

University of Strathclyde

Department of Work, Employment and Organisation

**High-Skilled Migrant Workers,
Transnational Networks, Equality and
Voice: Civil Society Organisations as
New Regulatory Actors in Work and
Employment**

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of Doctor of Philosophy

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Signed:

Date:11th February 2019.....

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A Musical Poem Saying Thank You

My mbira calls to me a new tune
Forged in the tears of my PhD
And the warmth of the folk that walked beside me
On the migrant journey that was my living, breathing, consuming, doctoral odyssey
Dennis Nickson, first supervisor, shepherded my ideas and mentored my career
While allowing me dance to different drums
The tchi-tchi-bong-bing of Capoeira
And the gun-dun-go-do-pa-ta of my African Djembe
Paul Stewart's Irish whistle accompanied my mbira and supervised beyond my PhD
Showing research-that-is activism can make the world a better place

And the folk orchestra making the 'Scenes and Sounds of Migration' at Strathclyde
A research seminar series full of creativity and innovation like no other
The staff and students at Strathclyde University that helped me along each step of my journey
And cheered each tune on my mbira
They welcomed bagpipes mixing with books
Drums and dreadlocks mingling with doctorates
Debbie, Jean and the lovely souls running the 'office'
Chi, Andy and Doug putting a sign on our office door declaring our very own department of
industrial relations, creativity, music, labour solidarity and civil society activism
And the migrants who gave their time for interviews and to answer my questions

My berimbau calls the ladainha...
Viva meu Deus, thank you my God
Viva meu Mestre, my parents who loved me every step of the way
Amanze, my brother, my friend, my support, the academic furnace that purified my ideas
Chioma and the rest of the family that made me remember there is much more to life than a
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The friends who showed me the love of Christ and made room for the music inspired by Bob
Marley, Fela Kuti and my African roots
The Capoeiristas who make each roda special and give the music living energy

Bernice, my sweetheart and the love of my life, without you I couldn't have crossed the finish
line, hand-in-hand with you I am blessed in the journey of the rest of our life together.

ABSTRACT

This thesis examines the role of migrant civil society organisations (CSOs) in the regulation of work and employment. The perspective of social regulation is adopted which conceptualises regulation as constituting the incorporation, allocation, control and reproduction of labour within labour markets through processes that transfer, utilise and convert social, cultural and economic capital of migrant workers. Migrant CSOs are conceptualised as resisting or reproducing social inequality.

The major empirical contribution of this thesis is its empirical focus on CSOs in the UK representing skilled migrant workers originating from outside the European Economic Area, which has hitherto been under-researched. Data was collected from 38 key respondent and elite interviews drawn from a purposive sample of nine skilled migrant CSOs. The key conceptual contribution of this thesis is the development of a multi-disciplinary conceptual framework to investigate skilled migrant CSOs. It synthesizes the concepts of regulatory space, civil society, migrant capital, equality, diversity and 'new' actors in work and employment.

The findings indicate that skilled migrant CSOs socially regulate migrants and labour market actors, processes and outcomes as diaspora organisations. CSOs use migrant capital through a range of formal and informal processes to support international mobility, recruitment, career mentoring, training and skills development. This study makes specific theoretical contributions by providing evidence of migrant collective action within and outside organisational workplaces in contrast to the International HRM literature which portrays skilled migrants as individualised and passive.

The ways in which skilled migrant CSOs 'occupy' regulatory spaces by exploiting loopholes and occupying gaps expands our understanding of regulatory spaces. Skilled migrant CSOs articulate the voices of their constituencies in two broad ways: through political engagement such as public campaigns and lobbying; and through subtler apolitical forms of influence such as knowledge transfer, policy advice and diffusion of 'best practices' across transnational borders.

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CHAPTER 1: Introduction

1.1 Significance and Justification

International migration is politically contentious and is an important feature in the regulatory dynamics of global capitalism. Several authors (Martinez Lucio and Connolly, 2010; Fedjuk and Stewart, 2018a) have argued that issues of migration, equality, diversity and voice are closely intertwined in the context of employment. The regulation of international migration raises important questions around the collective agency of skilled migrant labour and how their 'voice' is articulated in regulatory processes governing work and employment. This thesis aims to develop an understanding of the nature and role of skilled migrant civil society organisations (CSO) as regulatory actors in relation to work and employment.

The significance of high-skilled migrant workers to the global economy is underscored by the increase in flows of skilled migrant labour to both developing and advanced economies attributed to greater integration of the global economy and skilled labour shortages (OECD, 2012; IOM, 2013). Since the year 2000, there has been an estimated increase of 57 million in the total number of migrants and this has been driven by globalisation, demographic shifts, conflicts, income inequalities and climate change (IOM 2013; ILO, 2015). Skilled labour migrants constitute a significant proportion of global migration, with an estimated 232 million international migrants globally (United Nations,

2013; ILO, 2014) of which 22% are highly skilled migrants (Dumont, Spielvogel and Widmaier, 2010; IOM, 2013). Skilled international migrants are a central feature of the global talent pool. Nations and multinational corporations (MNC) compete to attract and retain skilled migrant workers in a 'global war for talent' (Guo and Al Ariss, 2015). However, the regulation of the mobility of skilled migrants and their incorporation into labour markets remains under-researched in human resource management (HRM) and employment relations (ER) studies.

The United Kingdom (UK) has a long history of immigration linked to its colonial legacy. According to Hansen (2007) the rapid increase in immigration to the UK in recent times can be traced to the landmark change in government regulation in 2002 which outlined a new policy of 'managed migration' focusing on attracting highly skilled economic migrants and the rolling out of the Highly Skilled Migrant Programme (HSMP). This was backed by the passing of the Nationality, Immigration and Asylum Act of 2002 to boost skilled migration in order to meet the demands of a growing UK economy.

However, regulatory changes were introduced to reduce skilled migration to the UK because of the global financial crisis (mainly from 2008 to 2009) and the Eurozone crisis (Rienzo and Vargas-Silva, 2014). According to these authors, the two main regulatory changes that restricted skilled migration were the policy of the Coalition government in 2010 to reduce net migration from the 'hundreds of thousands' to the 'tens of thousands' and the introduction of a points-based system (PBS) which severely limited the number of skilled migrants coming to the UK without a job offer. They found that the number of

highly skilled recent migrant workers (RMW) decreased from 338,000 in 2007 to 242,000 in 2013 (a 28% reduction). This decline was concentrated among migrants from outside the European Economic Area (EEA) who were most affected by changes to migration policy, with a 39% reduction in non-EEA RMWs between 2007 and 2013 (down from 155,000 to 94,000).

These changes highlight the significance of regulation in structuring international migration, however while research has focused on the role of the state (Shachar, 2006; Anderson, 2010; Ruhs, 2013) and trade unions (Penninx and Roosblad, 2000; Virdee, 2000; McGovern, 2007, 2012) as important regulatory actors, much less is known about the regulatory role of skilled migrant CSOs. Despite valiant efforts by trade unions in the UK to represent migrant workers, there is a growing acknowledgement of a 'crisis in representation' of migrant workers in ER (Martinez Lucio and Perrett, 2009, p.329) and a 'gap in the voice and representation' of migrant workers (Martinez Lucio and Connolly, 2010, p.21). This highlights the need to understand the way 'new' or alternate actors such as CSOs may complement or replace trade unions (Heery et al., 2012a,b, 2014a,b). However, the emergent research stream on 'new' actors in work and employment has tended to analyse CSOs from a dominant but narrow 'trade union lens' in order to compare CSOs with trade unions (Williams et al., 2011a; Heery et al., 2012a). This thesis marks a point of departure from this narrow perspective by drawing on the wider literature on civil society beyond the boundaries of HRM and ER, enabling an analysis of CSOs on their own terms as civil society actors. This thesis develops a pluralistic theoretical framework centred around the forms, norms and spaces of civil society (Edwards, 2011a)

to conceptualise skilled migrant CSOs as regulatory actors. This permits a more sophisticated and nuanced analysis of CSOs in their role as collective representatives of skilled migrant workers beyond rigid comparisons with trade unions.

Drawing on, and synthesising insights from, the fields of migration studies, sociology of work, political science, HRM and ER, this thesis adopts a broad approach to conceptualising regulation as formal and informal mechanisms of social control including non-state processes and civil society actors (Baldwin, Scott and Hood, 1998; MacKenzie and Martinez Lucio, 2005; 2014a). This departs from the narrow conceptualisation of regulation as formal rules and rulemaking enacted by 'traditional' regulatory actors (state, employers and trade unions), and allows for a deeper understanding of the social, cultural and political processes of labour market regulation (Bauder, 2006). Drawing on theories of social regulation (Peck, 1996), this broader approach provides greater explanatory power in analysing the relationship between migration and labour markets by illuminating social relations of power (Samers, 2003) and the way economic, social, cultural and institutional processes interlock in the context of social production and reproduction (Bourdieu, 1986; Bauder, 2006).

1.2 Focus and Research Objectives

This study intends to investigate the collective agency of skilled professional workers whose countries of origin lie outside the EEA, and their response to inequalities arising from ethnic and migrant status. There exist gaps in knowledge in relation to skilled migrant

CSOs as 'new' actors in work and employment. Hitherto, most studies in ER and HRM have focused on service provision and campaign organisations (Williams et al., 2011a), professional associations (Marchington, 2015), anti-union lawyers and consultants (Logan, 2006), arbitrators (Seeber and Lipsky, 2006), management consultants (Heery and Frege, 2006), community organisations (Milkman, 2006), employment agencies and other labour market actors (Purcell et al., 2004), as alternative actors operating within the regulatory space of the labour market. This paper contributes to this emergent stream of research by studying the role of CSOs representing non-EEA skilled migrants as alternate regulatory actors in the UK regulatory space.

A body of literature has developed in the field of migration studies that investigates collective migrant agency from the perspective of social networks and social capital. However, these studies have focused on how individual migrants access the benefits and resources available from membership in social networks (White, 2002). This thesis departs from this approach by emphasising the strategic role of migrant CSOs as organisational entities (Pries and Sezgin, 2012) in regulating social processes within migrant social networks and in the wider labour market. This forms the focus of the empirical investigation rather than how individual migrants utilise social capital within a migrant network.

Following on from this, the central problematic of this thesis is *to explain the nature and role of high-skilled migrant CSOs in the regulation of work and employment*. Proceeding

from this key problematic, a set of research objectives which will guide the course of this thesis are outlined as follows:

- To elaborate on the conceptualisation of skilled migrant CSOs as ‘new’ actors involved in the regulation of work and employment
- To examine the role of skilled migrant CSOs in the regulation of work and employment and their relationships with other actors in the regulatory spaces within which they operate
- To examine the nature and role of migrant CSOs as ‘equality and diversity actors’ in the employment system.

1.3 Overview of Chapters

This thesis is presented as a series of interconnected chapters. After this introductory chapter, the next chapter provides some contextual understanding of high-skilled labour migration to the UK originating from non-EEA countries. This chapter explores the link between skilled labour migration and issues of (in)equality and diversity in the UK. Skilled migrant workers are defined and conceptualised. A range of theories on migration are critically analysed to identify social networks, diasporas, transnationalism, migrant capital and social regulation as key theoretical resources which frame subsequent chapters of this thesis.

Chapter 3 critically reviews the literature on migrant workers in HRM and ER and seeks to position skilled migrant CSOs as important yet under-researched 'new' actors in the regulation of work and employment. Theories of regulation are discussed, and a broad view of regulation is advocated which synthesizes the concept of social regulation with migration. This provides the theoretical underpinning for the approach to social regulation adopted in this thesis as constituting the incorporation, allocation, control and reproduction of labour within labour markets through processes that transfer, utilise and convert the social, cultural and economic capital of migrant workers. Thus, migrant CSOs are conceptualised as resisting or reproducing social inequality through mechanisms associated with the possession and utilisation of migrant capital.

In Chapter 4 a multi-disciplinary and theoretically pluralistic conceptual framework is developed to structure and guide the subsequent theoretical analysis and empirical investigation. This conceptual framework uses the forms, norms and spaces of civil society as organising concepts to synthesize pluralistic theoretical resources and explore the complexities surrounding skilled migrant CSOs as regulatory actors in work and employment. The forms of civil society comprise the internal organisational characteristics and social practices within migrant CSOs. The norms of civil society refer to the normalised and habitual activities of CSOs as well as their ethical and normative dimension as 'equality and diversity actors'. Spaces of civil society draw attention to the way migrant CSOs seek to 'occupy' regulatory spaces and articulate the voices of their constituencies within the public sphere.

Chapter 5 outlines the research methodology utilized in this thesis. This chapter elaborates on the realist ontology and relativist epistemology of social realism which is the research philosophy underpinning this thesis. The research design is then outlined, with the rationale presented for the choice of nine migrant CSOs following an organisational-level purposive sampling strategy, and 38 key respondent and elite interviews. The semi-structured interviews were supplemented by secondary data such as websites, organisational documents and online forums. The chapter proceeds to discuss template analysis as the method of data analysis.

Chapters 6, 7 and 8 presents and analyses data from the semi-structured interviews and secondary data sources. Chapter 6 focuses on the forms of migrant CSOs, presenting findings related to their internal structure and social practices. Chapter 7 discusses the findings in relation to the normative approaches and orientations of skilled migrant CSOs in resisting or reproducing inequality in the UK labour market. Chapter 8 presents findings pertaining to ways in which migrant CSOs 'occupy' regulatory spaces, articulate the voices of their constituencies, and relate with other regulatory actors.

In Chapter 9, there is an interpretation and discussion of key research findings in relation to the research questions and objectives. Key empirical, conceptual and theoretical contributions are discussed. The major empirical contribution of this thesis is that it provides an empirically grounded study of CSOs in the UK representing skilled migrant workers originating from non-EEA countries, which has hitherto been under-researched.

The key conceptual contribution of this thesis is the development of a multi-disciplinary conceptual framework to investigate migrant CSOs. It synthesizes the concepts of regulatory space, civil society, migrant capital, equality, diversity and 'new' actors in work and employment.

Specific theoretical contributions are presented in relation to the major bodies of literature which informed this thesis. In relation to the literature on migrants in work and employment, it provides evidence of migrant collective action within and outside the boundaries of organisational workplaces in contrast to the International HRM (IHRM) literature which portrays skilled migrants as individualised and passive. This thesis also extends debates about migrant workers as 'good workers' by showing how skilled migrant CSOs engage in a collective programming of the mind of skilled workers by strategically disseminating the 'good worker' identity among new members of migrant networks. By perpetuating the stereotype of the 'good worker' through subtle pressure, and by shaping the attitudes and work orientations of members, migrant CSOs are implicated in the normative control of skilled migrants.

In relation to the literature on equality and diversity in work and employment, this thesis argues that intersectional differences within migrant CSOs enable migrants 'get ahead' and overcome exclusion emanating from the wider labour market. Paradoxically, such hierarchical differences may also serve to exclude members lacking sufficient social capital from accessing network patronage and the concomitant socio-economic benefits. This agrees with a growing body of authors who critique the dominant view that

conceptualises migrant networks as homogeneous entities comprising uniform social identities.

This thesis extends research on regulatory space by using it as a lens to conceptualise skilled migrant CSOs as regulatory actors, thereby contributing to the literature on regulation and 'new' actors in ER. The ways in which skilled migrant CSOs 'occupy' regulatory spaces by exploiting loopholes and occupying gaps within such spaces expands our understanding of regulatory spaces. The findings suggest that skilled migrant CSOs articulate the voices of their constituencies in two broad ways; through political engagement such as public campaigns and lobbying, as well as quieter and subtler apolitical forms of communication and influence such as knowledge transfer, diffusion of 'best practices', advice, recommendations and suggestions. Although the distinction between *political* and *apolitical* approaches to voice is not clear cut, they both have the same goal of socially regulating state policy and institutional practices, albeit operating through different methods. Chapter 9 concludes by outlining the implications of this study on policy and practice in HRM and ER. Practical and theoretical limitations of the study are considered as well as suggestions for future research.

CHAPTER 2: High-Skilled Migrant Workers, Equality and Diversity in the UK: Concepts and Context

2.1 Introduction

The purpose of this chapter is to contextualise the migration of high-skilled workers to the UK originating from non-EEA countries and how such workers collectivise in CSOs to promote equality and diversity. This chapter also aims to elucidate the concept of a high-skilled migrant worker in relation to equality and diversity in the UK. Building on this contextual understanding and conceptual clarity, this chapter positions high-skilled migration and migrant CSOs within a range of theories on migration, in order to identify social networks, diasporas, transnationalism, migrant capital and social regulation as key theoretical resources which frame subsequent chapters of this thesis.

Following this introduction will be a section which conceptualises high-skilled migrant workers from outside the EEA. The next section provides the context and background to high-skilled migration flowing into the UK. The fourth section conceptualises and contextualises migrant equality and diversity in the UK. This is followed by a discussion on the historical context of migrant CSOs as equality and diversity actors in the UK. The sixth section critically analyses theoretical approaches to understanding migration and the concluding section positions this thesis in relation to key theoretical approaches and concepts which frame this study.

2.2 Conceptualising High-Skilled Migrant Workers in the UK

The United Nations defines an international migrant as any person who changes his or her country of usual residence (United Nations, 2015). There are problems with defining migrants and it is not uncommon for foreign workers, expatriates and self-initiated expatriates to be subsumed together in academic discussions of migrant workers (Zikic, 2015). This thesis focuses on economic migrants (labour migrants) rather than refugees or asylum seekers (forced migration), or undocumented migrants (Castles and Miller, 2009). This study adopts the United Nations (2015) definition of international migrants as including individuals who change their usual residence for at least a year (long-term migrant) and persons who change their country of residence for more than three months but less than a year (short-term migrants).

This thesis adopts a broad approach to defining migrants that combines the two major approaches to studying migration; migrants are defined following both 'foreign-born' and 'foreign national' approaches (Castles and Miller, 2009). 'Foreign-born' refers to individuals born in a country other than the receiving country and includes migrants who have naturalized by becoming citizens of the receiving country (but who may continue to experience discrimination based on ethnicity). 'Foreign national' refers to citizens of nations other than the receiving country who may experience exclusion based on citizenship rights. These include dual-nationals and second-generation migrants (children born to migrants in the receiving country). The strength of this holistic approach is that it

captures a wider variety and complexity of migrant networks and addresses the two main dimensions through which migrants experience exclusion and discrimination (and around which they collectivise in networks) – ethnicity and citizenship (Bauder, 2006; McGovern, 2012). This broad approach also enables research into individuals who self-identify as migrant workers without excluding certain categories of migrants.

The definition and measurement of skill is problematic. Skills are socially constructed and legitimated along occupational, gender and ethnic dimensions (Steinberg, 1990; Lloyd and Payne, 2002; McGovern, 2012). The growth in service economies has increased the emphasis on soft skills and personal qualities including emotional and aesthetic skills at work and these are often not certified (Nickson et al., 2001; Warhurst and Nickson, 2001; Grugulis, 2007). There are a variety of definitions of highly skilled migrant workers because ‘high skill’ is a relative concept (MAC, 2009; Cerna, 2011; Ruhs and Anderson, 2011). According to McGovern (2012) and Csedo (2008), the concept of highly skilled migrant workers is socially constructed and ‘highly qualified’ does not necessarily equate to ‘highly skilled’. The Migration Advisory Committee (MAC) was set up by the UK government to provide independent advice to the government on migration issues, it defines a high-skilled worker as a person who “may be equipped to do a relatively challenging and difficult job or perform in a job to a particularly high standard against the relevant success criteria” (MAC, 2009, p.14). This definition is vague and ambiguous with no firm criteria for assessing ‘high skill’. In practice, successive UK immigration policies have consistently used a combination of education, work experience, age, language,

previous earnings and prior education or prior work experience obtained in the UK in defining and assessing highly skilled migrant workers (Cerna, 2011).

According to Rienzo and Vargas-Silva (2014), there are two main approaches to defining highly skilled migrant workers. The 'type of occupation' approach classifies highly skilled migrants as individuals working in top occupational categories. The two top occupational categories referenced in some UK highly skilled migration policies are the 'Managers, Directors and Senior Officials' and the 'Professional Occupations' categories of the SOC hierarchy. These cover a range of occupations such as Information Technology (IT) specialists; researchers and academics; doctors and health professionals; lawyers; entrepreneurs; artists and creative workers; accountants and finance specialists; management consultants; engineers; science and technology professionals etc. (Cerna, 2011; Hopkins and Levy, 2012).

