This industry model transcends the limits of country-specific universities (as university consortia are now attempting to do). ACCA administrators liaise regularly with international accountancy firms in-country. Many reportedly approach ACCA when they wish to globalize their operations, and move staff offshore, securing partial and then full CPA registration. Course providers may be in-country or virtual. ACCA's role encompasses curriculum design, quality assurance, examination, and accreditation.

Comparable trends are emerging in other professional fields, although globally accredited initiatives can take years to negotiate. From 2023, for instance, the US Educational Commission for Foreign Medical Graduates (ECFMG) plans to provide certification for global medical graduates. Applicants will be required to have qualified in an accredited school, comparable to the US standards established by the Liaison Committee on Medical Education, or globally accepted criteria set by the World Federation for

30 Association of Chartered Certified Accountants (ACCA), *Annual Report 2011-12* (London: ACCA, 2012), www.accaglobal.com/en/discover/report-accounts/2011-2012.html.

31 Information provided by Mike Walsh, Director, Education and Consulting, and Andrew Steele, Head, Strategic Unit for Middle East and South Asia, ACCA, in a personal communication to the author, January 31, 2008.

Medical Education (WFME). The aim is development of a "universally accepted accreditation system for undergraduate medical education outside the United States and Canada," supported by an internationally accepted organization such as WFME.[32]

E. *Mining Industry Recognition of "Competent Persons" for Global Stock Exchange Listing of Resource Finds*

A fourth qualification recognition strategy, which is also industry driven, has been designed to authenticate the caliber of global mineral resource discoveries through the work of individually accredited "competent Persons" (CPs) who assess mineral assets before they are listed on stock exchanges. The accreditation of globally mobile geologists and engineers is fundamental to preventing false reports based on commercial self-interest. The economic stakes in this case are extraordinarily high, in a context where "the combined value of mining companies listed on the stock exchanges of (member) countries accounts for more than 80 percent of the listed capital of the mining industry."[33]

A global umbrella body, the Committee for Mineral Reserves International Reporting Standards (CRIRSCO), was formed in 1994 following an earlier Australian initiative. The aim was to prevent commercial fraud. CRIRSCO has since developed into the "key international organization representing the mining industry on issues related to the classification and reporting of mineral assets."[34] Endorsed by a wide range of bodies (including the United Nations, the International Accounting Standards Board, and the International Council on Mining and Metals), CRIRSCO's work is based on recognizing the skills of "competent persons." CPs are first nationally accredited by member institutes, then globally empowered to assess mineral assets prior to their listing for investment in a wide range of stock exchanges. In order for mineral discoveries to be listed for investment on member stock exchanges, sign-off from a recognized Competent Person is first required. CPs can be derived from a wide range of source countries, but must satisfy three accreditation requirements: completion of a primary degree acceptable to the relevant national institute (such as the Australasian Institute of Mining and Metallurgy); nomination by three sponsors who are CRIRSCO members or fellows; and a minimum of five years experience in geological field/s aligned to their proposed scope of practice.

The International Council on Mining and Metals alone includes 18 company members, "representing most of the largest mining companies in the world, and 30 association members."[35] Current standards recognized are those of the peak regulatory bodies in Australasia, Canada, Chile, Europe, South Africa, the United States, and Russia, with additional countries (such as Mongolia) currently exploring membership.

Once registered with CRIRSCO, CPs secure entry "to the club of world recognition,"[36] with home country institutes maintaining the capacity to reprimand or expel members for acting beyond their scope of practice. Based on globally agreed standards, CPs assess mineral finds against the principles of transparency ("a clear unambiguous presentation"), materiality (supported by "all reasonable information expected") and competence ("based on work by a Competent Person"). CPs' work may be conducted in situ or in cyberspace. An accredited Canadian geologist, for example, might evaluate reserves in Russia, Mongolia, or Chile. An Indonesian geologist might gain membership through the Australian code, but work from Jakarta employing local knowledge. Since 2004 mining stock can be suspended from trade, or announcements stopped, if they have not been authenticated by a CP. Global mining companies, such as Rio Tinto or BHP, increasingly employ CPs in-house. Global stock exchanges endorse these guidelines, in a context where the financial stakes of standardizing the recognition of oil, gas, and solid mineral reserves for finan-

32 Educational Commission for Foreign Medical Graduates, "Requiring Medical School Accreditation for ECFMG Certification – Moving Accreditation Forward," September 21, 2010, www.ecfmg.org/forms/rationale.pdf.
33 Committee for Mineral Reserves International Reporting Standards (CRIRSCO), "About CRIRSCO," accessed April 4, 2013, www.crirsco.com/background.asp.
34 CRIRSCO, "Welcome to CRIRSCO," accessed April 4, 2013, www.crirsco.com/welcome.asp.
35 CRIRSCO, "CRIRSCO and the ICMM," accessed April 4, 2013, www.crirsco.com/icmm.asp.
36 Information provided during interview conducted in Vancouver by the author regarding Competent Persons and CRIRSCO with Gerry Fahey, Director – Resources and Mine Geology, CSA Global, Western Australia, Australia, April 22, 2013.

cial accounting purposes have become exceptionally high.