On the other hand, the 'level of education' approach views highly skilled migrants as possessing at least an undergraduate university degree. The educational level of high-skilled migrant workers ranges from individuals possessing undergraduate degrees to doctorates (PhD) and may form the basis for defining high-skilled migrants and assessing their human capital. This approach is wider than the 'type of occupation' approach as it includes migrant workers in the top occupational categories as well as individuals who possess higher educational qualifications but are not employed in top occupations. Significant numbers of highly skilled migrants have resorted to low skilled employment in

the UK notwithstanding the rhetoric of skills shortages (UK Home Office, 2010; Rienzo, 2012). This may be due in part to issues of social exclusion and institutionalized ethnic discrimination within labour market institutions. The failure by many UK employers to recognize non-Western educational qualifications and work experience obtained outside the UK is an important factor in the unemployment and underemployment experienced by high-skilled migrants originating from outside the EU (Martinez Lucio et al., 2007; OECD, 2007; Cerna, 2011). This thesis defines high-skilled migrants as possessing at least an undergraduate university degree in accordance with the 'level of education' approach as this is the main criterion used in awarding points under the UK PBS regulating high-skilled migration (McLaughlan and Salt, 2002; Cerna, 2011). This approach is also adopted because it provides a broader definition more in tune with the fluidity of careers and the harsh realities of the UK labour market as it encompasses workers employed in top occupational categories, postgraduate students in career transition phases, parents taking career breaks to care for children, unemployed and underemployed university graduates.

This study focuses on non-EU/EEA citizens as they are subject to UK immigration controls and belong to ethnic minority groups experiencing work related discrimination. Historically, UK immigration law makes an important distinction between individuals possessing a 'right of abode' in the UK and those who do not have such a right and are therefore considered to be 'persons subject to immigration control' (Anderson and Blinder, 2017). However, with the passing of the Maastricht Treaty in 1992, which created the EU

and introduced the concept of a common European citizenship with the associated right of free movement (Koikkalainen, 2011), EU citizens have a conditional right to reside in the UK but are not subject to immigration controls.^[1] The right of free movement associated with EU citizenship extends to countries belonging to the EEA and European single market.^[2] This right grants EEA/EU citizens the right to enter, reside and work in the UK without permission or the requirement for visas.^[3] Migration within the EU has been promoted as an essential right of EU citizenship while countries like the UK have simultaneously increased the regulation and control of non-EEA migration.

¹ The 28 countries making up the EU as at December 2017 are Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK. However, the UK is currently in the process of leaving the EU as consequence of the 'Brexit' referendum of 23 June 2016. The EU15 countries that formed the EU pre-2004 (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, United Kingdom) have the right to unrestricted movement and work within the EU. Temporary restrictions were imposed by the UK on nationals of other (A8) EU countries (see footnote 3).

² The European Economic Area (EEA) includes the 28 EU countries as well as Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market. Switzerland is neither an EU nor EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA (and EU) nationals.

³ The A8 countries joined the EU in 2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) and nationals of these countries were permitted to freely and legally take up employment in the UK from May 2004 as long as they registered with the Worker Registration Scheme (WRS). This temporary restriction ended in 2011. The accession agreements allowed member states of the EU to impose restrictions on the immigration of citizens from the new member countries for a maximum of seven years. These temporary restrictions did not apply to Malta and Cyprus which also joined the EU in 2004 because both countries were considered high-income countries whose citizens were unlikely to engage in mass migration to other EU countries. The A2 countries (Bulgaria and Romania) joined the EU in 2007 and were subject to the WRS temporary restrictions in the UK until 2014 when citizens of these countries gained the same rights as all other EU citizens to live and work in any country in the EU (Vargas-Silva and Markaki, 2017). Croatia joined the EU in 2013 and the UK has imposed the WRS temporary work restrictions on Croatian nationals.

2.3 The Context of High-Skilled Migration to the UK

2.3.1 The UK and the Global War for Talent

Globalisation has been a driver for the significant growth in transnational migration levels in recent years (United Nations, 2009). Greater integration of the global economy and skill shortages have resulted in increasing levels of migration to both developing and advanced economies over the last few decades (OECD, 2012; IOM, 2013). The total number of migrants has risen by 57 million since 2000 fueled by globalisation, demographic shifts, conflicts, income inequalities and climate change (IOM 2013; ILO, 2015). There are an estimated 232 million international migrants globally (United Nations, 2013; ILO, 2014), it is estimated that 22% of international migrants are highly skilled migrants (Dumont et al., 2010; IOM, 2013).

McKinsey Consulting popularised the idea of a 'war for talent' (Chambers et al., 1998) and this has framed the competition by employers and 'knowledge economies' to attract skilled migrant workers (Beaverstock and Hall, 2012; Guo and Al Ariss, 2015; Harvey and Groutsis, 2015; Crowley-Henry and Al Ariss, 2018). Skilled immigrants are considered beneficial to economies because they are less reliant on transfer payments (welfare benefits) and are more likely to earn higher incomes and pay more in taxes (Productivity Commission of Australia, 2006). According to Sultankhodjayeva (2012) countries within the EU generally view high-skilled migration favorably because: high-skilled migrants can fill skill shortages at least within the short term; high-skilled migration is more manageable

because high-skilled migrants tend to migrate using legal channels of entry; there is generally less debate about the positive impact of high-skilled migration among the public and media; and due to their high level of education, high-skilled migrants are assumed to assimilate relatively quickly into host societies and create fewer integration problems.

Nation states engage in 'targeted' or 'managed' high-skilled migration programmes to retain or gain competitive advantage in the new global economy using legal and policy tools to attract the 'best and the brightest' talent (Shachar, 2006, p.153). Advanced economies such as the UK, USA, Australia and Canada have been engaging in regime competition for high-skilled migrants through a 'global war for talent' (Wiesbrock and Hercog, 2010; Ruhs, 2013).

According to the Global Talent Competitiveness Index (INSEAD, 2017), the UK was ranked third in the world in 2017 for its ability to attract, develop and retain highly skilled migrant workers, up from the seventh position it occupied between 2014 to 2016 (Arnstein, 2016). However, migration has increasingly become both prominent and controversial in media and political discourse within the UK, in part because it stirs age-old feelings of migrants as 'others' - strangers and outsiders who may be blamed for job shortages, rising crime, pressure on public services and depletion of welfare-benefits (Said, 1978; McGovern, 2007). The discourse on migration is linked to resource competition in society, work and employment. Fears around migrant workers revolve around issues of 'social dumping,' where migrant workers are perceived as displacing

national workers because they are willing to work for lower levels of pay and in poorer working conditions (Fitzgerald and Hardy, 2009).

However, research by Dustmann and Frattini (2014) shows that recent migrants who arrived the UK from 2000 onwards are less likely to receive benefits or reside in social housing when compared to UK nationals. This study also shows that recent migrants (from both EEA and non-EEA countries) make a positive net contribution to the UK fiscal system despite the UK running a budget deficit for most of the period since 2000. UK-born native workers are on average cushioned from rises in supply caused by immigration because migrants are not close substitutes for native-born UK workers, and where there are pressures for jobs this is more likely to affect less-skilled native-born workers because low-skilled migrants are closer substitutes compared to high-skilled migrants (Manacorda et al., 2011; Wadsworth, 2015).

Hopkins and Levy argue that high-skilled migration can “plug the high-level skills gap” in the UK (Hopkins and Levy, 2012, p.10). In particular, the medical and health sector in the UK is heavily dependent on migrant labour, 31% of doctors and 13% of nurses working in the UK were born abroad (Hansen, 2007). There is also a debate regarding the extent to which labour migration can meet the economic and social challenges associated with demographic changes (e.g. population ageing and population decline) by providing a migrant workforce to support social welfare regimes, especially the sustainability of pension systems and the provision of long-term care for older people (Coleman, 1992;

Cangiano, 2011). An estimated 0.5% - 1% of economic growth in the UK is contributed by migrants though critics dispute these figures (Hansen, 2007).

Recent research has explored the wider effects of high-skilled migration on production and consumption beyond macro-level fiscal changes and aggregate impacts on the labour market, public finances or economic output (Nathan, 2014). The wider impact of high-skilled migration includes positive effects such as new business formation and innovation (Honig et al., 2010), production complementarities in high-value, knowledge-intensive sectors (Nathan and Lee, 2013), knowledge diffusion, lower coordination costs and improved international market access (Saxenian 2005; Saxenian and Sabel 2008). A recent study by the Department for Business, Innovation and Trade (BIS, 2015) attempted to look at the wider effects of high-skilled migration on individual businesses in the UK such as improved productivity and company expansion. Skilled migrants were found to contribute culturally unique skills and use their knowledge to train colleagues leading to improvements in processes, innovation and securing new work for their employers. Employers use migrants to fill skill gaps and many high-skilled migrants possess skills beyond their job specification. Business expansion resulting from migrant connections to international markets, suppliers and clients were significant benefits of employing high-skilled migrants in the UK. Although there were challenges in integrating skilled migrants into the workforce, employers value migrant's diversity and language skills.

2.3.2 The Historical Development of UK Migration Policies

There were virtually no border controls or restrictions to the free movement of labour prior to the start of World War I in 1914 across Europe. Passports and visas were introduced in Europe during World War I because border crossings and foreigners became a significant security concern (Koikkalainen, 2011). At the outbreak of the war the British Nationality and Status of Aliens Act 1914 was passed, and the first modern-style British passports were issued, these passports had to be renewed every two years and included a photograph, description of the holder and signature.

The British Empire, which later evolved into the British Commonwealth, provided political, economic and military benefits to the UK, as such nationals from British colonies and dominions had the right to freely enter the UK leading up to the Second World War. The UK required migrant labour, especially in low-skilled occupations, during the period of economic growth after World War II and the British Nationality Act of 1948, which tried to assert Britain's role as leader of the Commonwealth, affirmed the right of Commonwealth citizens to settle in the UK. Migration to the UK is underpinned by legacies of colonialism and neo-colonialism. According to Hansen, large scale immigration started to occur in the UK after the Second World War as labour shortages were filled by 'colonial workers' migrating to the UK under an 'imperial citizenship regime' (Hansen, 2000, 2005, 2007). Peak periods of post-war immigration have been politicised with public and media portrayals which view migrants as: competitors for scarce jobs, housing and social services; unwelcome sources of fragmentation which splinters the character of local

communities; undermining social solidarity and the welfare state; and failing to identify sufficiently with Britain and British values (Hansen, 2007).

According to Somerville, Sriskandarajah and Latorre (2009), UK immigration policies after World War II have been characterised by the contrast between the right to free movement progressively granted to individuals of European origin and increasing immigration controls constraining the mobility and labour market participation of individuals from outside Europe, particularly those originating from former British colonies. The historic rights to free movement and settlement in the UK enjoyed by Irish nationals have continued unabated after World War II while the UK's membership of the EU resulted in the removal of immigration restrictions on EU nationals coming to the UK, and by 1999 European citizens were free to cross most intra-European borders without having to show their passports (Koikkalainen, 2011).

Prior to 1962 Commonwealth citizens enjoyed the right as British subjects to enter the UK freely. During the 1950s around 500,000 mostly young, single men migrated to the UK from the British colonies. Following the significant flows of (mostly low-skilled) migrant labour from Commonwealth countries to the UK in the 1950s and early 1960s, the UK adopted a new 'Postwar Policy Model' aimed at zero net immigration (Somerville et al., 2009) which reversed the free movement and settlement rights guaranteed to Commonwealth citizens by the British Nationality Act of 1948. The new policy was based on the twin pillars of limitation and integration. A series of Acts of Parliament in 1962,

1968 and 1971 limited the free movement of Commonwealth citizens while integration was pursued through a series of Race Relations Acts (starting with the Act of 1965) to protect migrants from discrimination (discussed in the next section). The first immigration controls in the UK were enacted by a Conservative government in 1962, although the Labour party initially opposed the restrictive policies they extended the immigration restrictions in 1965 when Labour was in power (Hansen, 2000). The Commonwealth Immigrants Acts of 1962 and 1968 sought to restrict mass migration from Commonwealth countries. The 1962 Act was enacted by a Conservative government while the 1968 Act was promulgated by a Labour government. The Immigration Act 1971 repealed all previous laws on immigration with a few minor exceptions and still provides the structure for current UK immigration law, it provides for strong immigration controls in relation to nationals from former British colonies.

Limitations and restrictions continued during the 'Conservative Era' immigration policies between 1979 and 1997, this period was characterised by a greater concern by UK policymakers with asylum seekers which they had little prior experience with (Somerville et al., 2009). The fall of the Berlin Wall in 1989 and the subsequent collapse of the Soviet Union resulted in conflicts, such as the violent breakup of the former Yugoslavia, which necessitated legislative changes within the UK to cope with new flows of asylum seekers. The British Nationality Act of 1981, the 1993 Asylum and Immigration Appeals Act and the 1996 Immigration and Asylum Act were significant pieces of legislation during this era.

UK immigration policy changed significantly under the 'Selective Openness Model' introduced by the Labour Government under Tony Blair starting from 1997 and subsequent governments have continued with this basic model till date (Somerville et al., 2009). The Selective Openness Model was designed to attract economic migrants of value to the UK labour market while simultaneously providing a stronger security framework. The Labour Government also strengthened the second postwar pillar of integration by reinforcing the equality and diversity agenda through initiatives such as the idea of community cohesion. The security approach to combat illegal immigration and reduce asylum seekers was heightened after the September 11, 2001 World Trade Centre attacks through new visa controls, while the attraction of economic migrants became focused on high-skilled migrant workers (see appendix 1 for a timeline of migration policy and legislative milestones of the UK Government from 1998 to 2007).

Restrictive immigration policies targeted at non-EEA nationals continued in the UK under both Conservative and Labour governments until the landmark change in 2002 with the issuing of a White Paper outlining a new policy of 'managed migration' with a focus on attracting highly skilled economic migrants and the rolling out of the Highly Skilled Migrant Programme (HSMP) in 2002 (Hansen, 2007). This was backed by the passing of the Nationality, Immigration and Asylum Act of 2002. These policy changes in 2002 marked a significant turning point for high-skilled migration to the UK, for the first time highly skilled economic migrants were granted visas to come to the UK on the basis of an assessment of their human capital without a substantive job offer to meet the needs of a growing UK

economy. This was supported by policies to encourage international students, recognised as an important route for high-skilled migration.

The HSMP enabled non-EEA workers to migrate to the UK without a job offer (i.e. a model based on labour supply) and followed a human capital approach which aimed to increase the stock and flow of human capital through migration (Cerna, 2011). The greater the value of human capital a migrant possessed the more points they earned under a points-based system to qualify for a HSMP visa. The human capital of migrants was assessed using the level of education, work experience, age, language, previous earnings and prior education or prior work experience obtained in the UK as the criteria, for instance, a migrant with a PhD earned more points than a migrant with a Masters or undergraduate degree. After a slow start, the HSMP in 2005 accounted for approximately 18,000 migrant workers to the UK which represented 4.4% of the total migrant inflow into the UK of approximately 400,000 migrants (combining low and high skilled EEA and non-EEA migration inflows). Other routes for highly skilled migrants apart from the HSMP included the Work Registration Scheme for A8 nationals (approximately 195,000 in number or 48.6% of the total inflow in 2005) and work permits with a job offer for non-EEA nationals (approximately 86,000 in number or 21.5% of the total inflow in 2005). Over 50% of HSMP visas were issued to Indian and Pakistani nationals with Australians, Nigerians and South Africans the next largest highly skilled migrant groups. Together these five countries accounted for 70% of all HSMP visas. Over three quarters of HSMP visas were issued to professionals in the medical, financial, business and IT sectors (Hansen, 2007).

In 2006 a new points-based system (the 'PBS') was designed with a phased in implementation starting in 2008 for non-EEA migrants, it incorporated many features of the existing human capital approach and added a demand-side approach to the migration policy. Under the PBS the various routes to migration (approximately 80 routes) were reduced to 5 tiers or routes based on a combination of skills (a human capital and supply-side approach) and labour market needs (i.e. a demand-side approach). Highly skilled migrants have different routes to migrate to the UK under the PBS such as through work, studies and family reunification (Hansen, 2007). The first tier replaced the HSMP visa route but retained its key features including a points-based migration scheme for highly skilled workers without the necessity of a job offer ('Tier 1 General' sub-tier). It also included sub-tiers for investors, entrepreneurs and a post-study work visa to enable student migrant's transit into skilled jobs after graduating from university. The second tier (sponsored work visa) was for skilled workers in occupations with a skill shortage such as nurses, teachers and engineers who have an offer of a job in the UK. The skill threshold for tier 2 was lower than for tier 1 (Rienzo and Vargas-Silva, 2014). The third tier covered low skilled workers with an employer acting as a 'sponsor', by the time the PBS was implemented in 2008 the UK government decided that there was no requirement for non-EEA low skilled migrant workers and this tier was suspended, it was finally shut down completely in 2013 without ever having been activated. The fourth tier covered international students and the fifth tier covered holidaymakers, musicians, professional athletes and temporary workers (Hansen, 2007). Caps on the number of migrant visas that could be issued in any given year across the various tiers were implemented starting

in 2010 (Rienzo and Vargas-Silva, 2014). An overview of immigration trends across all 5 tiers from 2005 to 2012 is provided in appendix 2.

According to Rienzo and Vargas-Silva (2014) the two main policy changes to high-skilled migration in the UK in recent times are the introduction of the PBS and the commitment made by the Coalition government in 2010 to reduce net migration from the 'hundreds of thousands' to the 'tens of thousands'. They argue that both policy changes were driven by key economic events such as the global financial crisis (mainly from 2008 to 2009) and the Eurozone crisis. The increase in UK unemployment during the global financial crisis led to the call by Prime Minister Gordon Brown for 'British jobs for British workers' and the subsequent policy changes tightened restrictions on non-EEA migration. The crisis in the Eurozone potentially increased the supply of EEA migrant workers (including highly skilled migrants), with the UK government powerless to restrict flows of EEA migrants. Therefore, the policy commitment to reduce migration to the 'tens of thousands' was in reality focused on increasing restrictions on non-EEA migration.

The PBS migration policy has been in a constant state of flux, often with changes every few months, these changes almost invariably tightened restrictions on high skilled migration to the UK. The Tier 1 General sub-tier which replaced the HSMP route was closed to new applicants in 2010 and replaced by the Tier 1 (Exceptional Talent) sub-tier which does not require a job offer but the migrant must be recommended by one of the specially selected 'competent bodies', each competent body has a cap on the number of

migrants they can 'sponsor'. The competent bodies include the Royal Society (300 places per year), the Arts Council England (300 places), the Royal academy of Engineering (200 places) and the British academy (200 places). In total the exceptional talent scheme is capped at 1,000 migrant visas per year (down from over 10,000 under the Tier 1 General). If the HSMP and Tier 1 (General) routes aimed to attract the 'best and the brightest', then the exceptional talent scheme which has replaced the previous schemes is aimed at the 'crème de la crème' of highly skilled migrant workers (Cerna, 2011). Since the closure of the Tier 1 (General) sub-tier in April 2011, the Tier 2 (sponsored work visa) is now the main UK immigration route for skilled workers coming to the UK. To qualify for the Tier 2 visa, skilled migrants must have a job offer to take up employment (which meet minimum salary requirements depending on the occupation) and a certificate of sponsorship from a UK employer with a valid Tier 2 sponsorship license. Appendix 3 provides a summary of major changes since 2010 to the UK highly skilled migration policy.

An empirical analysis of highly skilled recent migrant workers (RMW) was undertaken by Rienzo and Vargas-Silva (2014). RMWs are highly skilled migrants born outside the UK who are not UK nationals and who have been in the UK for less than three years and are in employment. Their research focused on the 'flows' of RMWs rather than the 'stock' of highly skilled migrants in the UK from 2007-2013. They found that the number of highly skilled RMWs decreased from 338,000 in 2007 to 242,000 in 2013 (a 28% reduction). This decline was concentrated among non-EEA migrants who were most affected by changes to migration policy, there was a 39% reduction in non-EEA RMWs between 2007

and 2013 (down from 155,000 to 94,000). A similar decline occurs when the proportion of RMWs in the top two major occupational groups ('Managers, Directors and Senior Officials' and 'Professional Occupations') is evaluated, the number of RMWs decreased from 125,000 to 97,000 between 2007 and 2013 (a 37% reduction). The number of non-EEA RMWs reduced from 82,000 to 44,000 over the same period (a 46% decrease). This study of RMWs raises the possibility of a 'balloon effect' resulting from the trade-off in recent UK immigration policy. The balloon effect occurs if the reductions in highly skilled non-EEA migrants results in an increase in highly skilled EEA nationals working in the UK. Although the balloon effect was not conclusively proven to result from the trade-offs in UK migration policy (due to the possibility of alternative causes for the changes in the proportions of EEA and non-EEA RMWs), the study highlights the differences in EEA and non-EEA high skilled migration.

A study conducted by the Department for Business, Innovation and Skills (BIS, 2014) investigated responses of employers to recent changes to UK immigration policies particularly the closure of the Tier 1 (General) sub-tier and the introduction of an annual limit of 20,700 skilled workers under the Tier 2 route (sponsored work visa) of the PBS. The BIS study found that employers were switching their recruitment of skilled migrant workers from non-EEA to EEA nationals. The findings also indicated changes to training practices used to develop the skills of existing workers and apprentices by some employers, as well as negative impacts such as a reduction in the flexibility to address skill shortages.

However, the notion that UK immigration policy, beginning from 1997, privileges 'skill' as the basis for attracting economic migrants requires a more nuanced and critical analysis. The UK government gains substantial revenue from the visa processing fees and taxes paid by highly skilled migrant workers, and for all the rhetoric of filling a skill gap and welcoming highly skilled migrants, the migration of 'financial capital' is arguably more welcomed by UK policy makers than the migration of 'skill' to the UK. According to the Migration Advisory Committee:

...at present, the minimum level of investment for the 'Investor' immigration category is £1 million but accelerated settlement status can be achieved by investing either £5 million or £10 million. Migrants may use money loaned to them by UK banks when making their investment (MAC, 2014, p.12).

This policy offers capital (investors) arguably a much shorter route to immigration and greater mobility compared with labour (workers) using the high skilled migrant route. Although Shachar (2006) suggests that the 'citizenship-for-talent' exchange is an integral part of many highly skilled migrant programmes, however, this paper argues that the state appears to favour the 'citizenship-for-capital' exchange over 'citizenship-for-talent' given the accelerated route to settlement and citizenship offered to investors of financial capital compared to the routes open to labour. An individual is permitted to come to the UK as a

migrant ‘investor’ without even being required to own the capital used to qualify for the visa, the law only requires the migrant investor to show evidence of access to capital (e.g. a £1 million bank loan) and does not require the actual transfer of the money to the state. Banks and other institutions of financial capital are in symbiotic partnership with the state in facilitating the movement of *investors* without the movement of *investment* to the UK.

The major issue shaping the immediate and long-term future of UK migration policy revolves around the relationship between the UK and the EU. In June 2016, Britain voted, by a small majority, to leave the EU in a Brexit referendum which centred largely on the issue of immigration to Britain. Indeed, the media campaign in support of the ‘Leave’ campaign was characterised by sustained attacks on refugees and immigrants (Seaton, 2016) and one of the central reasons given by ‘Leave’ voters for their decision was ‘for the UK to regain control over immigration and its own borders’ (Ashcroft, 2016). Although the referendum was about the UK’s relationship with the EU, the heated discourse on migration encompassed both EU and non-EU migrants.

A vote was held on 23 June 2016, to determine the state of the UK’s union with the EU. With a turnout (72%) far higher than in most recent parliamentary elections, there was a 52 – 48% vote for the UK to leave the EU, thus, 37% of registered electors supported Brexit (Gumbrell-McCormick and Hyman, 2017). According to Davies (2016), about 4 million British citizens living elsewhere in the EU, and EU citizens in Britain who might have been expected to support the Remain cause, were not allowed a vote. Given the

strong showing by the losing 'Remain' campaign, Brexit reveals a deeply divided nation. It is far from clear what Brexit means in practice and what the impact will be of either a 'hard' or 'soft' Brexit on worker rights and migration (Gumbrell-McCormick and Hyman, 2017). As the UK negotiates its way through the Brexit process, the focus will be on the status of EU nationals resident in the UK and the introduction of immigration controls restricting the free movement of EU workers. Nevertheless, this is likely to have an impact on non-EU migrants as they may be viewed as potential replacements for EU workers or subject to new restrictions if caught up in a general anti-immigrant tide of public sentiment, political discourse and regulatory enactments. As part of the fallout of Brexit, a CIPD survey reports that 29% of employers say that they have evidence that shows that EU nationals are considering leaving their organisations and the UK as a result of the Brexit vote in 2016 (CIPD, 2017). However, it may become more difficult for organisations to attract skilled migrant workers from within and outside the EU because of changes to public sentiment associated with Brexit (Hillage, 2016).

Parallels have been drawn by Savage (2018) between the 'Windrush generation' and EU citizens living in the UK post-Brexit, raising fears that the 'hostile environment' created by the Conservative government's policy of reducing migration from hundreds of thousands to tens of thousands could create a charter for discrimination affecting both EEA and non-EEA migrants. All migrants in the UK could suffer the inequalities stemming from the 'hostile environment' in the same way the unintended consequences of the Conservative government's policy against recent undocumented migrants heightened discrimination

against members of the 'Windrush generation' who migrated from Caribbean and other Commonwealth countries after World War II and have been legally residing in the UK (Savage, 2018).

2.4 Conceptualising and Contextualising Migrant Equality and Diversity in the UK

In 1993, 7.2% of the UK population were foreign-born, however the proportion of foreign citizens was only 3.2% as many migrants acquired British citizenship. The overall population of migrants in the UK has risen, with the most rapid increase occurring since 2000. Currently, 16.7% of workers in the UK are foreign-born (mostly from minority ethnic groups) while 10.7% are foreign citizens. However, more than half the foreign-born labour force are from non-EEA countries (Rienzo, 2016; Gumbrell-McCormick and Hyman, 2017; Vargas-Silva and Markaki, 2017).

Migration brings to the fore the inequality between distinct and diverse groups. One major difference between EEA and non-EEA migration is that non-EEA migrants are more likely to experience inequality because they belong to Black, Asian and ethnic minority (BAME) groups, and they are also subject to immigration restrictions not experienced by EEA nationals (Hansen, 2007; Rienzo and Vargas-Silva, 2014). According to Tilly (1998) categorical distinctions among people result in economic or political disparities which he terms categorical inequalities. Thus, binary distinctions such as between male/female, black/white, migrant/non-migrant, low/high-skilled constitute durable inequalities because

of the institutionalisation of the categorical status possessed by each category within a pair. Inequality experienced by non-EEA skilled migrants can be understood as stemming from categorical distinctions in relation to their migrant status, citizenship rights, ethnicity and recognition of their skill.

Categorical inequality results from discriminatory practices and policies by employers and individuals. According to Pincus (1996) discrimination against members of a (minority) group that are categorically different from others may be individual, institutional or structural. Individual discrimination stems from the behaviour of an individual intended to have a detrimental or harmful effect on members of a categorically different group. Institutional discrimination arises from policies of a dominant group, and the behaviour of individuals who control these institutions and implement policies, that are intended to have a differential or harmful effect on a minority group. Structural discrimination occurs when policies of institutions, and the behaviour of individuals who control these institutions and implement policies, are neutral in intent but have a differential or harmful effect on a minority group.

Although employer practices and individual behaviour tend to be identified as sources of discrimination in respect of migrant workers, state migration policies also produce and reproduce migrant categorical inequality. According to McGovern (2012), skill-based admissions policies, restrictions on freedom of employment, requirements for formal certification, differential access to social rights and citizenship rights generate durable

forms of categorical inequality experienced by high-skilled migrant workers. The concept of categorical inequality does not conflate inequality resulting from migrant status with inequality arising from ethnic origin, rather it points to the intersectional nature of inequality experienced by individuals as *migrants* and *ethnic minorities* which occurs in simultaneous and interconnected ways (Anthias, 2012; Alberti, Holgate and Tapia, 2013; Erel, 2015).

Highly skilled migrants are often prohibited from working part time by UK immigration policy and there are usually very few exceptions from this rule for health or family reasons. This is an example of categorical inequality suffered by migrant workers compared to non-migrants. Many migration policies regulating the participation of skilled migrants in the labour market make 'employer sponsorship' a condition for granting and maintaining migrant visas. By acting as a sponsor or guarantor, the employer provides the assurance to the state that the highly skilled migrant has a job offer or is currently employed. The practice of employer sponsorship illustrates how migration policy induces categorical inequality between highly skilled migrant workers and non-migrants. According to Cohen (1987) and Miles (1987), employer sponsorship of migrant visas result in migrants being restricted to work for only one employer and limits their participation and mobility within the labour market. According to Anderson (2010) there are two consequences of the requirement for employer sponsorship that differentiates migrants from non-migrant workers. First, the state through its migration policies provide employers with an additional means of control over the labour process as migrant workers are dependent on the

goodwill of employers for the right to remain in the UK. Second, the 'institutionalisation of uncertainty' regarding the renewal of employer sponsorship means that some migrant workers have little expectation of making long term plans within the UK, developing social attachments, participating in leisure activities and in some cases obtaining better jobs in the future.

Prior to the Postwar Policy Model of immigration, the legal rights permitting migrants free movement to the UK to settle and work was not accompanied by the right of equal treatment. It was not uncommon to see signs for boarding houses stating 'no blacks, no Irish, no dogs' during the 1960s (Healy and Oikelome, 2011, p.43). The integration pillar of the Postwar Policy Model was therefore focused on addressing the inequality experienced by migrants to the UK (Somerville et al., 2009). Britain's anti-discriminatory framework has gradually developed since the 1960s and constitutes the main legal framework promoting diversity among the workforce and protecting non-EEA high-skilled migrants from categorical inequality. The UK anti-discriminatory framework started with the Race Relations Act of 1965, the legal framework has been subsequently developed by predominantly Labour governments (Hansen, 2007). The Race Relations Act of 1965 prohibited discrimination on grounds of colour, race, ethnic or national origin in public places and did not extend to discrimination in employment, banking, insurance and the private housing market. According to Bleich (2003) the Race Relations Act of 1965 focused on 'expressive racism' by prohibiting the expression of racial hatred through the

written or oral word as opposed to 'access racism' in which an ethnic group's access to public and private goods and services are blocked on racist grounds.

The Race Relations Act was extended several times over the succeeding decades, the Race Relations Act of 2000 was an important landmark as it shifted the policy from a focus merely on equal access to include a concern for equal opportunities. Race relations legislation was extended to all public bodies by the Race Relations Act of 2000, this included the police, universities and the National Health Service (NHS). This included a duty on public employers to monitor employees and job applicants by racial group in relation to employment, training and promotion (Hansen, 2007).

The Equality Act of 2010 brought together nine separate pieces of anti-discrimination legislation, it harmonised and replaced previous legislation such as the Race Relations Act by legislating for a range of protected characteristics such as race and ethnicity; gender and gender reassignment; disability; sex and sexual orientation; religion or belief; age; pregnancy and maternity; marriage and civil partnership (ACAS, 2011). The Equality Act of 2010 continues to recognise direct discrimination, indirect discrimination, discrimination by perception and discrimination by association covered by the previous Race Relations Act. It extends protection against racial and ethnic discrimination to include harassment, harassment by third parties and victimisation (Government Equalities Office, 2010). Although the Equalities Act does not allow positive discrimination (also known as affirmative action), for the first time it permits voluntary 'positive action' by

employers in the UK. The positive action provision of the Act empowers employers to voluntarily remove employment inequality by equipping individuals in disadvantaged groups (such as racial, ethnic and national groups) with the means to compete equally, for example, by encouraging job applications from ethnic minorities or providing training to racial minorities (Wilton, 2013).

The Labour Government which came into power in 1997, while introducing the Selective Openness Model of migration, buttressed the second postwar pillar of integration by strengthening the equality and diversity agenda through initiatives such as the idea of community cohesion to bring together segregated communities, improve integration and foster shared values and a sense of belonging (Somerville et al., 2009). However, Kofman et al. (2009) argue that the approach to 'managed' high-skilled migration and the PBS policy since 2000 have been characterised by a lack of adequate Equality Impact Assessments specifically focused on migrant and ethnic inequality. These authors criticise the absence of rigorous criteria relating to migrant equality in formulating and reviewing UK high-skilled migration policies and the impact of such policies on labour market discrimination and employment patterns. They claim that proposed changes to high-skilled migration policies in the UK, many of which are implemented, "are based on little or no research or statistical evidence and have not been properly assessed in relation to equality impacts" (Kofman et al., 2009, p. VIII).

The impact of categorical inequality in relation to non-EEA high-skilled migrants in the UK is evident when labour market outcomes are analysed. Nearly one in two recent migrants was in the highest educational category compared to one in four UK-born workers as at 2015 (Rienzo, 2016) and more than half of all foreign-born residents in the UK have at least an undergraduate degree which is the highest proportion in Europe (Dunford and Kirk, 2016). However, high-skilled migrants find it more difficult to obtain jobs that match their educational level when compared to UK nationals. Non-EU nationals are less likely to be in job roles that match their level of educational qualifications (Matched - UK 70%: Non-EU 53%) and more than twice as likely to be overqualified for the jobs they are currently employed in when compared to UK nationals (Overqualified - UK 15%: Non-EU 37%) (ONS, 2017). Migrants who obtained their educational qualifications in institutions outside the EU are more likely to be overqualified in their jobs because their qualifications are not within the scope of the Bologna process which seeks to recognise and compare educational qualifications and credentials awarded within the EU (Cerna, 2011). Discrimination at work continues to be an issue, with a significant proportion of cases handled by employment tribunals and the Advisory and Conciliation and Arbitration Service (ACAS) related to race-based claims (Tribunal Services, 2009, 2010; Healy and Oikelome, 2011).

The lack of workforce diversity in relation to non-EU high-skilled migrants in the UK is evident in their segmentation into low-skilled jobs and dominant recruitment practices of employers. Data from the Office of National Statistics (ONS, 2017) indicated that as at

2016 the proportion of non-EU nationals in professional occupations (26%) and caring leisure and other service occupations (11%) exceeds the proportion of UK nationals in those occupations as only 21% of UK nationals are in professional occupations and 9% in caring leisure and other service occupations. UK nationals are employed in higher proportions than non-EU migrants in all other occupational categories within the Standard Occupational Classification (SOC) hierarchy. While non-EU workers tend to cluster near the top of the SOC hierarchy, they are also disproportionately represented at the very bottom, most notably, the proportion of non-EU nationals (13%) at the bottom of the SOC (elementary occupations) is higher than the proportion of UK nationals (10%). A report published by the Home Office (2010) found that about 30% of Tier 1 immigrants ended up in low-skilled jobs (e.g. shop assistants, security guards and supermarket cashiers) although this study has been criticised for basing its findings on a small sample of migrants (Boxell, 2010; Cerna, 2011). The increase in restrictions placed on non-EU high-skilled migrants through recent changes to UK migration policies may discourage employers from recruiting non-EU migrants. A survey conducted by the Chartered Institute of Personnel Development (CIPD, 2011) indicated that one-third of employers intend to recruit more EU workers in response to government policy changes placing greater immigration controls on non-EU high-skilled workers.

2.5 The Historical Context of Migrant CSOs in the UK as Equality and Diversity Actors

The first migrant CSOs appeared in the UK in the periods before and immediately after the Second World War. These early migrant CSOs provided the general framework for migrant activism in the UK, they were predominantly large political organisations campaigning against discrimination experienced by migrants in the UK and for independence from British colonial rule (Lacroix, 2012). Pioneering examples such as pan-African associations and the Indian Independence League usually took the form of transnational solidarity networks transcending the specific administrative (national) units of British colonial rule. The next wave of migrant CSOs formed after the pro-independence movements were aimed at rebuilding kinship, linguistic and religious communities with strong transnational ties to their home countries (Lacroix, 2012). As discussed above, prior to 1962 Commonwealth citizens enjoyed the right as British subjects to enter the UK freely. During the 1950s around 500,000 mostly young, single men migrated to the UK from the British colonies (Hansen, 2000), this era was characterised by chain migration of predominantly low-skilled immigrants who formed spatial concentrations of ethnic groups in large industrial cities. The patterns of collective organising primarily took the form of community organisations emphasising distinct ethnic, linguistic, religious, caste, regional and tribal identities rather than national territory (such the various caste-based associations of the Indian Gujaratis). Village and tribal associations were the most common form of migrant CSOs in this era as observed in the

proliferation of West African tribal CSOs (e.g. the Igbo, Yoruba, Tiv, Fanti and Ashanti migrant associations) in industrial cities like Liverpool in the 1950s (Ramdin, 1987).

The primary objectives of these 'older generation' of migrant CSOs in the UK was to support strong socio-cultural identities and intra-group relationships (for instance through marriages, social and religious activities), provide welfare services to members and assist in the socio-economic development of countries of origins as diasporic organisations (Lacroix, 2012). The 'political opportunity structures' (Tilly, 1978) provided by the Race Relations Acts (1965, 1968, 1976) and Local Government Acts presented these migrant CSOs with opportunities to access new forms of funding, participate in Community Relations Councils with representatives of the state, and build partnerships with local governments and state agencies (Joly, 1987). Nevertheless, membership of these mass organisations reduced dramatically with the end of the era of mass migration to the UK, widespread disaffection and loss of support from immigrant populations especially second-generation migrants, and the increasing age of the core first generation members (Lacroix, 2012).

However, the end of mass migration, the introduction of regulation facilitating the influx of economic migrants by the New Labour government in 1997, the new policy of 'managed migration' in the UK with a focus on attracting highly skilled economic migrants and the rolling out of the HSMP in 2002 (Hansen, 2007; Somerville et al., 2009), has resulted in the emergence of new forms of migrant CSOs, most notably social networks and

professional associations of high-skilled migrants (Lacroix, 2012). Therefore, the collective interests of non-EEA highly skilled migrants are promoted by CSOs embedded in migrant networks which are part of the 'new wave' of skilled migration to the UK, as well as a few 'older generation' associations of migrant professional workers. It is therefore vital to consider the role of these migrant CSOs in relation to issues of equality, diversity and the collective voices of non-EEA skilled migrants. As such, they form the empirical focus of this thesis.

2.6 Theoretical Approaches to Understanding Migration: A Critical Appraisal

Migration studies have been significantly influenced by economic theories of migration. Neoclassical economic theories which emphasise 'push factors' that impel people to leave their home country and 'pull factors' which attract migrants to receiving countries have "become part of a received though fading wisdom about what drives migration" (Samers, 2010, p.59). Neoclassical theories assume that an individual's decision to migrate is based on their human capital and a rational comparison of the cost and benefits of migration. Although very influential, neoclassical theories of migration have been criticized as being incapable of explaining or predicting actual or future movements of migrants (Boyd, 1989). The neoclassical model is individualistic and ahistorical, ignoring the influence of historical, family and community dynamics in migration (Portes and Borocz, 1989). Castles and Miller (2009) criticise neoclassical theories for treating

migrants as having perfect information, power and the freedom to make rational choices within labour markets.

Another major economic theory of migration is the dual (or segmented) labour market theory, it emphasises the importance of the demand-side of labour migration such as regulations, institutions, race and gender in determining labour market outcomes (Piore, 1979, Sassen, 1991). Workers are segmented into primary or secondary labour markets not just based on their human capital, but also on the basis of race, ethnicity, gender, and migrant's legal and citizenship status. This approach highlights the important role structural factors play in the inclusion and exclusion of migrant workers within labour markets. By focusing on the demand-side of migration, segmented labour market theory reveals how employer demand for labour may favour migrants perceived to be 'good workers' possessing superior work ethic and productivity levels (Rodriguez 2004; CIPD 2005; Dench et al., 2006; MacKenzie and Forde 2009) and as such more easily amenable to employer control and exploitation (Castles and Miller, 2009; Anderson, 2010; Baxter-Reid, 2016).

Some writers have criticized the assumptions of a binary segmentation of migrant workers between a high-skilled and highly paid primary labour market on the one hand, and a low-skilled and low paid secondary market on the other hand. They argue for a more nuanced and complex segmentation of labour markets such as enclave economies (Portes and Bach, 1985) or niches of ethnic entrepreneurs (Waldinger et al., 1990). Highly skilled

migrants such as BAME doctors in the UK have been shown to be segmented into lower paid grades and professional ranks as well as less popular and prestigious branches and specialties within the medical profession when compared with non-migrants (Raghuram, Henry and Bornat, 2010; Healy and Oikelome, 2011). Therefore, labour market segmentation is not a simple binary division between high and low skilled/paid employment but also involves segmentation *within* the ranks of highly skilled migrant workers based on characteristics such as ethnicity and race.

Economic theories have been criticised for an overemphasis on human agency and economic decision making while Marxist historical-structural and world systems theories have been criticised for paying too much attention to social structures (especially the economic system of capitalism and the role of the state) in migration processes. New theoretical approaches to understanding migration have emerged from these critiques of economic, historical-structural and world systems theories of migration. While economic, historical-structural and world systems theories have their roots in economics, politics and history, these new approaches have favoured an interdisciplinary perspective that seeks to create a dialogue about migration across social science disciplines. They combine insights from sociology, anthropology and geography (Castles and Miller, 2009). Two of the most prominent newer approaches that account for both individual agency and structural factors are migration networks theory and transnational theory.

Migration networks theory focuses on social networks but is not limited to an analysis of specific systems of migration between countries. Numerous scholars have applied the concept of social networks to the study of migration (Boyd, 1989; Tilly, 1990; Portes, 1995; Haug, 2008; Eve, 2010) because “migration is a process that both depends on, and creates, social networks” (Vertovec, 2003, p. 650). The social network perspective emphasises that ‘networks migrate’ (Tilly, 1990; Portes, 1995; Vertovec and Cohen, 1999; Poros, 2001). According to Tilly (1990), the effective units of migration are neither individuals nor households but sets of people linked by acquaintance, kinship and work experience. Networks connect migrants across time and space through flows of information and other resources (Boyd, 1989; Koser and Salt, 1997).

Neoclassical economic analysis of labour migration is limited by its focus on human capital and the paradigm of the *homo economicus* - the assumption that labour migrants are rational, self-seeking amoral economic agents (McGovern, 2007). A more nuanced and realistic view of labour migration is open to the role of social networks and a more sophisticated view of capital in understanding labour migration. Bourdieu and Wacquant’s famous definition of social capital highlights how social capital is embedded within social networks:

Social capital is the sum of resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more

or less institutionalised relations of mutual acquaintance and recognition.