III. Conclusion: The Incentives and Limits of New Recognition Models

Flexible systems for recognizing foreign qualifications are highly attractive to multiple stakeholders. Employers seek agile and responsive accreditation systems, relevant to changed migration modes and industry needs. Regulatory bodies are under pressure to adjust, spurred by the scale of migration in regulated fields, growth of temporary flows, and national or regional reform agendas. Governments are urging regulatory bodies to change, to maximize efficiency and social justice outcomes. In this context, more innovative models for certifying professionals, often relying on a form of conditional or partial recognition, or involving industry-driven global qualifications that eventually become legally recognized, have substantial promise. In particular, more flexible recognition has the potential to:

Flexible systems for recognizing foreign qualifications are highly attractive to multiple stakeholders.

- Facilitate the flow of goods and services (the intent of mutual recognition agreements)
- Enhance the efficiency of skilled migration programs (facilitating workers' immediate or early employment)
- Accommodate the fast-track entry of temporary labor flows (including those initially unwilling or unable to invest in securing local registration)
- Accommodate transnational corporations' global reach and mission
- Facilitate gap training (by providing professional experience for migrants in situ, as they prepare for competency based assessment or national/ regional examinations)
- Reduce the level of skills wastage, while addressing social justice and workers' rights.

At the same time, there are threats as well as benefits associated with licensing regimes based on partial recognition, especially in the most safety-critical fields such as medicine. First, while partial recognition can be used to simplify systems by providing additional options for migrants whose skills are not immediately recognized, they may also *introduce* complexity by increasing the number of steps that migrants must take to secure full registration. Second, migrants can become marooned in conditional status for years, left in an invidious professional situation that may be associated with lower wages and the under-use of skills.

There are threats as well as benefits associated with licensing regimes based on partial recognition.

Third, there can be elevated public risk associated with atypical registration pathways. Occupational regulation is justified on the grounds of public safety, and conditional or partial registrations by definition allow individuals to practice before they have demonstrated that they meet host-country standards. Safeguards (such as supervision for partially licensed professionals and restricting participation to individu-

als trained in countries with similar standards) may exist, but if they are not implemented correctly, the threat to public safety may increase. In practice, countries take these risks on a regular basis with domestic graduates, who often require provisional registration in order to complete their training.[37] However, if conditional registration is permitted for individuals trained in countries with lower professional standards, such risks may increase. As a result, conditional registration may not be appropriate in all cases. This may be a particular concern where goods and services agreements are driven by ministries of trade or labor, rather than the professional bodies responsible for the occupations in question. Within this context regulators may find themselves placed under inappropriate pressure to rubber stamp qualifications of workers trained in under-resourced systems and permit them to enter practice.[38]

Despite these challenges, new and superior qualification recognition systems are undoubtedly required. The new qualifications models described in this report provide an evolving way forward, beyond the 19th-century regulatory structures that still prevail in many immigrant-destination countries. More agile credentialing systems should be informed by input from government, industry, regulatory bodies and transnational organizations. This is needed to meet the three major challenges of modern credential recognition: accommodating contemporary migration modes, upholding public safety and standards, and ensuring that migrants use, rather than waste, their skills.

37 In Australia in 2012 the first analysis of complaints and adverse disciplinary findings against medical graduates found that migrant doctors had 24 percent higher odds of attracting complaints, and a 41 percent higher risk of adverse findings. Doctors at significantly greater risk had qualified in Nigeria, Egypt, Poland, Russia, Pakistan, the Philippines, and India. Katie Elkin, M. J. Spittal, and David M. Studdert, "Risks of Complaints and Adverse Disciplinary Findings Against International Medical Graduates in Victoria and Western Australia," *Medical Journal of Australia* 197, no. 8 (2012): 448–52.

38 In one instance, reported to the author by a national nurse regulatory body, a federal government trade department faxed (with no prior consultation) an agreement for the regulatory body to sign to provide automatic recognition to Filipino nurses. The department's priority was the expansion of agricultural trade. Such an agreement, however, would have ignored decades of evidence confirming the relatively low caliber of many Filipino courses, plus these nurses' consistently poor registration outcomes in the host country involved (as measured by exams, English tests, and competency-based performance).

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In 2005-06, Dr. Hawthorne was appointed to an expert panel by the Australian Federal Cabinet to conduct the most extensive evaluation of Australia's skilled migration program since 1988, with the panel's recommendations implemented as the basis for selecting all skilled migrants.

The Migration Policy Institute is a nonprofit, nonpartisan think tank dedicated to the study of the movement of people worldwide. MPI provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic and thoughtful responses to the challenges and opportunities that large-scale migration, whether voluntary or forced, presents to communities and institutions in an increasingly integrated world.

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