(Bourdieu and Wacquant, 1992, p.119)

By emphasising the social and cultural dimensions of 'capital', Pierre Bourdieu (1986) extended the well-known Marxist concept of 'capital' beyond the economic domain. Bourdieu viewed social, cultural and economic capital as interconvertible forms of power and sources of social distinction. Bourdieu's theory of capital has proved influential among migration network theorists (Bauder, 2006) and some studies have adopted the term 'migrant capital' to refer to the interconnected nature of economic, social and cultural capital possessed by migrants (Ryan, Erel and D'Angelo, 2015). Bourdieu's theoretical oeuvre includes concepts of capital, field and habitus; however, many migration networks theorists only selectively apply his concept of capital to their analysis of migration processes. The effect of economic, social and cultural capital in terms of inclusion and exclusion are made explicit in Bourdieu's (1986) theorisation of capital which addresses issues of power relations, social class and social inequality arising from processes of distinction and exclusion (White, 2002; Bauder, 2006).

Economic capital refers to capital in its monetary form such as wages, salaries, fiscal assets and other financial resources. Social capital comprises social networks, membership in social groups and social identities. Cultural capital refers to physical, behavioural and organisational attributes of symbolic meaning and value (Bourdieu, 1986). Cultural capital includes aspects of value associated with the neoclassical

economic concept of human capital such as education, qualifications and work experience, but goes beyond these to include symbolic and cultural dimensions of capital. Cultural capital can be embodied such as corporal appearance and performance; artifacts of art and fashion constitute a form of objectified cultural capital; and institutionalised cultural capital consists of educational qualifications and other forms of institutional recognition (Bauder, 2006, p. 36-37). Migration networks theory highlights the importance of cultural and social capital to migrants in deriving economic capital and attempting to overcome ethnic and racial barriers preventing equal access to labour market opportunities and outcomes (Castles and Miller, 2009). Migration networks theorists draw on segmented labour market theory to show how social and cultural capital may overcome or reproduce labour market exclusion and segmentation (Raghuram et al., 2010).

In contrast to segmentation and Marxist theories of migration, migration networks theory highlights the collectivisation of migrant workers and the exercise of migrant agency in complex and varied ways across the three major phases of migration: pre-migration; in-transit; and post-migration settlement and integration into host countries and labour markets. Decisions to migrate are often taken collectively among families or social networks at the pre-migration phase, and resources and support provided through such networks during all phases of migration. Economic, social and cultural capital (Bourdieu, 1986) within migrant networks play an important role in supporting international migration and encouraging the flow of skilled migrant workers along 'beaten paths' (Stahl, 1993).

Information, knowledge, and resources are accessed by migrants, commencing from the pre-migration phase, through their social networks to enable them navigate legal requirements, organise travel, obtain information regarding destination countries, access work and adapt to new environments (Bauder, 2006). Self-organised informal social networks of migrants usually engage in 'chain migration' (Price, 1963) and facilitate the international movement of migrants in-transit through social connections. Migrant networks also facilitate the process of settlement and community formation in the destination country. Migrant networks develop their own social and economic infrastructure (Castles and Miller, 2009) such as the provision of professional services (doctors, lawyers, accountants etc.), shops, restaurants, places of worship, cafes, educational services, community associations and cultural services. Migrant networks engage in recruitment activities by providing employers and recruitment agents with a readily available and cheap source of skilled labour. There is growing evidence that employers prefer recruiting migrants because migrant networks provide a self-regulating and self-sustaining supply of labour (Rodriguez, 2004; Ruhs and Anderson, 2011). Therefore, migrant networks may be viewed as important institutions of social regulation that shape and constrain behaviour through the social production and reproduction of social practices, norms and power relations (Bauder, 2006).

Transnational theory builds on migration networks theory by emphasising how migration leads to new linkages between sending and receiving countries. Levitt and Glick-Schiller (2004) argue that the lives of many individuals can no longer be understood only by what

goes on within the boundaries of a single nation. The defining characteristic of transnational activities is that contact with, and participation in, the affairs of the home country are a central part of the lives of migrants and the activities of migrant CSOs (Portes, 1999; Castles and Miller, 2009). According to Vertovec (1999) many transnational communities are emerging due to globalisation and they are increasingly important in terms of relationships, identity and the collective mobilisation of migrants. Portes (1999, p.464) defines transnational activities as recurrent activities across national borders which “require a regular and significant commitment of time by participants” and can be undertaken by a variety of actors. *Transnationalism from above* are activities conducted by powerful institutional actors such as MNCs and states while *transnationalism from below* consist of “activities that are the result of grass-roots initiatives by immigrants and their home country counterparts” (Portes, Guarnizo and Landolt, 1999, p.221).

A similar concept to transnational communities is the notion of migrant diasporas (Cohen, 1997) within postcolonial studies. The concept of diaspora is of particular significance in understanding the collective agency of migrant labour and processes of social regulation from a postcolonial perspective. Paul Gilroy’s (1993) seminal work, *The Black Atlantic*, identifies black diasporas as the movement of black people from Africa to Europe and the Americas not only as commodified labour but as an intercultural and transnational formation engaged in various struggles towards emancipation, autonomy and citizenship (Loomba, 2015). Diaspora communities and networks are characterised by hybridity (Hall,

1990, 1996) and are important actors in the exercise of migrant agency regarding inclusion, exclusion, equality and diversity in relation to work and employment (Healy and Oikelome, 2011).

Healy and Oikelome's (2011) research on migrant doctors show that diasporic connections and consciousness are important in understanding migrant social networks and organisations. A context-sensitive approach to research on migrant networks requires an investigation into the 'triadic relationships' between migrant diaspora organisations, home and host countries (Connor, 1986; Safran, 1991; Kalra et al., 2005). The concept of diaspora presents a more complex and nuanced view of transnationalism, Kalra et al. (2005) argue that triadic relationships are a central feature of diasporic formations and include three spheres: the nation state to which social, economic and cultural affiliations are maintained (i.e. the home or sending country); the dispersed or migrant group who have some form of collective identity or process of identification (e.g. a migrant CSO); and the contexts and nation-state in which the migrant group resides (i.e. the host or receiving country). According to Healy and Oikelome (2011) the triadic relationships and diasporic consciousness of migrant networks are essential in understanding issues of equality and diversity affecting first and subsequent generations of migrants.

Although the literature on diasporas and triadic relationships has emphasised the role of economic remittances transferred by individual migrants from host countries to home

countries (Taylor, 1999), diasporic consciousness and transnational activities 'from below' are not limited to economic remittances and enterprises but may include a variety of political, cultural and religious activities involving the transfer of human, economic, and social capital (Markova and McKay, 2015). Migrants in diaspora help shift overall patterns of trade between home and host countries (Docquier and Rapoport, 2012) and high-skilled returnee migrants have positive effects in home countries by contributing skills, engaging in nation-building, boosting entrepreneurship and acting as agents of change (Ammassari, 2003). Indeed, Brubaker (2005) critiques essentialist and homogenised concepts of diaspora as a bounded group, arguing for heterogeneity in diasporic stances, projects, claims, idioms and practices. The role of diasporic consciousness and groups in contributing to the sustainable development of home countries, especially in the Global South, through the diffusion of knowledge and transfer of policy, skills and practices, has been argued by several authors (Saxienan, 2005; Saxenian and Sabel, 2008; Boeri et al., 2012) as involving processes of 'brain gain' and 'brain circulation'. This advances our understanding of highly skilled migrant workers beyond narrow concepts of 'target earners', economic remittances and 'brain drain' (Castles and Miller, 2009) to a broader view of migrants as altruistic and ethical actors involved in transnational development.

2.7 Framing the Study: Theoretical Insights Drawn from Migration Studies

This study draws insights from the theories of migration in the preceding discussion. In particular, the subsequent analysis and empirical investigation will be framed by migration networks theory, supplemented by theories of transnationalism and diaspora. Five key insights emanate from these theoretical resources which will inform subsequent sections of this thesis. First, migration consists of pre-migration, in-transit and post migration phases which include the mobilisation, attraction, allocation and integration of migrants into host country labour markets (Groutsis, van den Broek and Harvey, 2015). Second, social groups and collective agency are important dimensions of migration. Social networks, which may take the form of formal or informal migrant organisations, are an expression of the collective agency of migrants (Pries and Sezgin, 2012; Ryan et al., 2015). Migrant CSOs are embedded within migrant social networks and the internal structure of migrant CSOs may take the network form (Henry et al., 2004; Raghuram et al., 2010). Processes of accumulation and conversion of economic, social and cultural capital (migrant capital) provide insight into the enactment of collective agency by migrant workers as well as their inclusion or exclusion from labour market participation. (Bourdieu, 1984, 1986; Bauder, 2006).

Third, a regulatory perspective will underpin the analysis of migrant organisations. Migrant networks are involved in the social regulation of migration by shaping and constraining behaviour through social practices, norms and power relations (Bauder, 2006). Fourth, attention will be paid to diasporic consciousness and transnational activities of migrant

organisations emanating from triadic relationships involving migrant networks, home and host countries (Kalra et al., 2005; Healy and Oikelome, 2011). Fifth, migrant networks are implicated in resisting and reproducing social inequality and exclusion using migrant capital. Such exclusions may take the form of segmented labour markets, ethnic enclaves and ghettoisation even among high-skilled migrant workers (Kofman et al., 2009; Raghuram et al., 2010; Mulholland and Ryan, 2014). Exclusion and inequalities resulting in segmented labour markets involve employer demand for migrant 'good workers' more amenable to control and exploitation (Castles and Miller, 2009; Anderson, 2010; Baxter-Reid, 2016). Therefore, issues of equality and diversity will be foregrounded in subsequent analysis.

CHAPTER 3: 'New' Actors and Civil Society: Exploring Migrant Networks from a Regulatory Perspective

3.1 Introduction

The previous chapter highlighted the importance of migrant (economic, social and cultural) capital and social networks in understanding migrants' collective agency. It also emphasised the need to take a regulatory perspective when exploring the role of skilled migrant CSOs in resisting and reproducing social inequality and exclusion. This chapter seeks to problematise current conceptualisations and research agendas regarding high-skilled migrant workers in work and employment. This chapter argues that CSOs representing highly skilled migrant workers play an important yet under-researched role as 'new' actors in the regulation of work and employment. Furthermore, in attempting to bridge gaps identified in the review of the literature, this chapter draws on multidisciplinary perspectives in positioning skilled migrant CSOs as 'new' actors in ER and as organisational embodiments of civil society engaged in the social regulation of work and employment.

After this introduction, the next section will critically evaluate the literature and research agendas pertaining to high-skilled migrant workers in ER and HRM. The third section will position skilled migrant CSOs within the literature on 'new' actors in work and employment. The fourth section will draw on literature from political science, sociology, and development studies to conceptualise migrant CSOs as organisational embodiments

of civil society occupying a contested space between the state and the market. This will be followed by a section that explores skilled migrant CSOs from a regulatory perspective to synthesise the concept of social regulation with migration theories. A broad view of regulation is advocated which identifies social regulation as encompassing the mechanisms of migrant capital in the incorporation, allocation, control and reproduction of labour within labour markets. Finally, a concluding section summarises the major arguments contained in this chapter which serve as theoretical resources for subsequent sections of this thesis.

3.2 Research on High-Skilled Migrant Workers in HRM and ER: A Critical Appraisal

Both the fields of ER and HRM suffer from a shallow and narrow view of high-skilled migrant workers and the CSOs which represent them. The way high-skilled migrants are conceptualised, and the research agendas which explore their participation in the labour market, are problematic. Three limitations in the literature are identified: an inordinate focus on low-skilled migrant workers; a dominant but blinkered use of a 'trade union lens' in researching migrant workers and CSOs in ER; and an individualistic, managerialist and performative approach to studying skilled migrants in HRM.

First, there is relatively little attention paid to high-skilled migrant workers in the literature on work and employment because much of the research is focused on low-skilled and

low-paid jobs (De Lima and Wright, 2009) often characterized as 'dirty, dangerous and demeaning' (3D) work (Dench et al., 2006). The few studies on highly skilled migrant workers tend to be subsumed under generic discussions of 'homogenous' migrant workers (a combination of high, medium and low skilled workers) ignoring the unique dynamics of skilled migration (McGovern, 2007, 2012).

Second, within the field of ER, high-skilled migrant workers are primarily viewed through a dominant, but blinkered, analytical lens of trade unions that emphasises the relationship between migrants and trade unions and analyses migrant CSO's using conceptual resources designed for studying trade unions. There is a major concern with trade union responses to, and relationships with, migrants (Martinez Lucio and Perrett, 2009; Martinez Lucio and Connolly, 2010; Martinez Lucio et al., 2012; Aziz, Egan and Polkowski, 2018). According to Virdee (2000), over time trade unions have evolved from policies of exclusion regarding migrants to inclusive policies. Penninx and Roosblad (2000) argue that trade unions face three major dilemmas in responding to immigration. One dilemma for unions is the decision to accept or oppose immigration politically. Another dilemma union's encounter is the need to decide whether to actively recruit migrant workers already in the country or not, and whether migrant workers should be included as full or partial members or excluded from union membership. A third dilemma occurs if migrants are included as members, in such cases, unions need to decide whether to implement special structures (such as quotas and 'black worker sections') or maintain equal treatment for all workers.

There have been calls for greater sensitivity to the role of 'new' actors representing migrant workers and for sensitivity regarding the diversity among migrant workers (such as low- and high-skilled workers, different countries of origin and ethnic backgrounds etc.). Such calls have been driven by a 'crisis in representation' of migrant workers in ER (Martinez Lucio and Perrett, 2009, p.329) and a 'gap in the voice and representation' of migrant workers (Martinez Lucio and Connolly, 2010, p.21). Recent studies on 'new' actors are enamoured with the relationship between trade unions and CSOs (Heery et al., 2012a,b) and the potential for CSOs to serve as a source of union revitalisation (Heckscher and Carre, 2006; Osterman, 2006) rather than assessing CSOs on their own merit. These recent studies of CSOs do not specifically focus on migrant workers and much less on high-skilled migrants.

Furthermore, this thesis argues that the analytical tools and theories used to research CSOs in ER were developed to compare 'new' actors with trade unions on the basis of size, density, membership, bureaucratic structure, rule-making outcomes etc (see for instance Bellemare, 2000; Legault and Bellemare, 2008; Heery et al., 2012a, b, 2014a, b) rather than evaluate the 'new' actors in their own right. These ER tools and theories miss the subtle nuances and complexities of the role of CSOs in work and employment. Therefore, despite the expansion of the field beyond the 'old' and 'traditional' actors in ER by paying increasing attention to 'new' actors such as CSOs, the research agenda is limited by 'old' and 'traditional' concepts and theories that operate through a 'trade union

lens'. This thesis argues that there are complementary theoretical perspectives that can be incorporated into the field of ER to broaden research into CSOs beyond the limits of a narrow 'trade union lens'. In particular, there is a strong tradition of researching CSOs as social movements (Della Porta and Diani, 2006); as part of civil society and the public sphere in politics (Habermas, 1991; Lang, 2013); and as regulatory actors in the political economy (Levi-Faur, 2005, 2007, 2009, 2010). This paper seeks to analyse high-skilled migrant CSOs using a range of multi-disciplinary theories that are particularly sensitive to the regulatory role of migrant CSOs in the political economy and public sphere as well as their organisational and normative characteristics as migrant social networks.

Third, highly skilled migrants have been mostly ignored in the HRM literature, the few exceptions have been studies characterised by an individualistic, managerialist and performative approach to studying migrant workers. Despite the importance of migrant workers, they remain significantly under-researched in HRM (Guo and Al Ariss, 2015). According to Thompson et al. (2013) there have been relatively few attempts to examine the relationship between HRM and new waves of migrant labour. There are three recurring themes in the HRM literature on migrant workers that stand out as exceptions to the overall lack of meaningful engagement with migration in the field: employers' recruitment and utilization of migrant workers to fill skill and labour shortages and reduce costs (Fellini et al., 2007; Mackenzie and Forde, 2009; Turner, 2010); the appraisal of migrants as 'good workers' with superior motivation, work ethic, commitment and discipline (Rodriguez, 2004; CIPD, 2005; Dench et al., 2006; Thompson et al., 2013;

Baxter-Reid, 2016); and within the International HRM (IHRM) literature, labour mobility is almost exclusively analysed in terms of expatriate managers sent by MNCs on international assignments rather than self-initiated expatriates (SIE) (Harzing, 2004). According to Lillie et al. (2014) this narrow view of migrant labour in IHRM ignores the fact that most employees are not managers and that expatriate managers make up only a small proportion of migrant labour.

In addition to the three themes mentioned above, there is a new and emerging stream of research in IHRM focused specifically on high-skilled migrant workers (Dietz et al., 2015; Guo and Al Ariss, 2015; Zikic, 2015). This research approach is grounded in the strategic HRM concepts of expropriating human capital through the labour process to ensure organisational competitive advantage. The focus is on diversity as a source of competitive advantage rather than issues of inequality and discrimination experienced by migrant workers. The emphasis of these studies is on appropriating the human and social capital of skilled migrant workers in the pursuit of higher levels of productivity and performance through the management of individualistically oriented migrant workers (Claus et al., 2015; Dietz et al., 2015; Guo and Al Ariss, 2015; Moeller et al., 2015; Zikic, 2015). This thesis adopts a critical stance regarding this instrumental and managerialist view of highly skilled migrant workers focused on human capital, performativity, strategy and technique to the exclusion of equality, diversity and voice. According to Martinez Lucio and Connolly (2010) and Cornelius et al. (2010), a more ethically oriented approach to researching migrant workers in HRM should be sensitive to the relationship between equality and

ethics, and the role of stakeholders and 'new' actors as voice institutions. Within this emerging strand of IHRM research, skilled migrant workers are portrayed as passive, individualistic and lacking agency. This ignores the agency and collective action of skilled migrants in managing their human and social capital. In contrast to the view that the individualisation of employment relationships through HRM practices is leading to the end of the 'collective worker', Martinez Lucio and Stewart (1997) highlight the importance of studying new forms of labour collectivism and agency. The theoretical focus on the regulatory role of skilled migrant CSOs in this thesis challenges this individualistic orthodoxy in IHRM by foregrounding the collectivity and agency of highly skilled migrant workers.

The preceding discussion elaborates on three significant limitations of current research on high-skilled migrant workers: an emphasis on low-skilled migrant workers over high-skilled migrants; the prevalence of a blinkered 'trade union lens' in researching migrant workers and CSOs in ER; and a managerialist and performance-centric approach to studying skilled migrants in HRM that portrays them as passive, individualistic and lacking agency. These limitations have implications in terms of generating a new research agenda to fill the gaps in the literature on high-skilled migrants in work and employment and developing new conceptual tools to understand skilled migrant CSOs. While there is an emerging research agenda in relation to CSOs as 'new' actors in the field of ER (Heery et al., 2012a,b) and HRM (Williams et al., 2011a), the research on CSOs that represent skilled migrant workers, especially from outside the EEA, remains significantly under-

developed. This thesis argues that the current approaches to the study of high-skilled migrant workers in HRM and ER are inadequate and that a more robust understanding of this phenomenon should pay attention to the collective agency of skilled migrants exercised through CSOs as 'new' actors in work and employment. To achieve this, CSOs should be examined in their own right as organisational embodiments of civil society using a variety of conceptual resources and drawing on multi-disciplinary perspectives. The next section elaborates on the collective agency of skilled migrants by focusing on migrant CSOs as 'new' actors in work and employment.

3.3 Civil Society Organisations as 'New' Actors in Work and Employment

The discipline of ER has traditionally focused on the state, employers and trade unions as the main actors in employment systems, this narrow view of employment actors constitutes a paradigm (Kuhn, 1962) that has legitimised and policed the scope of research activity within the field of study. John.T. Dunlop proposed in his seminal book, *Industrial Relations Systems* that every employment relations system comprises of three groups of actors: workers and their organisations (which has predominantly been narrowly interpreted as trade unions and work councils); managers and their representatives (employer organisations); and government agencies representing the state's role in work and employment (Dunlop, 1958). Dunlop's systems approach has influenced the way scholars and practitioners conceive of ER as a domain of inquiry and

community of practice focusing on three main actors (Piore and Safford, 2006), it has also influenced the overlapping field of HRM in similar fashion.

The changes brought about by union membership decline and demographic changes to the workforce, in particular, the increase in women and ethnic minority migrant workers, highlight the need for a greater sensitivity to 'new' actors and alternative institutions of worker representation (Freeman, 2005; Williams et al., 2011a; Wilton, 2013). Several authors (Piore, 1995; Dabscheck, 1995; Da Costa and Murray, 1996; Healy and Oikelome, 2007; McGovern, 2007) have highlighted the need to incorporate marginalized social groups such as migrants, women, ethnic minorities and homosexuals into ER as a field of study. The integration of these new constituencies and the actors that represent them will require a paradigm shift in the conceptualisation of the domain of ER and this may serve to revitalize ER and re-assert its relevance in the changing contexts of work and employment (Michelson, 2008). The focus on 'new' actors is therefore not merely about incorporating alternative actors and constituencies but about the way the overlapping fields of ER and HRM are framed and conceptualised.

The concept of an 'actor' is used widely in ER yet it is rarely ever defined. The concept has been borrowed from the field of sociology and adapted to the study of ER (Bellemare, 2000). The inter-relationship between agency and structure is important in defining an actor in ER. According to Giddens (1984) a human being is conceptualised as a competent actor simultaneously constrained by social structures yet capable of

knowledgeable activity and choice as an autonomous agent. Rather than define agency in terms of intention, Giddens defines human agency in terms of the individual's capability to do things which have intended and unintended consequences in time and space. An actor has the capability to deploy a range of causal powers which may influence processes, events or even the causal powers of other actors.

The concept of an actor elaborated by Giddens' structuration theory has been adapted to the study of ER by Bellemare (2000) with the object of broadening the field of actors beyond the traditional industrial relations (IR) actors. Bellemare (2000, p.386) defines an actor in employment relations as:

An individual, a group or an institution that has the capability, through its action, to directly influence the industrial relations process, including the capability to influence the causal powers deployed by other actors in the IR environment (indirect action).

This broader conceptualisation recognises the role of formal and informal groups and organisations beyond the three traditional actors. The inclusion of indirect action which may indirectly influence the actions of other actors is sensitive to the role of CSOs in lobbying the state and employers to enact legislation, policies and codes of practice which the CSO has no direct power to promulgate. This opens up the field to a new sensitivity

regarding the roles of, and relationships between, the 'old' and 'new' actors in the regulation of work and employment.

Williams et al. (2011a) proffer three reasons for the increasing recognition of 'new' actors in work and employment. First, the decline in trade unions has resulted in an increasing awareness of the role of alternative actors which act as channels of voice and representation of workers. This could also be a source of union renewal as trade unions work in coalition with 'new' actors such as community based organisations (Milkman, 2006). Second, it may well be that the quest to broaden the boundaries of ER as a field of study has revealed actors that are not so much 'new' and emerging as merely neglected in previous scholarly research. The third reason is attributed to the development of more effective theorisation of ER beyond Dunlop's dominant three-actor model (Kaufman, 2004; Piore and Safford, 2006).

Despite the emerging research agenda on 'new' actors in work and employment, the organisations representing skilled non-EEA migrant workers remain under-researched. The empirical gap in the literature is evident from the foci of research studies on 'new' and emerging actors, these have included a diverse range of individuals and organisations such as management consultants (Heery and Frege, 2006), professional associations (Marchington, 2015), anti-union lawyers and consultants (Logan, 2006), employment agencies and other labour market intermediaries (Purcell et al., 2004), equality and diversity practitioners (Healy and Oikelome, 2007; Kirton et al., 2007),

workplace chaplains (Michelson et al., 2008), arbitrators (Seeber and Lipsky, 2006), community organisations (Milkman, 2006) and CSOs (Williams et al., 2011a). This constitutes a vibrant and evolving research stream although so far it has largely ignored CSOs that represent skilled migrant workers, especially migrants originating from outside the EEA.

According to Piore and Safford (2006), there has been a shift in the axis of social mobilisation from economic identities (e.g. based on class and occupation) to social identities (e.g. based on gender, race and ethnicity). This shift is associated with the blurring of boundaries between economic and other institutional spheres such as the family and other aspects of non-work identity. While this alleged shift is contested, it nevertheless emphasises the importance of studying identity-based organisations such as skilled migrant CSOs to understand the role of such 'new' actors in work and employment, and what this reveals about the collective agency of high-skilled migrant workers.

CSOs are an important 'new' actor in work and employment and are often compared and contrasted to trade unions because they can act like 'quasi-unions' (Heckscher and Carre, 2006) as well as 'non-bargaining actors' (Givan, 2007). CSOs have been defined by leading researchers on the subject as:

non-union and non-profit seeking organisations that are formally independent of the state and which develop campaigns, services, programmes or other initiatives designed to advance the interests of working people (Heery et al., 2014a, p.208).

This definition highlights the broad range of organisational entities that may be categorised as CSOs in work and employment. This thesis adopts and clarifies this definition by emphasising that CSOs may include formal organisations as well as informal social networks (e.g. migrant networks) that serve as a locus for mobilising a specific constituency and providing services or pursuing common objectives and activities. They are part of the third sector (civil society) and distinct from the public and private sectors (Edwards, 2011a) although they may form close ties or work in partnership with state agencies and employing organisations. The activities and objectives of CSOs may be specifically focused on work and employment issues or they may have a broader ambit, indeed, their involvement in work and employment may be solely through exerting indirect influence and only tangential to their other aims. This expanded definition draws on Bellemare's (2000) conceptualisation of an actor as including formal and informal groups capable of exerting direct or indirect influence on other actors in work and employment.

Piore and Safford (2006) link the rise of identity-based actors to the 'collapse' of joint regulation underpinned by a system of collective bargaining. They claim this has been replaced by a new regulatory regime characterised by substantive regulation embodied

in statutes, administrative rulings and court decisions especially in relation to equality and anti-discrimination legislation. Substantive regulation is supplemented at the enterprise level by HRM practices which, although developed by management, is responsive to substantive state legislation and susceptible to individual and collective employee pressure. They claim that issues of gender, race, ethnicity, age etc. were 'reintroduced' into labour regulation after the breakdown of the collective bargaining regime era and its replacement by the new employment rights regime. Consequently, identity-based actors play an important role in influencing substantive regulation and organisational practices especially in relation to equality and diversity. Therefore 'new' actors need to be understood in terms of their "multiple roles and the diverse spaces and spheres in which they operate" (MacKenzie and Martinez Lucio, 2005, p.505). In particular, their role as 'regulatory actors' in work and employment has been highlighted even where a CSO does not explicitly claim regulatory influence as its primary objective or main activity because "the regulatory function may only be one element of the actor's role, and indeed may essentially be a by-product of the main *raison d'être* of the actor in question" (MacKenzie and Martinez Lucio, 2005, p.510).

Two major themes emerge from the literature on CSOs as regulatory actors in work and employment: their role in promoting equality and diversity (Healy and Oikelome, 2007, 2011; Heery, 2011a, b; Heery et al., 2014b); and the role of CSOs as institutions of worker voice and representation (Heery et al., 2012a, b, 2014a; Williams et al., 2015). Sensitivity to issues of equality, diversity and voice is important in an analysis of migrant worker

CSOs. Both high- and low-skilled migrant workers, many of whom belong to ethnic minorities, face issues of discrimination in work and employment because of their *ethnicity* (Kirton and Greene, 2010a; OECD, 2007). They also suffer a double jeopardy of categorical inequality in work and employment as a result of work related inequalities stemming from their *migrant status* (McGovern, 2012). Migrant CSOs act as voice institutions attempting to influence state policies and the HRM policies and practices deployed by employers to manage an increasingly diverse workforce (Williams et al., 2011b,c; Heery et al., 2014a,b). This thesis therefore seeks to understand skilled migrant CSOs as regulatory actors in their attempts to articulate voice and promote equality and diversity in work and employment. The next section explores migrant CSOs as organisational embodiments of civil society.

3.4 Between the State and the Market: Civil Society as a Contested Concept

Civil society is generally understood as a regulatory sphere that complements and challenges the state and market. According to Oommen (1996), civil society is the only phenomenon capable of providing an alternative to, and striking a balance between, the 'behemoth of the market' and the 'leviathan of the state'. Civil society exists to resolve tensions between social cohesion and capitalism, it also corrects the effects of state and market 'failures'. Civil society achieves this through regulatory processes. Regulation constitutes, moderates and sustains supposedly 'free' markets and capitalist economies and can act as a check on the state and market (Polanyi, 1944; Hyman, 2001). CSOs are

particularly useful in preventing or overcoming regulatory capture of state agencies by private businesses (Ayres and Braithwaite, 1991).

Civil society is an 'essentially contested concept' with a variety of definitions (Edwards, 2011b; Woolcock, 2011). Hannah Arendt (1998) defines civil society in terms of the public sphere which acts as a countervailing force to the government's tendencies towards totalitarianism. For Antonio Gramsci (1971) civil society is relevant in relation to the economic structures of society, he defines civil society as a space of struggle against the inherent inequalities and injustices of capitalism. Geoffrey Eley (1991) emphasises the voices of different interest groups and actors, he defines civil society as the structured setting where negotiations and ideological contests take place between a variety of actors. The most cited definition of civil society was proffered by Michael Walzer (1998, p.123-124): "Civil society is the sphere of uncoerced human association between the individual and the state, in which people undertake collective action for normative and substantive purposes, relatively independent of government and the market".

While popular because of its broad ambit, Walzer's definition can only be partially and critically adopted in this thesis to illuminate the study of skilled migrant CSOs. In reality, subtle and indirect forms of 'coercion' may exist within civil society, such as CSOs exerting political power to influence the state, employers, the general public as well as their internal members. According to Levi-Faur (2010), regulation may be coercive (by force) and voluntary (through consent). Therefore, the regulatory influence a CSO exerts over its

membership may stem from a combination of 'coercive' control and normative consent. The collective action of CSOs is intimately connected with the social production and reproduction of norms and this may constitute a form of 'reproduction as regulation' (Jessop, 1990). Therefore, the regulatory influence exerted by CSOs includes both substantive changes to external rules and norms as well as internal normative mechanisms, values and practices. Furthermore, the autonomy of CSOs may be affected by close ties with the state or private sector organisations, thus, there are varying degrees of 'independence' within civil society.

According to Edwards (2011a), the contested nature of the definitions of civil society show that it is an 'elastic concept' that encompasses three major perspectives: civil society understood as organisational *forms* that are part of society; social *norms* that characterise a certain kind of society that is significantly different from the state and market; and *spaces* of citizen action, voice and engagement (the public square or sphere).

Whether viewed as forms, norms or spaces of civic participation, the idea of civil society is undergirded by the premise of equality and diversity. Civil society promotes diversity through the participation of a variety of CSOs representing diverse interests and identities. In addition, the agendas of CSOs, their associational and structural forms, the way they participate in civic life, and the norms they represent and advance, vary considerably. Consequently, the public sphere provides important spaces for a diverse range of

normative and political agendas to interact and coexist by reaching some sort of consensus or negotiated order (Coffe and Bolzendahl, 2011).

Dominant models of capitalism profit from, and perpetuate, inequalities between labour and capital such as the exploitative use of migrant labour as a 'reserve army of labour' with lower rights, pay and conditions of employment (Marx, 1867; Duggan, 2013). Equality is viewed as an essential aspect of civil society (Tocqueville, 1899) and many CSOs are committed to promoting minority (e.g BAME and migrant) interests and equality within labour markets, and more broadly in the rest of society. According to Kohn (2011, p.236-237):

Civil society exists to illuminate and critique inequality in government and the market and to affirmatively advance equality in all spheres...civil society is the vital space in which minority interests establish the collective power and processes required to challenge majority operating principles and practices in society more broadly.

However, such idealistic visions need to be treated with caution, some CSOs have intentionally promoted inequality such as the Ku Klux Klan in the United States of America (USA), while others may unintentionally contribute to sustaining inequality (such as segmented labour markets produced and reproduced by migrant networks and community groups). The accumulation and utilisation of economic, social and cultural

capital differs among various civil society groups, such inequalities within civil society privilege certain voices and interests over others in the public sphere (Edwards, 2011b). Thus, civil society may have a 'dark side' and can become "a sphere of self-reinforcing inequality and privilege" (Ehrenberg, 2011, p.24).

CSOs exercise collective action through the norms and networks that constitute the social capital within such organisations. It is no surprise then that contemporary research and policy debates on civil society are often operationalised through the concept of social capital because social capital connects the 'social' sphere with the (in)equitable accumulation of economic 'capital' (Woolcock, 2011). Social capital provides the mechanisms for civic participation in relation to collective action, economic development, democracy and governance. According to Antcliff, Saundry and Stuart (2007) social networks facilitate individual career advancement (such as seeking a job) by developing the social capital of individual workers, as well as acting as institutions of collective voice and representation. Studies of migrant networks have highlighted how social capital helps determine who moves or who remains in a local context and the economic outcomes flowing from migrant civil society activities (Massey and Espinosa, 1997). Diaspora migrant communities are an important form of civil society which enable recent migrants access the socio-economic benefits of social capital to enable them get their 'first foot' on the economic ladder (Weidenbaum and Hughes, 1996; Woolcock, 2011).

Differences exist between radical and neoliberal interpretations of civil society. Radical interpretations view civil society as a platform to challenge the social, economic and political status quo and build new alternatives. In contrast, neoliberal interpretations perceive civil society as supporting the status quo by providing services beyond the scope of the state's welfare provisions and ameliorating the hardships caused by 'market failures'. Thus, CSOs span a wide spectrum that includes both radical social movements and liberal not-for-profit organisations.

This tension between radical and neoliberal views of civil society is evident in the writings of Antonio Gramsci (1971). Although Antonio Gramsci made significant contributions to the analysis of civil society, his work appears to be completely ignored within the emerging stream of research on CSOs in work and employment (see for instance Williams et al., 2011a,b; Heery et al., 2012a). Gramsci emphasises the role of civil society in entrenching the prevailing hegemony, especially through eliciting the consent of the subjugated, for instance, by presenting the values of the dominant class as 'natural', 'common-sense' or 'normal' values to be accepted as normative and taken-for-granted by the subjugated. The Greek word 'hegemon' means 'leader' (Harrington, 2005) and for Gramsci hegemony was a domination by ideas and cultural forms that induce consent to the rule of the leading groups in a society. Gramsci argued that societies maintained stability through a combination of force and consent, involving subordination to 'intellectual and moral leadership'. Therefore, hegemony constitutes a normative aspect of regulation that produces stability or regularity. Gramsci viewed civil society as spanning a broad range

of institutions such as CSOs, educational establishments, religious bodies, socio-cultural associations, the media and forms of popular culture. He argued that some civil society institutions (e.g. the media) produced ideological legitimation for dominant institutions (e.g. the state). According to Harrington (2005, p.321):

Hegemony is a more sophisticated concept of domination than the classical Marxist concept of ideology insofar as it involves an element of willing submission to leadership, which is at the same time subtly coerced. But Gramsci also speaks in a more positive sense of a possible working-class hegemony, arguing that the task of the working class is to recover hegemony from the bourgeoisie.

Consequently, Gramsci called for a sustained critique of the hegemonic forces such as civil society that legitimised such dominant institutions and the creation of alternative ideas and movements capable of challenging the existing system (Gramsci, 1971; Harrington, 2005, p.159). Paradoxically, Gramsci also highlighted the potential role of civil society as *counter-hegemonic* institutions. As pointed out by Stuart Hall (1986), Gramsci emphasises the role 'ethnically specific institutions' (e.g. migrant CSOs) play in producing, sustaining and reproducing societies in a racially structured form through processes of hegemony, as well as their role in challenging racially discriminatory structures through counter-hegemonic activities (Hall, 1986, p. 26).

The preceding discussion shows how CSOs are intimately connected with the regulation of the state, market and society. The next section explores theories of regulation in relation to migrant CSOs.

3.5 Regulation and Labour Markets: Theoretical Perspectives

3.5.1 Defining Regulation

Regulation is a concept that is debated across a range of social sciences (Levi-Faur, 2010; MacKenzie and Martinez Lucio, 2014a), this thesis conceptualises regulation by drawing on theoretical perspectives from regulation studies. There is considerable debate about the definition of regulation (Hood et al., 2001; Black, 2002; Levi-Faur, 2010). Morgan and Yeung (2007, p.3) argue that “regulation is a phenomenon that is notoriously difficult to define with clarity and precision, as its meaning and the scope of its inquiry are unsettled and contested”. Three key strands in the way regulation is defined have been identified by Baldwin et al. (1998) in their survey of debates in the field. First, regulation is viewed as a set of ‘targeted rules’, proponents of this view regard regulation as “the promulgation of an authoritative set of rules, accompanied by some mechanism, typically a public agency, for monitoring and promoting compliance with these rules” (Baldwin et al., 1998, p.3). The second view emphasises the political economy and the role of the state, it conceptualises regulation as co-determinous with the state and its attempt to

manage the economy. In essence, regulation can only proceed from the state and its regulatory agencies. Third, regulation is viewed more broadly as “all mechanisms of social control – including unintentional regulation and non-state processes...” (Baldwin et al., 1998, p.4; Martinez Lucio and Mackenzie, 2004, p.79).

Similarly, Barry (2010) differentiates between a narrow and broad approach to defining regulation in relation to work and employment. Regulation is often defined narrowly as being about rules, the predominant view within mainstream studies in ER is that employment regulation is the study of a ‘web of rules’ (Dunlop, 1958; Flanders, 1975). This narrow view of regulation has restricted the focus to the regulatory activities carried out by formal rule-making institutions operating outside the workplace. This narrow view of regulation resulted in a preoccupation, still prevalent within much of ER and HRM, with the regulatory role of the three traditional actors (state, employers and trade unions) in relation to employment legislation and processes of ‘joint regulation’ especially collective bargaining.

Recent changes to the structure of labour markets such as the increase in the proportion of ethnic minority workers through processes of migration, and the decline in trade union density and collective bargaining in many industrial economies, have resulted in a greater sensitivity to ‘new’ and emerging actors in ER (Heery and Frege, 2006; Barry, 2010; Williams et al., 2011a). The focus on ‘new’ actors in work and employment has broadened the view of regulation to include a new set of regulatory institutions such as CSOs and

informal as well as formal regulatory processes (MacKenzie and Martinez Lucio, 2005; Barry, 2010). This broader perspective on regulation has changed the emphasis in work and employment studies from a focus on 'rules' to the wider 'rules of the game' (Barry, 2010, p.73; North, 1990, p.3), in order to examine other ways in which regulation occurs beyond a narrow rule-centric, state-centric and 'technical legal perspective' (Black, 2001; Morgan and Yeung, 2007; Inversi, Buckley and Dundon, 2017). This implies a shift from rule-based 'regulation' to the wider 'regulatory framework' as the central issue for analysis. According to Barry (2010) the regulatory framework governing work and employment emphasises the institutional setting and can be defined as:

Any action, institution, or phenomenon that constrains or guides the management of the employment relationship within organisations. Included within this regulatory framework are third parties such as unions, employer associations, as well as government agencies and tribunals. Along with these macro level actors, product and labour markets play an important role in the regulative context because they affect the capacity of firms to attract, maintain and develop their human resources.

At the micro or firm level, other regulatory actors include works councils, 'in-house' staff associations, work groups and joint consultation or grievance handling committees. These 'institutions', together with their macro counterparts, set limits on the degree to which the organisation

may use HRM practices to enable 'flexibility' in the allocation of labour, to control the production process, and to set and adjust terms and conditions of employment (Barry, 2010, p.72).

This highlights the emergence of non-state actors, especially commercial enterprises and CSOs, as important regulatory actors, and a shift away from viewing the state as the primary locus of regulation to a more 'decentred' view of regulation (Black, 2001; Morgan and Yeung, 2007). The regulatory framework encompasses 'new' and 'old' actors that exert social influence (regulation) as well as fora for public deliberation and articulation of the voices of collective groups (the public sphere). Furthermore, the 'social' aspects of regulation are emphasised as alternative processes for developing and implementing policy as well as shaping behaviour taking into consideration the limited effectiveness of legal rules (Morgan and Yeung, 2007). Given that "the state can no longer be regarded as the isolated, magnetic pole of regulation" (Majone, 1994, quoted in Martinez Lucio and MacKenzie, 2004, p.83), the regulatory institutional setting should be analysed in a more nuanced and sophisticated way in order to recognise the complexities of civil-to-civil, civil-to-government, civil-to-business, and business-to-business regulation (Levi-Faur, 2010).

'Decentred' regulation may involve a transfer or shift in the locus of regulatory functions and authority (Regini, 1994), as well as a transfer of 'expertise' (Rose, 1993), and therefore a shifting of the boundaries of regulation to include a wider set of regulatory actors. According to Levi-Faur (2010), expert networks are important modes for the

transnational diffusion of regulation and policy transfer to occur. This has been supported by studies across a range of social sciences that highlight the role of non-traditional regulatory actors possessing expert knowledge e.g. expert professional networks (Kaldor, 2003), epistemic communities (Dunlop, 2009) and CSOs with expert knowledge on equality and diversity issues (Abbott et al., 2012; Heery et al., 2012a). However, viewing regulation as 'decentred' does not dislodge either the state or legal rules, rather, it seeks to explore relationships between the state and a range of other actors, institutions and techniques (Black, 2001; Morgan and Yeung, 2007). 'Centred' and 'decentred' forms of regulation may replace or co-exist with each other.

3.5.2 The Regulation School and Labour Markets

This thesis defines regulation in line with Baldwin et al.'s (1989) broad view of regulation as all mechanisms of social control, including intentional and unintentional regulation and processes by state and non-state actors. This implies that regulation encompasses the wider regulatory framework ('rules of the game') and needs to be understood in terms of its institutional setting as a 'regulatory space' (Hancher and Moran, 1989; MacKenzie and Martinez Lucio, 2005, 2014a; Vibert, 2014) where regulatory actors interact. This broad 'institutionalist' view of regulation, centred on actors and processes within a regulatory space (Morgan and Yeung, 2007), traces its origins to the theoretical perspectives developed by the 'regulation school'. The approach to regulation theory developed by the 'regulation school' has been influential in understanding the dynamics of work and

employment. Following Marx's theory of political economy, the 'regulation school' is concerned with the regulation of capitalist economies, it regards ER as a vital component in the web of social relations and institutions of capitalism. It is commonly referred to as the French Regulation School because its founding authors constitute a group of French political economists undertaking an ongoing stream of research which started in the 1970s such as Aglietta (1979), Boccara (1985), Boyer (1990), and Lipietz (1993). However, there are also prominent regulation schools in Netherlands, Germany, America and Nordic countries (Jessop, 1990). Therefore, it may be more accurate to refer to 'regulation schools' as Jessop (1990) has identified seven main schools within the regulation approach and there is substantial variation even within each school.

Regulation theory emanating from this body of scholarship has been applied to studies of changes to the labour process (Aglietta, 1979; Edwards, 1979), industrial relations (Aglietta, 1979), labour market structures (Gordon et al., 1982) and the frequency and duration of labour struggles (Schor and Bowles, 1984). Regulation theory continues to be a vibrant and ongoing research programme (Jessop, 1990) that has influenced more recent analysis of regulation in the social sciences. According to Martinez Lucio and MacKenzie (2004) there has emerged a 'New Italian School of Regulation' which draws on the work of Karl Polanyi, this school argues that the locus of regulation has been 'transferred' and the 'boundaries' between regulator and regulatee 'changed' (Regini, 1994). Proponents of this new regulation school argue that the locus of regulation has been pushed down to the level of the firm given the decline in trade unions and joint

regulation. This transfer of regulation refers to a shift in the locus of regulatory functions and authority with 'new' or alternate regulatory actors playing dual roles as both 'regulators' and 'regulatees'.

Regulation theorists have in common a preoccupation with an analysis of the conditions and requisites of normal reproduction of the societal form of capitalism (Muller-Jentsch, 2004). French regulation theory derives from Marxist historical materialism and is interested in the political economy of capitalism and the anatomy of bourgeois society (Jessop, 1990). In contrast to the orthodox Marxian focus on the reproduction of capitalist production and capitalist relations, regulation theorists replace 'reproduction' with 'regulation' as the centre of their analysis. Regulation is conceived as a set of institutional arrangements that provide the order and regularity that allow regimes of capitalist accumulation to function despite the inherent crisis, contradictions and antagonisms in capitalism (Jessop, 1990; MacKenzie and Martinez Lucio, 2014a). Here the emphasis is on the *regularity* of the social practices of individual and collective actors and the social, political and economic institutions that govern the change or continuity of societal formations.

The more recent concept of 'regulatory capitalism' (Braithwaite, 2008; Levi-Faur, 2009, 2010) in regulation studies draws on earlier insights from the French Regulation School. According to Levi-Faur (2005, 2010) the notion of regulatory capitalism extends concepts borrowed from regulation theory and regulation analysis and 'sits well' with neo-

institutionalist economic theories that emphasise the regulatory role of institutions. The core idea of regulatory capitalism is that regulation is both a constitutive element of capitalism and the tool that moderates and socialises it (Levi-Faur, 2005). The state maintains its legitimacy partly through the hegemonic support provided by non-state actors and institutions, as noted by (Levi-Faur, 2007, p.11), “the political power of the state is grounded in social structures beyond the state”. Regulation moderates and socialises capitalism because the legitimacy of capitalism rests on the ability of the state to mitigate negative externalities through social regulation such as welfare provision (Rose and Miller, 2010).

One important contribution of regulatory capitalism is to re-emphasise the view held by many theorists of regulation that “markets do not exist independently from regulation. On the contrary, regulations constitute markets” (Levi-Faur, 2007, p.13). As a constitutive element of capitalism, regulation provides the framework that constrain or enhance markets. This regulatory dimension of market relations applies to labour markets, as Guy Standing observes “there is no such thing as the ‘deregulation’ of labour markets. No society could exist without modes of regulation” (Standing, 1997, p.10). Indeed, both Marx and Polanyi argued that to view labour markets merely as commodity markets is to deny the *social* nature of human labour and productive activity. According to Polanyi (1944) labour was a ‘fictive’ (i.e. fictitious) commodity because it was not produced to be traded in markets. Hence regulatory institutions were required to protect labour from the

unrestrained and disastrous effects of the market. According to Richard Hyman (2001, p.8):

Only if we appreciate the nature of labour as a 'fictitious commodity' can we properly understand the role of industrial relations institutions. We may define industrial relations as the regulation of work and employment, provided that we understand regulation (control by rule, according to the dictionary) in its broadest sense as encompassing a complex web of social processes and a terrain of actual or potential resistance and struggle.

Therefore, labour markets need to be understood not only in terms of state regulation which underpin their creation and functioning, but also in terms of the economic and social dimensions of regulation. Labour and product markets, as well as the employment contract which forms the basis of the employment relationship, are forces of 'economic regulation' (Hyman, 2001) which influence organisational HRM policies and practices. In addition to economic or market regulation, labour markets also have a social dimension to their regulation, consequently, Durkheim reminds us that not everything in a contract is contractual (Hyman, 2001). Durkheim famously claimed that "a contract is not sufficient unto itself but is possible only thanks to a regulation of the contract which is originally social" (Durkheim, 1933, p.211-5 quoted in Hyman, 2001, p.5). Furthermore, labour and product markets are themselves embedded and regulated in a structure of social relations

(Polanyi, 1944; Crouch and Streeck, 1997). Granovetter emphasises the role of social networks in relation to labour markets when he makes the point that “the anonymous market of neoclassical models is virtually nonexistent in economic life and... transactions of all kinds are rife with... social connections” (Granovetter, 1985, p.495 quoted in Hyman, 2001, p.5). Therefore, the social norms, values, obligations, historical legacies and moral responsibilities imposed and embedded by various actors and institutions act as a form of non-deterministic ‘social regulation’ that shape organisational practices (Hyman, 2001). This highlights the importance of viewing organisational HRM and ER practices as societally embedded (Paauwe and Boselie, 2007) and socially regulated (Peck, 1996).

3.5.3 Social Regulation, Labour Markets and Migration

The idea that labour markets are socially regulated has coalesced into a theory that has developed as a critique of, and alternative to, orthodox economic theories of the labour market. Orthodox accounts of the labour market view inequality and exclusion experienced by specific groups (such as migrants, women and ethnic minorities) as arising from discrimination *before* entering the labour market (e.g. in the education and training system). It is claimed by orthodox economic theorists that the labour market merely reflects those wider inequalities (Hicks, 1932; Wootton, 1955; Becker, 1975). In contrast, social regulation theorists argue that patterns of inequality are not simply inherited but in fact are *magnified* in the labour market. According to Peck (1996), labour market allocation processes *themselves* need to be questioned, especially the possibility

that inequalities based on gender, ethnicity and migrant status not only pervade the labour market but are in part *created* by it and shape the way it works. Labour markets are socially structured in ways which tend to produce, reproduce and concretise existing patterns of inequality (Granovetter and Tilly, 1988). Migrant workers, women, young people, and the disabled tend to be the victims who are excluded by these processes of social regulation.

Neoclassical economic theory is enamoured with market regulation enacted through competitive forces of demand and supply, although it recognises a limited role for state regulation. Social regulation theory (Peck and Tickell, 1992; Peck, 1996) draws on Marx, Polanyi, Marshall, Braverman's (1974) labour process theory and the work of the regulation school. It recognises the regulatory influence of market forces but argues that labour markets are largely an outcome of extra-market forces such as demographic conditions, social practices and institutional rules governing labour market participation for different groups. Social regulation theory foregrounds those social and institutional considerations which orthodox economics shunts into the background as the source of market 'imperfections' and 'failures.'

The principle tenet of social regulation theory is that labour markets are socially constructed and institutionally mediated (Peck, 1996). According to Block (1990, p.42), "social regulation encompasses all of the diverse ways in which individual economic behaviour is embedded in a broader social framework." This diversity in the modes of

social regulation is widely acknowledged and constitutes a 'black box' (Peck, 1996) which can only be illuminated through progressive research and social analysis. Social regulation theory recognises a vast range of regulatory forms and functions which includes formal labour legislation, social norms, socially embedded discrimination, employer policies and practices, trade unions, worker advocacy and the actions of labour market actors. These diverse regulatory forms may structure and regulate the labour market and actors in different ways.

The wide diversity of regulatory forms has resulted in the concept of social regulation acquiring a certain 'elasticity' despite its centrality to the examination of regulation and labour market segmentation. According to Jamie Peck (1996, p.17):

The term preferred here, *social regulation*, is unashamedly more ambiguous, encompassing the disciplining effects of market regulation, purposive regulatory action on the part of the state, and the diverse effects of social institutions, practices and conventions. There is no guarantee that their combined effects will be functional. Rather, the result is a complex and dialectical interplay between labour market structures and dynamics on the one hand and regulatory institutions and processes on the other. It is this complex dialectic which should lie at the heart of labour market analysis, and unpacking it is an essential prerequisite for

understanding how real-world labour markets work and their variability over time and space.

Jamie Peck's (1996) argument is that labour markets are socially regulated through a web of social relations involving institutional structures and power relations which incorporate, allocate, control and reproduce labour within labour markets. Therefore, social processes and structures do not merely fine-tune labour market regulation, but are an integral part of the labour market, socially constructing and regulating labour markets in a fundamental and constitutive manner (Bauder, 2006).

From the discussion above, it is evident that theories of migration can be closely associated with either the orthodox economic or social regulation theory of labour markets. Neoclassical migration theories emphasise the role of human capital and this forms the basis for the regulation of skilled migrant labour through market forces of demand and supply ('push and pull'). Social relationships remain anathema for orthodox economists, whose *Homo economicus* comes "close to being a social moron" (Sen, 1982, p.99). While labour market segmentation, social capital and transnationalist theories of migration acknowledge market regulation, they give greater prominence to social relationships and therefore social regulation, as mediating the participation of migrants within labour markets. Bauder (2006) argues that the social regulation of, and by, migrant labour can be examined by drawing on Bourdieu's work on various forms of capital which shows how economic, social and cultural capital serve as processes of distinction,

differentiation and social reproduction (Bourdieu, 1984, 1986). For instance, Bauder (2006) argues that not all skilled migrant doctors who possess the skill and experience to safely perform surgery are allowed to do so because social and cultural processes influence the participation of migrants in labour markets.

Migrant CSOs play an important role in developing and socially reproducing migrant capital (social, cultural and economic capital). These migrant networks may provide the opportunity for skilled migrants to accumulate and utilise migrant capital, enabling highly skilled migrant workers to move from low- to high-skilled jobs or climb the career ladder within high-skilled professions. The effect of social regulation by migrant CSOs in relation to equality and diversity is complex, by enhancing the migrant capital of high-skilled migrant workers these social networks may simultaneously produce and reproduce labour market segmentation e.g. ghettoisation of BAME doctors in less prestigious medical specialties (Bornat et al., 2008; Raghuram et al., 2010; Healy and Oikelome, 2011). Migrant CSOs, therefore, may be conceived as 'new' actors in work and employment involved in processes of social regulation which may nevertheless have a 'dark side'.

3.6 Conclusion

This chapter set out to critically analyse current conceptualisations and research agendas regarding high-skilled migrant workers in work and employment. Three notable gaps were identified in the literature, first a pre-eminent focus on low-skilled, as opposed to high-

skilled, migrant workers was identified. Second, the ER literature is dominated by the use of a 'trade union lens' which focuses on the relationships between CSOs and trade unions, and analyses CSOs using conceptual tools developed for the study of trade unions, rather than studying CSOs on their own terms. Third, the IHRM literature views skilled migrants as individualised, passive objects possessing social and other forms of capital to be exploited by organisations as valuable assets (Claus et al., 2015; Moeller et al., 2015). This organisation-centric and managerialist perspective occludes the collective agency of skilled migrant workers and the ways migrants utilise their social capital in actualising migrant interests rather than managerial interests. Skilled migrants encounter issues of social inequality and exclusion requiring agentic utilisation of social capital to resist and overcome such barriers (Bauder, 2006).

In an attempt to bridge these gaps, this chapter drew on multidisciplinary perspectives to position skilled migrant CSOs as 'new' actors in employment relations and organisational embodiments of civil society engaged in the social regulation of work and employment. Drawing on Bellemare's (2000) conceptualisation of an actor as including formal and informal groups capable of exerting direct or indirect influence on other actors in work and employment, migrant CSOs were positioned as 'new' actors in work and employment. Two major themes emerge from the literature on CSOs as regulatory actors in work and employment: their role in promoting equality and diversity (Healy and Oikelome, 2007, 2011; Heery, 2011a; Heery et al., 2014b); and the role of CSOs as institutions of worker

voice and representation (Heery et al., 2014a). However, skilled migrant CSOs, especially those originating from outside the EEA, are under researched.

The literature in the fields of political science, sociology and development studies conceptualises civil society as the forms, norms and spaces that occupy a contested terrain between the state and the market. The regulatory role of civil society complements and challenges the state and market. Equality and diversity are foundational premises of civil society, and CSOs may promote or constrain equality and diversity in the wider society. CSOs exercise collective action through the norms and networks that constitute the social capital within such organisations. Social capital provides the channels for civic participation in collective action, economic development, democracy and governance.

This chapter adopted Baldwin et al.'s (1998) broad view of regulation as all mechanisms of social control, including intentional and unintentional regulation and processes by state and non-state actors. This moves beyond a narrow rule-centric and state-centric view of regulation to encompass the wider regulatory framework ('rules of the game'). This highlights the importance of the institutional context as a 'regulatory space' (Hancher and Moran, 1989; MacKenzie and Martinez Lucio, 2005, 2014a; Vibert, 2014) where regulatory actors interact. In contrast to orthodox economists, several regulation theorists argue that labour markets are *socially* regulated through practices and institutions that connect workers to the labour market (Block, 1990; Peck, 1996). Social regulation produces and reproduces labour market outcomes through a variety of inter-related forms

such as market regulation, state regulation and diverse effects of social institutions, structures and power relations. This chapter synthesizes the views of social regulation theorists with migration theorists who emphasise the role of migrant capital (economic, social and cultural capital) in the incorporation, allocation, control and reproduction of labour within labour markets (Granovetter and Tilly, 1988; Bauder, 2006). The next chapter will synthesise the theoretical resources discussed in this and the previous chapter into a conceptual framework around three organising concepts: the forms, norms and spaces of civil society. This conceptual framework will guide subsequent section of this thesis.

CHAPTER 4: The Forms, Norms and Spaces of Civil Society

4.1 Introduction

The discussion in Chapter 2 highlighted insights from migration studies in understanding skilled migrant CSOs, in particular, the important role of social networks and migrant capital (social, economic and cultural), transnational and diasporic relationships and labour market segmentation. Chapter 3 followed on from this by problematising current conceptualisations and research agendas regarding high-skilled migrant workers in work and employment. It was argued that CSOs representing highly skilled migrant workers play an important yet under-researched role as 'new' actors in the regulation of work and employment. Departing from the dominant 'trade union lens' in the ER and HRM literature, the wider literature on political science, sociology and development studies was drawn on to theorise CSOs as part of civil society, mediating between the state and the market. Migrant CSOs were conceptualised as resisting or reproducing social equality and diversity through mechanisms of social capital. Insights from regulation studies aided the analysis of CSOs as regulatory actors involved in the social regulation of labour markets and migration.

It is not surprising that multi-disciplinary perspectives informed this literature review. Castles and Miller (2009), and Brettell and Hollifield (2007), argue that research on migration is intrinsically interdisciplinary and draws on theoretical insights from sociology,

political science, history, economics, geography, demography, psychology, cultural studies and law. This thesis follows Jacobs' (2012) argument for theoretical pluralism over theoretical purity because a blend of theoretical insights from different authors, disciplines and perspectives strengthens and augments attempts to make better sense of complex issues and topics.

Civil society is a contested and complex concept, requiring the use of a pluralistic conceptual framework to structure and guide theoretical analysis and empirical research. This chapter aims to synthesise these pluralistic theoretical resources into a conceptual framework that will frame subsequent sections of this thesis. Michael Edwards (2011a) argues that debates about civil society are largely fragmented along three dimensions – the forms, norms and spaces of civil society - within the literature across various disciplines. He argues that research on civil society needs to begin to recognise the interrelationship between all three dimensions to provide adequate explanatory power in conceptualising the complexities of civil society. This chapter uses the framework of forms, norms and spaces as organising concepts to synthesise the pluralistic theoretical resources deployed and explore the complexities surrounding skilled migrant CSOs as regulatory actors in work and employment.

Following this introduction, the next section will discuss the forms of civil society, paying attention to the internal organisational characteristics and social practices within migrant CSOs. The third section will explore the normative dimension of skilled migrant CSOs and

critically evaluate them as 'equality and diversity actors' in terms of their normative approaches and orientations. The fourth section will analyse migrant CSOs as regulatory actors within the public sphere and the way they may seek to 'occupy' regulatory spaces and articulate the voices of their constituencies. This chapter will conclude by summarising the main arguments and outline a set of research questions this thesis seeks to answer.

4.2 Forms of Civil Society Organisations

4.2.1 Perspectives on Civil Society Organisational Forms

Forms refer to the organisational and internal characteristics of civil society institutions. The organisational forms of CSOs comprise internal characteristics such as organisational structure, aims, activities, outcomes, membership, power, resources and degrees of (in)formality within CSOs (Della Porta and Diani, 2006; Williams et al., 2011a; Abbott et al., 2012; Heery et al., 2012b). CSOs may take a range of forms such as formal non-governmental organisations (Smith, 2011), informal grassroots, community and volunteer associations (Kunreuther, 2011), social movements (Della Porta and Diani, 2006, 2011), social enterprises (Nicholls, 2011) and transnational organisations and networks (Jordan, 2011).

Della Porta and Diani (2006) differentiate between professional movement organisations and participatory movement organisations. Professional movement organisations are characterised by leaders who are full-time paid staff of the CSO, a large proportion of resources sourced from outside the organisation and ordinary members having little power in determining organisational policy-making short of withholding membership dues (McCarthy and Zald, 1987a). These CSOs may have a small membership constituency or may be made up of a 'conscience constituency' composed of those who speak on behalf of the interests of specific groups rather than a 'natural constituency' made up of members of the actual groups whose interests are represented (e.g the homeless or unemployed). In contrast, participatory movement organisations emphasise a membership constituency, they seek to be the voice of their members rather than speak on behalf of the interests of specific groups. Where strong participatory orientations are combined with informality or low levels of formalisation, the CSOs tend to be grassroots organisations often representing local interest groups. Participatory membership may also occur in CSOs with higher levels of formalisation in their organisational structure. Such CSOs take the form of mass protest organisations where they have a broader agenda and membership base beyond local interest groups (Della Porta and Diani, 2006). According to Williams et al. (2011a) the organisational structure of CSOs include professional advocacy organisations operated by paid, career staff with little or no membership structure; social movements with less formalised bureaucratic structures relying on grassroots participation of members; and networks or coalitions made up of a

loose association of other organisations. However, this rather rigid categorisation between 'professional' and 'participatory' forms should be treated with caution. This thesis argues that while they may represent ideal types, in practice 'participatory' CSOs may have leaders and staff who are paid employees of the CSO while 'professional' CSOs may have relatively strong membership from their 'natural constituency'.

An alternative way to analyse the organisational forms of CSOs is to focus on organisational 'logics' which act as theoretical perspectives guiding analysis, rather than typologies based on internal characteristics. Scott's (1981) seminal work elaborating on rational, natural and open systems serves as the basis of this alternative approach. The rational systems perspective directs the researcher to view organisations as collective bodies pursuing specific goals with a relatively formal structure. Research adopting a rational systems perspective focuses on the formal structure and explicitly stated goals of the CSO, but this poses problems when analysing informal CSOs e.g. informal migrant networks lacking formal organisational structure. The open systems perspective conceptualises organisations as unstable coalitions of interest groups involved in a negotiation process to determine the organisational goals. The open system logic emphasises the influence of external environmental (social, political and economic) factors on the structure, activities and outcomes of the coalition. This perspective highlights the tensions and power struggles within a CSO or coalition of CSOs, but these tend to be viewed as resulting from sub-groups within the formal structure.

The natural systems perspective de-emphasises the formal structure of the organisation because formal structures and explicit goals are viewed as having less influence on members compared to their social interactions within informal organisational structures and relationships. The focus is on the informal coordination of activities by members that ensure the survival of the organisation. CSO forms are analysed in terms of informal social practices, relationships and processes of social reproduction. This thesis adopts the natural systems perspective in order to focus on social regulation and reproduction occurring through informal social practices such as the accumulation and utilisation of social capital. This is broadly in line with studies that emphasise the utility of the natural systems perspective in examining CSO organisational forms where the sample of CSOs includes informal networks given the limitations of rational and open systems in this regard (McDonald, 2002; Doherty et al., 2003).

4.2.2 Origins, Identities, Interests and Collectivisation

Understanding organisational forms from a natural systems perspective requires a focus on social identities and relationships. According to Heery et al. (2014a) the role of CSOs as regulatory actors should be analysed based on the constituents and social identities they seek to represent. Collective interests are closely tied to the socio-cultural identity of the interest group, as Lacroix (2012) noted, the interests and objectives of 'older generation' migrant CSOs in the UK were rooted in their socio-cultural identities as diaspora organisations sharing a common ethnicity or nationality. Therefore, the origin

and development of these migrant CSOs was driven by a desire to strengthen intra-group ties through socio-cultural activities, the provision of welfare services to members and the rendering of socio-economic assistance to countries of origin. Unique socio-cultural identities act as a source of otherness (Said, 1978) and distinction (Bourdieu, 1984) which mark diaspora groups within a host country. These markers of difference may fuel discriminatory and exclusionary labour market practices against migrant groups. Thus, migrant workers may experience a heightened sense of injustice as a result of their socio-cultural identities and this may serve as source of collective mobilisation (Kelly, 1998).

However, Bosma and Alferink (2012) criticise the view that migrant workers collectivise and develop organisational forms solely because of the internal mobilisation of migrants. They highlight the complex relationship between migrant CSO formation, and the multicultural policies and sponsorships provided to migrant CSOs by the state in the Netherlands. Their research into the 'political opportunity structure' (Tilly, 1978) in the Netherlands uniquely provides evidence of the formation of migrant CSOs at the behest and sponsorship of the state. Although many migrant CSOs originate due to the internal mobilisation of migrants, some migrant CSOs originate as a result of strategic efforts by the state to facilitate their formation through multicultural policies and financial sponsorship. In the UK, the 'political opportunity structures' in the form of the Race Relations Acts (1965, 1968, 1976) and Local Government Acts strengthened and developed the organisational forms of migrant CSO. These regulatory provisions enabled 'older generation' migrant CSOs access new forms of funding, participate in Community

Relations Councils with representatives of the state and build partnerships with local governments and state agencies (Joly, 1987). Tilly's (1978) theory of political opportunity structures and Kelly's mobilisation theory (1998) partly explain the social origins and interests of migrant CSOs, however, Kelly's mobilisation theory has limited applicability as it is based on trade unions which can engage in industrial action, unlike CSOs. Nevertheless, these theories provide useful insights in analysing the organisational forms and origins of migrant CSOs representing more recent waves of skilled migration to the UK.

4.2.3 Objectives, Orientations and Regulation

The orientations and objectives of CSOs have been researched by Williams et al. (2011a), they classify CSOs as either involved in work or non-work spheres based on the focus of their interests and activities. They argue that CSOs may focus on single or multi-issue concerns within either work or non-work spheres. Research by Meghan Cope (1997, 2001) emphasises the role of civil society in bridging the gap between the state and market by showing how CSOs concerned with work (labour market) related issues may connect these with access to public welfare (state) services. Thus, CSOs are located between the spheres of 'welfare and work'. However, neither of these views pays sufficient attention to the ways in which CSOs connect the private and working lives of their constituencies by their regulatory activities.

It has been argued that CSOs are oriented either to achieve their aims through service-based methods or advocacy-based methods (Williams et al., 2011a). Service-based methods include providing advice, support and representation, labour market services, benefits and welfare services. The activities of CSOs orientated towards advocacy involve lobbying and campaigning, developing coalitions and alliances, direct action, and employer engagement. Meghan Cope also distinguishes between advocacy-based methods and the service functions provided by CSOs (e.g. providing training and employment support services). In contrast to the more rational systems perspective of Williams et al. (2011a), Cope (2001) emphasises the social and informal aspects of the natural systems perspective. Cope highlights the role of social regulation in influencing legislation and political outcomes through the advocacy activities of CSOs. She shows how social networks are important in the services provided by CSOs such as acting as sources of information and as intermediaries between clients, employers, policy-makers, service providers, local business leaders, state officials, and other key stakeholders.

Meghan Cope views CSOs as involved in social regulation by virtue of their unique organisational forms as intermediary institutions and social networks. Cope (2001) draws on Peck's (1996) theory of social regulation to emphasise the important roles of CSOs both in influencing the labor market and in regulating the labor force. CSOs exert a regulatory influence on individual members of the labour force within their constituencies as well as on the institutions, individuals and organisations that make up the wider labour market. Regulating their labour force constituencies and the wider labour market are

highly intertwined and mutually dependent processes which may challenge or 'harden' existing patterns of labour market segregation. This view argues that regulatory activities by CSOs to ostensibly challenge racial or gender segmentation may simultaneously reinforce or cultivate behaviours and practices which result in labour market exclusion and inequality. Cope (2001, p.400) illustrates this point:

For example, training clients in particular 'soft skills' makes them desirable workers in the eyes of White, male, middle-class managers but does not necessarily foster the 'hard skills' that would empower poor women to have more control over their careers and economic self-sufficiency.

4.2.4 Organisational Characteristics of Migrant Social Networks

Viewing CSOs through a social regulatory perspective underscores the informal and intermediary nature of their organisational forms as social networks. Civil society is based on the simple premise that a (small) group of individuals can influence society and provide support to their members or specific constituencies as regards their position or relationship with the general public. There are very few barriers to start-up new CSOs and while some CSOs may remain informal, others may formally register through the relatively easy legal registration procedures for non-profit making organisations. The civil

society sector unsurprisingly is characterised by a high 'birth-rate' of new organisations as well as short-life spans and frequent terminal decline (Della Porta and Diani, 2006).

The internal structure of migrant CSOs can be understood in terms of the network form (Henry et al., 2004; Raghuram et al., 2010) which may be characterised by high levels of internal democracy, low levels of bureaucracy and high levels of decentralisation (Della Porta and Diani, 2006). However, the focus of this thesis is on the 'social' characteristics of migrant networks in line with the natural systems perspective and the relationship between organisational forms and social regulation. The concept of social networks as a set of relationships regulating individual behaviour can be traced to the pioneering work of Barnes (1954) which highlighted the importance of networks in explaining social behaviour and agency in his study of parishioners in Bremnes, Norway. This was further developed by Bott (1955) in her study of conjugal roles in London families, she distinguished between closed and open networks in explaining the social regulation of behaviour. She found that individuals belonging to tight-knit (closed) networks were likely to behave in accordance to group norms while members of open networks whose acquaintances do not know each other were more likely to exhibit nonconformist behaviour. Granovetter's (1973) seminal work on the 'strength of weak ties' applied the concept of social networks to labour markets and has continued to inform subsequent studies on social networks in work and employment (Portes, 1998; Antcliff, Saundry and Stuart, 2005). Granovetter highlighted the benefit of weak ties found in open networks in overcoming labour market exclusion, his study found that informal connections outside of

immediate family ties could be more useful in gaining employment and career advancement than the strong ties within close-knit family circles.

However, in recent times, the use of social networks in migration research has been called into question by Ryan (2011), she argues that migration research must overcome the tendency to confuse social networks as a source of social capital with the benefits and resources derived from social networks such as career advancement and employment. She advocates that future research should overcome the ambiguity and conflation associated with social networks by focusing on the relationships within networks (social capital) and the resources thus derived (socio-economic benefits). The major benefit derived from social networks by migrant workers relate to the mobility associated with the international movement of labour and accessing employment (Bauder, 2006; Castles and Miller, 2009). The relationship between social capital and socio-economic benefits highlights the complex, contested and contingent role of skilled migrant networks in the social regulation of work and employment. This approach foregrounds the role of social capital in the social regulation of migrant workers and labour markets because “social capital structures the immigrant labour market – not only as a simple sociocultural resource that someone either possess or not but also as an organizing principle of control and domination” (Bauder, 2006, p.41).

The organisational forms of social networks also act as mechanisms of social regulation through the bonding and bridging effects of social capital. Migrant networks are typically

classified as homogeneous networks comprising members of the same ethnicity or nationality (Wimmer, 2004; Anthias, 2007; Raghuram et al., 2010). Homogeneous networks are characterised by high levels of bonding capital which is useful for 'getting by' but are generally regarded as lacking the bridging capital which characterise heterogeneous networks that enable members 'get ahead' in terms of obtaining jobs and career progression (Nannestad, Svendsen and Svendsen, 2008).

Recent research on social networks among migrant workers continues to emphasise three key themes highlighted in the early studies: first, the social regulatory role of networks in shaping and constraining behaviour through social practices, norms and power relations (Bauder, 2006); second, the role of networks in the social reproduction of forms of social inequality such as segmented labour markets, ethnic enclaves, ghettoisation and exclusionary practices (Kofman et al., 2009; Raghuram et al., 2010; Mulholland and Ryan, 2014); and third, the social agency of migrants expressed through social networks (Pries and Sezgin, 2012; Ryan et al., 2015).

4.2.5 Critical Evaluation of Civil Society Organisational Forms

From the preceding discussion, it has become evident that the HRM and ER literature predominantly view internal forms of CSOs as rigid and static. The literature has focused on classifying CSOs into fixed categories such as advocacy-based or service-based CSOs, and internal structures are evaluated in terms of scale and size (Williams et al.,

2011a; Heery et al., 2012a). The dominant perspective in the literature on social capital is that it consists of a binary divide between bonding capital found within ethnically or nationally homogeneous networks useful for 'getting by' and bridging capital in heterogeneous networks used to 'get ahead'. However, recent scholarship has called into question this binary approach to migrant social capital which may risk oversimplification and reduction in analysis through a false dichotomy (Patulny and Svendsen, 2007) and insistence on mutual exclusivity (Ryan, 2011). This thesis argues that a more nuanced and dynamic view is required to understand skilled migrant CSOs in order to highlight change and variation among social networks.

The assumption of ethnic or national homogeneity among migrant networks in the literature is of particular concern given their focus on promoting equality and diversity among external stakeholders and institutions in the wider labour market. This thesis identifies the need to incorporate an analysis of the *internal* diversity (e.g. ethnic, gender, disability etc.) within CSOs to gauge the extent to which internal variegation plays a role in social regulation. According to Piore and Safford (2006), recent changes to employment regulation are based on the shift in the 'axis of social mobilisation' from economic identities (e.g. based on class and occupation) represented by trade unions, to social identities (e.g. based on sex, race and ethnicity) represented by CSOs. However, studies on intersectionality argue that discrimination is experienced at the intersection of more than one identity/dimension and therefore more complex, contingent and exclusionary than simplistic dualities of ethnic or class-based discrimination (Anthias,

2012; Alberti, Holgate and Tapia, 2013; Erel, 2015). Intersectional organisational forms may act as mechanisms of social regulation to resist or reproduce social inequality because intersectional identities reveal simultaneous oppressions as well as power relations (Erel et al., 2011; Carbado et al., 2013; Erel, 2015).

The organisational forms of migrant networks are well researched within migration studies, nevertheless, the research has tended to focus on how individual migrants access the benefits and resources from membership in social networks (White, 2002). This thesis departs from this approach by emphasising the strategic role of migrant networks in influencing labour market openings, opportunities and policies which control access to socio-economic and work-related benefits. Therefore, the regulatory role of migrant networks as organisational entities (Pries and Sezgin, 2012) will form the focus of the empirical investigation rather than the way individual's utilise social capital within a network.

Edwards (2011a) warns against studying the organisational forms of CSOs in order to predict cause-and-effect relationships with other variables because CSO forms are embedded in the 'soil and water' of local environmental conditions and mechanisms of support. He argues that specific forms, norms and spaces cannot be connected in deterministic relationships as certain forms do not necessarily result in specific outcomes in terms of norms or spaces. Considering this warning, this thesis seeks to study organisational forms to explore the diversity and richness of such forms without

attempting to derive predictive relationships between such forms and their causes or effects.

4.3 Norms of Civil Society Organisations

4.3.1. Norms of Mutual Support, Bonding and Bridging Capital

The very idea of civil society is rooted in social norms of solidarity, mutual obligation and reciprocity. The view, popular in the 18th century, that individuals entered into a social contract to maintain order in civil society and the 'contract' entailed expectations of reciprocal behaviour and mutual obligations of support has formed the basis of many modern conceptions of civil society and social capital (Woolcock, 1998, 2011; Antcliff et al., 2005).

Social norms play an important role in civil society's mediating effects on the state and market. Social norms such as trust, tolerance and cooperation which characterise civil society may promote or diminish equality and diversity through the mechanism and effects of social capital (Edwards, 2011a). Social regulation involves social norms which have power to influence individuals and regulatory actors (Peck, 1996), thus social regulation may involve values, normalised behaviours, social conventions and patterns of social behaviour. These social norms guide and govern behaviour of members within

CSOs as well as facilitate the incorporation, allocation, control and reproduction of labour within labour markets.

The pioneering work of Coleman and Putnam continue to inform studies of the normative dimension of migrant social capital (Ryan, 2011). The work of Coleman (1988) emphasised the role of norms of reciprocity and mutual trust in the social regulation of relationships within social networks. This was further developed by Putnam who distinguished between bonding and bridging capital in social networks. Putnam (2000, p.3) argued that bonding capital was made up of ties to people who are “like me in some important way” and is useful for ‘getting by’ i.e. sharing resources in common to support survival and social life. Within migration studies, bonding capital has been predominantly used to explain the relationships within ethnically or nationally homogeneous networks of migrants (D’Angelo, 2015; Erel, 2015; Herman and Jacobs, 2015). Bridging capital according to Putnam (2003, p.3) consists of ties with “people who are unlike me in some important way”, and parallels Granovetter’s work on ‘weak ties’ in heterogeneous networks useful for ‘getting ahead’ i.e. getting a job and career mobility.

For Coleman (1998), social capital implies trust within social networks that members will honour obligations and expectations that members will behave according to the accepted social norms. Breaches of trust, failure to honour obligations and expectations of mutual reciprocity, and deviance from prevailing social norms are socially regulated by sanctions dispensed by the network which may include denial of access to network benefits,

shaming and ostracism. While Coleman focuses on the norms of mutual trust and reciprocity as advantages of network 'closure', the work of Putnam shows that 'normal' patterns of social behaviour within social networks may control or 'regulate' access to labour market openings and opportunities. Notions of inclusion and exclusion are inherent in Putnam's concepts of bonding and bridging capital and this is made explicit in Bourdieu's (1986) treatment of social capital which addresses issues of power relations, social class and social inequality arising from processes of distinction and exclusion (White, 2002; Bauder, 2006). The mutuality and trust resulting from strong ties *within* 'closed' networks may at the same time inhibit the exchange of social capital *between* networks resulting in nepotism, favouritism, patronage, lack of transparency and opposition to change (Antcliff et al., 2005).

The dominant view within the literature suggests that individual high-skilled migrants utilise bonding and bridging capital by virtue of membership in different social networks (Patulny, 2015). Bonding capital is accumulated by membership of migrant networks while bridging capital is accessed through membership of non-migrant professional networks which enable skilled migrants 'get ahead' (Raghuram et al., 2010). However, not every member of a migrant network has equal access to the social capital required to 'get by' or 'get ahead'. Hierarchies, power differentials and social location which are normatively embedded within migrant networks act to differentiate access to, and accumulation of, social capital (Ryan, 2011; Cederberg, 2012).

4.3.2 Cultural Capital and Social Segmentation: Normalising Inclusion and Exclusion

Cultural norms, values and practices are important aspects of cultural capital and play a role in the social regulation of migrants and labour markets. Zhou (2005) suggests that the culture of the homeland is transplanted with minor modifications to the host country by social networks of immigrants where it is then transmitted and perpetuated from generation to generation within a diaspora group.

According to Bourdieu (1986), cultural capital may be embodied, objectified or institutionalised and can be accumulated and converted to social or economic capital. Umut Erel (2010) argues that cultural capital is socially produced and reproduced through processes of mobilising, enacting and validating cultural norms, values and practices. She claims that skilled migrants not only increase their cultural capital, but they may also challenge and transform existing classificatory systems of cultural validation in host labour markets. Such processes of accumulation, conversion, social reproduction, challenge and transformation can be regarded as forms of social regulation because they “transform, partially or completely, the immanent rules of the game” (Bourdieu and Wacquant, 1992, p.99). They also influence the participation and valorisation of migrants in the regulatory framework (cultural and institutional context) of the host society.

Erel (2010) and Thondhlana, Madziva and McGrath (2016) are critical of the dominant ‘rucksack approaches’ which view migrant cultural capital as a rucksack full of specific cultural attributes which migrants attempt to fit into the ‘keyhole’ of the cultural system of the receiving country. They argue that ‘rucksack approaches’ theorise cultural capital as

static, reified and ethnically bounded. Research by Erel (2010) shows that cultural capital is better understood as a 'treasure chest' used by migrants in processes of production, reproduction and bargaining. Skilled migrants do not only attempt to fit their cultural capital transferred from their home country into the 'keyhole' comprising the people and institutions of the host cultural system. They also develop a 'treasure chest' of new forms of cultural capital and new ways of validating their cultural capital in the host country. Examples from her research include skilled migrants who create new forms of capital such as professionalising their expertise in leading migrant organisations in order to generate income, the development of expertise in leading intercultural institutions, and the mobilisation of cultural resources to gain employment in the social sector by representing the interests of specific migrant groups.

According to Erel (2010), the individual and collective agency of skilled migrants are important in creating new cultural resources and transforming cultural practices into capital. Similarly, the foregrounding of the agency of migrants in managing their mobility across borders and within host societies has been highlighted by the autonomy of migration approach to understanding international mobility (Moulier-Boutang 1998; Papadopoulos and Tsianos 2013; Casas-Cortes et al., 2015).

4.3.3 Norms of Control, Consent and 'The Good Worker'

Norms and social practices of skilled migrant networks may constitute modes of social regulation through the 'disciplining effect' (Peck, 1996) they exert on migrant workers. Thus, norms may constitute modes of social control over labour and the labour process. Capitalist systems of production are driven by a profit motive which in turn implies a control imperative. According to Thompson and Newsome (2004), employers as the agents of capital, constantly seek to apply a range of methods to control workers in the labour process. One defining characteristic of the labour process within neoliberal capitalist systems is the constant search for new and more effective methods of control (Sturdy, Fleming and Delbridge 2010). Burawoy (1985) argues that both the politics of production and the labour process have normative dimensions. The politics of production incorporates social norms to regulate the labour process and provide a means for employers to exert control of labour. Burawoy draws on Gramsci's concept of hegemony to show how control may proceed not only from employer's coercive actions but also from the willing and active consent of workers embedded within their social norms:

Now management can no longer rely entirely on the economic whip of the market. Nor can it impose an arbitrary despotism. Workers must be *persuaded* to cooperate with management. Their interests must be coordinated with those of capital. The *despotic regimes* of early capitalism, in which coercion prevails over consent, must be replaced with *hegemonic regimes*, in which consent prevails (although never to

the exclusion of coercion). Not only is the application of coercion circumscribed and regularized, but the infliction of discipline and punishment itself becomes the object of consent. Burawoy (1985, p.126)

The hegemonial structures which influence the 'manufacturing of consent' are not limited to the workplace but also include norms and values circulating within the wider society. Several regulation theorists argue that the effects of the prevailing hegemony on workers, migrants and ethnic minorities may originate in entrenched structures of power, dominant ideologies and socio-economic structures (Hirsch, 1983; Torfing, 1990; Levi-Faur, 2010). According to Peck (1996, p.34), in order to understand labour control, it is necessary to look "over the factory gates" to consider the social production and reproduction of workforces and the norms and values which unite and divide workers. This is particularly important in relation to migrant workers because they are regarded as being more compliant and amenable to coercive and normative forms of control (Anderson, 2010) as evident in the normative conditioning and consent associated with the 'good worker' stereotype of migrant workers.

Migrants workers are regarded by many employers as 'good workers' exhibiting greater levels of effort, productivity and performance. As a stereotype, it may normatively condition employers and migrants alike to act on such assumed work identities and thus normatively control these actors. In particular, employers may use it as a form of normative control to extract the expected (high) levels of work effort from migrants in

return for offering them employment 'over' non-migrant workers. Many employers are reported to prefer migrant labour because they supposedly possess superior work ethic, attitudes and dispositions (Rodriguez, 2004; CIPD, 2005; Dench et al., 2006; MacKenzie and Forde 2009).

The debate in the literature in relation to migrants as 'good workers' has centred around issues of control and consent. One view holds that migrant workers are 'good when they want to be' emphasising the consent and agency of migrants in embracing the 'good worker' image when the context suits them (Thompson et al., 2013). In this view, migrant workers embrace the 'good worker' identity and rhetoric in an attempt to differentiate themselves from domestic workers and obtain advantages in the labour market. However, they may discard the 'good worker' identity at will when it no longer suits them to exert high levels of productivity and discretionary effort. Discarding the stereotype usually occurs after they have stayed longer in the host labour market and amassed sufficient levels of work experience and language skills (cultural capital) in the host society to enable them obtain alternative or better jobs. Thus, reinforcing positive orientations to work and stereotypical 'hardworking' migrant identities is linked to temporal flexibility and the individual agency of migrant workers.

In contrast, the alternative view holds that migrant workers are 'as good as they need to be' (Baxter-Reid, 2016) and they do not fully consent to the good worker identity and rhetoric because of divergence between the realities of employment and high levels of

education and personal aspirations of migrants. Also, factors such as employers' strategies, bullying, discrimination, and the segmentation at work experienced by migrant workers, indicates that employer's coercive strategies of control may partly account for the high levels of migrant worker productivity, and that consent on the part of migrant workers is at best partial, conditional and contingent. However, both views in relation to migrants as 'good workers' are based on studies of low-skilled migrant workers and an individual perspective that ignores the collective and social dimension of migrant networks. This opens up the possibility that the 'good worker' identity and the normative dimensions of control and consent associated with it may be different in relation to skilled migrant networks.

4.3.4 Normative and Ethical Approaches to Equality and Diversity

Efforts to promote equality and diversity are underpinned by normative ethics (Kirton et al., 1999; 2007; Ozbilgin, 2000; Kirton and Green, 2010a; Kirton and Greene 2010b) therefore each regulatory actor may be viewed as adopting a normative approach to promoting equality and diversity. Equal opportunities and the more radical affirmative action approaches are based on deontological approaches that emphasise the inherent equality of all humans and conceptions of social justice derived from Kantian ethics and Rawls theory of justice (van Dijk, Engen and Paauwe, 2011). In contrast, diversity management is a normative approach based on consequentialist ethics such as utilitarianism. The utilitarian hallmark of diversity management is the ideology of the

business case that privileges the consequences or outcomes accruing to the business enterprise over social justice considerations (Kirton and Greene 2010b; van Dijk et al., 2011). The business case logic argues that the benefits to the business overshadows competing moral imperatives and that equality and diversity decisions should be voluntary choices based on a cost-benefit analysis rather than mandated by 'hard' regulation.

The logic and hegemony of the business case can be understood as a reflection of the ideology of neoliberal capitalism within the practice of equality and diversity which privileges the 'economic' over the 'social' dimension, and privileges business profit over worker welfare and rights. Therefore, the normative approach adopted by these new 'equality and diversity actors' (Healy and Oikelome, 2007; Kirton et al., 2007; Ozbilgin and Tatli, 2011) may be constrained by entrenched structures of normative and ideological power. The business case logic forms part of the 'hegemonial structure' that socially regulates migrant workers and ethnic minorities (Gramsci, 1971; Hirsch, 1983; Torfing, 1990; Levi-Faur, 2010) and is important in understanding the normative approaches adopted by regulatory actors and how such civil society actors may play hegemonic or counter hegemonic roles in society and labour markets (Gramsci, 1971).

4.4 Regulatory Spaces and Voices of Civil Society Organisations

4.4.1. The Public Sphere and Regulatory Space

Civil society is also regarded as a space for collective action, engagement and the exertion of regulatory influence in relation to other citizens, the state and the market, this is usually described as the public square or sphere. According to Calhoun (2011, p.311):

Theories of the public sphere developed alongside both the modern state with its powerful administrative apparatus and the modern capitalist economy with its equally powerful capacity to expand wealth but also inequalities, tendencies to crisis, and intensified exploitation of nature and people. The public sphere represented the possibility of subjecting each of these new forces to greater collective choice and guidance.

The notion of the civil society as a public sphere has been influenced by key ideas from Antonio Gramsci, John Dewey and Jurgen Habermas. For Gramsci (1971) civil society constitutes a public site for hegemony and counter-hegemony to flourish. John Dewey's (1927) theory of pragmatic public engagement, his defence of reason in large-scale communication, and view that participating in public argument was itself educative and beneficial, have influenced the way civil society is viewed as a space for public

deliberation and engagement. Jurgen Habermas' (1991) concept of the public sphere as a space for debate, voice and the promotion of the public interest emphasises the important regulatory role of CSOs in the public sphere and the interrelationship between the private and public spheres.

Habermas (2006) identifies a range of actors in the public sphere, nevertheless, the public sphere may be characterised by various forms of exclusion. The notions of openness, equality and diversity which underpin the concept of civil society as a public sphere have in reality been challenged by forms of gender exclusion (Landes 1988; Ryan 1992). Calhoun (2011) criticises Habermas' original conceptualisation of the public sphere for excluding workers and argues that immigrants are excluded in a similar way in more recent analysis of the public sphere.

The public sphere may be viewed as a broad 'regulatory space' containing smaller overlapping 'regulatory spaces' within which competing interests and agendas are articulated through relations of power (Hancher and Moran, 1989, p.277; MacKenzie and Martinez Lucio, 2005, p.502). The notion of a 'regulatory space' was initially proposed by Crouch (1986) and later developed by Hancher and Moran (1989). The concept of regulatory space provides a more nuanced understanding of the architecture of regulation and the relations between actors beyond binary theories of deregulation and reregulation.

One significant benefit of viewing the public sphere as a broad regulatory space (or succession of smaller regulatory spaces) is that it enables a greater focus on how it can be both 'occupied' and 'contested' by regulatory actors (Inversi, Buckley and Dundon, 2017). According to Barry (2010, p.78):

Regulatory space is a useful analytical tool because it presents change as an ongoing part of the regulatory process rather than as a tool of transition from regulation to de-regulation. Thus, traditional actors may acquire more space (or indeed lose space) while new actors and institutions emerge to occupy and expand their regulatory space.

In particular, regulatory space highlights the role of 'new' actors in work and employment (MacKenzie and Martinez Lucio, 2014a), and how such institutional and intermediary actors 'occupy' the regulatory space between the state and individual employers (Marchington, 2015).

Regulatory space shifts the analysis of regulation from formal rule-making to a focus on power relations and complex political processes which may involve the "re-ordering of actors, relations and rules across time" (MacKenzie and Martinez Lucio, 2014a, p.193). These processes occur within contested spaces which actors seek to occupy or dominate by exerting power (Hancher and Moran, 1998). According to Gaventa (2011), CSOs in the public sphere can be understood by adopting an actor-oriented approach to power.

He draws on Steven Lukes' (1974) radical view of power as getting another party to do something they do not want to do as well as influencing, shaping or determining the other party's very wants. Gaventa, therefore, views CSO power as the ability to shape or alter the actions, agendas, values or norms of other actors such as states or markets.

Habermas' actor-oriented approach gives prominence to the role of social, economic and cultural capital as sources of civil society power. According to Habermas (2006), there are four main categories of power exerted by civil society actors in the public sphere. First, political power, which under a deliberative model of democracy is a process that legitimises considered public opinion (e.g through public consultations, referendums or elections). Second, social power, derived from the social status and position of civil society actors. Third, economic power, which enables the transformation of social power into political pressure through giving or withholding financial value. Fourth, media power, refers to the use of technologies of mass communication to select and process politically relevant content and thus intervene in both the formation of public opinions and the distribution of influential interests. Media power encompasses the choice, format and diffusion of communication, agenda setting, priming and framing issues (Callaghan and Schnell, 2005). Importantly, Habermas (2006) argues that CSOs derive public influence from social, cultural and economic capital they have accumulated in terms of visibility, prominence, reputation or moral status which enables them exert power in the public sphere as regulatory actors.

4.4.2. A Framework for Analysing Regulatory Space(s) and Civil Society Voices

The notion of a regulatory space has been extended into an analytical framework by MacKenzie and Martinez Lucio suitable for analysing the regulatory changes in work and employment (MacKenzie and Martinez Lucio, 2005; 2014a). The role of 'new' actors (such as migrant CSOs) has been highlighted as an integral aspect of the framework by MacKenzie and Martinez Lucio. In addition, these authors argue that the objective of regulation is "ultimately to facilitate social and economic reproduction" (MacKenzie and Martinez Lucio, 2005, p.505), therefore the framework lends itself well to a study of the social regulation and reproduction of categorical inequalities through the regulatory activities of migrant CSOs. This theoretical framework is made up of multiple levels, actors, locations, sites and forms of regulation. It encompasses legal and extra-legal outcomes as well as formal and informal processes.

There are different *levels* within a regulatory space (supranational, national, sector, organisational, individual). Some CSOs have facilitated the establishment of workplace-level identity networks and affinity groups to promote equality and diversity, although the effectiveness of such groups is debatable (Healy and Oikelome, 2007; Heery, 2011b). However, even organisational and workplace level regulation need to be analysed in the context of the political and institutional setting of the nation-state because regulation and its spatial dimension follow the contours and boundaries of the regulatory framework within a nation-state (Hancher and Moran, 1989; Inversi, Buckley and Dundon, 2017).

Multi-level regulation occurs where authority to regulate is allocated to different levels of territorial tiers i.e. the supranational, national, regional and local levels (Hooghe and Marks, 2001). Regulation may involve networks of experts and professionals because power to regulate may be allocated based on functional lines and problem-solving rather than territorial considerations (Levi-Faur, 2007, 2009). Thus, Habermas' (2006), identification of experts as civil society actors in the public sphere is not limited to local networks but may involve transnational and diaspora links and involve postcolonial issues and relationships (Nkomo, 2011; Kamoche and Siebers, 2015; Loomba, 2015).

The regulatory terrain may be populated by civil society regulatory *actors* as well as by state and market actors. Thus a regulatory space may include a variety of actors such as the 'traditional' actors in work and employment (state, employers, trade unions) as well as CSOs that take a variety of forms e.g. social movements, expert networks, interest associations, community institutions, professional networks and identity groups (Miller and Rose, 1990; Regini, 2000; Levi-Faur, 2005b, Levi-Faur, Jordana and Gilardi, 2005). The role of CSOs as a source of social influence, a forum in which public deliberation may occur, and an actor articulating the voices of specific constituencies within the wider public sphere, challenges the assumption of the state as the sole locus of regulatory activity (Morgan and Yeung, 2007). Each actor has their own 'sphere' of jurisdiction within a regulatory space where they are the sole actor, but they also occupy domains that overlap with other actors (MacKenzie and Martinez Lucio 2005, 2014a).

The regulatory *site* refers to the specific point of interaction between regulatory actors where regulatory outcomes are arrived at through the interaction of actors. Regulatory sites are embedded in institutional settings and often reflect institutional constructs, histories, customs and traditions. Each site of regulation is circumscribed within a certain jurisdiction, creating a regulatory *space* where various actors may intervene in the regulatory process. The 'labour market' is a regulatory arena or space within which actors interact, occupying and utilise the regulatory space in relation to their capacity (Barry, 2010). A space is the broad arena around which different actors coalesce and is a recognised boundary of jurisdiction for the regulatory processes in question. On the other hand, a site is the point of actual interface between regulatory actors on the specific regulation of an economic or social issue.

The actors in a given regulatory space may vary by geographical *location*, for instance, the regulation of a specific issue may in one location be done by the state while in other locations it may be dominated by the role of capital (employers), trade unions, CSOs, local community groups, religious groups, or even organised crime (Martinez Lucio and MacKenzie, 2004; MacKenzie and Martinez Lucio, 2014a).

Regulation may take a variety of *forms* such as state, market and civil regulation. The interaction between the forms of regulation produce regulatory outcomes such as legal rules, collective agreements, best practices, codes of conduct, global labour standards, benchmarking etc. (Martinez Lucio and Stuart, 2011; Stuart et al., 2011; MacKenzie and

Martinez Lucio, 2014b). Civil regulation emanates from civil society and it is embedded and institutionalised within the normative and regulatory order by complex sociological processes (Peck, 1996; Vogel, 2006; Levi-Faur, 2007, 2011). According to Vogel (2006, p.2-3) “what distinguishes the legitimacy, governance and implementation of civil regulation is that it is not rooted in public authority”, he goes on to argue that civil regulation operates beside or around the state rather than through it. Civil regulation often takes the form of voluntary regulation, however, it may also possess coercive (non-voluntary) aspects. The coercive sanctions of civil regulation are not based on legal norms and state enforcement, rather, they derive from the coercive power of regulatory actors and take the form of market and civil penalties (Vogel, 2006; Levi-Faur, 2007, 2011).

The distribution of power and corresponding forms of interest intermediation within specific sites of regulatory contestation are shaped by the particular interaction of civil and state forms of regulation within such regulatory spaces (Levi-Faur, 2011). Therefore, the nature of the relationship between public (state) and civil regulation is a key theme in the literature on work and employment, three main views regarding the nature of this relationship have been advanced. First, state and civil regulation are viewed as two distinct and independent forms of regulation occurring in different regulatory arenas, they are regarded as frequently in conflict, with each form seeking to supplant the other. Second, state and civil regulation exist ‘in-tandem’ within hybrid forms of public-private regulation within the same regulatory arena, here state and civil regulation are viewed as mutually reinforcing but distinct forms of regulatory processes (Levi-Faur, 2009). The third

view argues that state and civil regulation interact in complex and reflexive combinations of public or private forms of regulation. Rather than viewing civil regulation as a distinct form of non-state regulation, civil regulation is viewed as intimately connected with public regulation in complementary and complex ways.

The problem of a 'democratic deficit' within regulatory systems stems from a lack of sufficient accountability and participation by the citizenry in relation to certain state regulatory agencies (Majone, 1999). The notion of greater democratic participation through civil regulation sits well with the emphasis on civil society playing a role as regulatory actors and voice institutions in work and employment (Heery 2011a; Williams et al., 2011c; Heery et al., 2014a; MacKenzie and Martinez Lucio, 2014a). The strengths and positive features of CSOs as civil regulatory actors have been identified as their high level of legitimacy with stakeholders; their role as voice mechanisms especially for the interests of under-represented, vulnerable, precarious or marginalised groups (such as ethnic minorities); and their specialist knowledge in dealing with issues relating to a particular constituency or issue (Holgate, 2009; Heery, 2011b).

The role of *voice* as an important component of civil regulation becomes all the more important in relation to the regulation of migrant workers. According to Caviedes (2010) employers are a very powerful actor that shape the policy governing labour migration. His analysis of the information technology, hospitality, construction and metalworking industries in Australia, Britain, Germany and the Netherlands reveals that employers are a powerful lobby group in employment systems, but the study shows no corresponding

representative organisations articulating the voices and interests of migrant workers. This absence is indicative of a lack of research focus on the role of regulatory actors such as migrant CSOs and the degree of power they exercise in comparison with other 'voice actors'.

According to Budd (2004) the main purpose of the employment relationship is to achieve a balance between efficiency (economic performance), equity (fair employment standards and treatment) and voice (meaningful inputs into decisions and policy). He argues that employers are more concerned with maximising efficiency while workers are interested in greater equity. 'Voice actors' are an important channel for workers to pursue greater equity and for actors to balance the tensions between efficiency and equity. Albert Hirschman (1970) famously theorised exit, voice and loyalty as competing alternatives open to actors in a relationship, although initially set in the context of customer-organisation relationships this theory has been applied in varied relational settings (Freeman and Medoff, 1984; Dundon et al., 2004; Allen, 2014; Wilkinson et al., 2014). In his more recent work, Hirschman argues that not only do these three actor responses apply in relation to the workplace (e.g the absence of effective trade union voice may trigger staff exits), but that they also apply in the sphere of migration where the absence or suppression of 'spaces for civil society' could result in lack of channels for effective 'voice' and hence the 'exits' of migrant workers (Hirschman, 1993).

Worker voice may take the form of an articulation of individual dissatisfaction or an expression of collective organisation where voice provides a countervailing source of power to that of employers (Dundon et al., 2004). For Millward et al. (2000), voice comprises three different channels: via trade union representation; via indirect or representative participation mechanisms such as joint consultation; and via direct employee involvement. Worker voice may be mandated (e.g. required by co-determination and legislation) or voluntary (e.g. collective bargaining and grievance procedures) reflecting the complex ways state regulation may facilitate and support civil regulation (Lewin and Mitchell, 1992). Freeman and Medoff (1984) regard trade unions as the best agents to provide worker voice as they remain independent of the employer granting them a degree of voice legitimacy. As Benson (2000, p.453) notes, “for some commentators, independent unions are the only source of genuine voice”. However, more recent scholarship has recognised the role of non-union intermediary voice actors that operate outside the workplace and mediating between the state and employers (Marchington, 2015), and CSOs operating as ‘voice actors’ within or beyond the workplace (Heery et al., 2014a). As Calhoun (2011, p.13-14) notes, civil society voice may manifest itself in different ways in the public sphere:

The public sphere is public first and foremost because it is open to all, not only in the sense that all can see and hear but also that all can participate and have a voice...A protest march is part of public communication – it is an effort to make a statement and show that many

people are behind it. So is a petition. But publicness is not just a matter of large numbers. It is a matter of openness. Writing an article in a small journal still counts: it is available to strangers and through them may inform further conversations...

CSOs actively participate in the political processes within the public sphere, their role as 'voice actors' includes campaigning against, or consulting with, the state, private sector organisations and other CSOs. Williams et al. (2011a) identify advocacy-based methods commonly used by CSOs in work and employment as including lobbying, campaigning, building and working through coalitions, and engaging directly with employers. Political participation can vary from acting as 'political outsiders' using protests and other forms of pressure to influence political change, to operating as 'political insiders' in responding to government requests for information and advice, serving on commissions and committees and receiving government funding to provide services or implement policy (Heery et al., 2014b). Civil regulation through voice and advocacy may take the form of developing and monitoring codes of ethical practice and labour standards within organisations and their value chains (Kuruville and Verma, 2006; Egels-Zanden, 2009; Reinecke and Donaghey, 2015), as well as the development of standards of good management practice and the recognition of leading organisations through awards and benchmarks in relation to equality and diversity (Williams et al., 2011a).

Advocacy may also involve regulatory 'diffusion' or 'transfer' aimed at bringing about institutional and regulatory changes. The diffusion and transfer of regulation across regulatory spaces refer to processes by which knowledge about how policies, administrative arrangements, institutions, ideas and regulatory practices in one location is used in the development of policies, administrative arrangements, institutions and ideas in another political setting (Dolowitz and Marsh, 1996; Levi-Faur, 2005a). Researchers have identified CSOs which undertake processes of regulatory diffusion across transnational regulatory spaces such as non-governmental organisations (Dolowitz and Marsh, 2000), transnational advocacy networks (Stone, 2004), transnational philanthropic institutions (Stone, 2010), think tanks (Stone, 2000) and epistemic communities (Dunlop, 2009).

Processes of diffusion may occur through processes of institutional isomorphism (especially across national boundaries) such as the transfer of the form, content, agenda and processes of regulation. According to DiMaggio and Powell (1983) there are three interrelated mechanisms through which institutional isomorphic change occurs. Coercive isomorphism involves forces for change that stem from political influence and institutional legitimacy. This commonly occurs through processes of regulatory oversight and control. Mimetic isomorphism refers to change that occurs when organisations model themselves on other organisations as a response to ambiguity and uncertainty in the institutional environment. This occurs in employment systems when institutional actors copy or mimic the models and practices of other actors. Normative isomorphism is change which stems

from the potent influence of professional networks and the role of education. Professional networks span across organisations and nations, linking them in a web of knowledge transfer. Professional workers promulgate normative rules and practices through processes of diffusion in and through professional networks. This is evident in work and employment where professional networks disseminate 'best practices', skills and taken-for-granted assumptions.

The development of new expert knowledge usually through professional networks of experts and epistemic communities has provided regulatory actors with knowledge resources, technical abilities and the degree of legitimacy required to undertake their regulatory role and colonise a regulatory space (MacKenzie and Martinez Lucio, 2014a). The transfer and diffusion of regulation involves the production and dissemination of expert knowledge production which may form the basis for regulatory codes, standards, good practice guidelines etc. However, the state and employers may attempt to occupy the regulatory spaces concurrently occupied by trade unions and CSOs through the creation of alternative voice mechanisms such as sponsored management voice mechanisms, through 'voice politics', or adopt 'strategies of marginalisation' that involve the use of the social context to construct problems, frame discourses and stigmatise actors (MacKenzie and Martinez Lucio, 2014a).

The literature on migrant workers is dominated by conceptions of highly skilled migrants as 'target earners' whose sole focus is economic self-advancement and views their

contribution to home country development mainly in terms of remittances (Castles and Miller, 2009). Furthermore, the literature is focused on the issue of a 'brain drain' of highly skilled migrant workers, implying a loss of knowledge resources by developing nations (Hagopian et al., 2004; Castles and Miller, 2009). In contrast, this thesis draws on the theory of regulatory space to highlight the collective agency of skilled migrant CSOs as regulatory actors involved in articulating the voices of their constituencies and in processes of isomorphic diffusion of knowledge through transnational and diasporic relationships that contribute to the broader national development of sending (home) countries.

Contrary to Hancher and Moran's concept of a regulatory space as limited to formal actors and institutions, MacKenzie and Martinez Lucio's analytical framework recognizes both *formal* and *informal* dimensions of regulatory space. MacKenzie and Martinez Lucio (2014a, p.193) argue that:

Formal and informal means of regulation should not be seen as necessarily mutually exclusive but can exist in a symbiotic relationship, although the boundaries of this relationship can be fluid and contested, and the actors may not have had their roles and functions recognised or formally endorsed by the state or its legal framework.

Consequently, regulatory actors may be formal organisations recognised by law or informal social networks and identity groups. Regulatory change may involve formal regulatory processes such as collective bargaining and enacting legislation or informal processes such as regulation through common custom and practice. Formal relationships between regulatory actors may involve 'state license', contracts and collective agreements or there may be informal relations of tolerance and accommodation (MacKenzie and Martinez Lucio, 2014a).

Some authors have suggested that the regulatory space does not necessarily follow a hierarchical and immutable structure, but is dynamic and fluid (Inversi, Buckley and Dundon, 2017). They argue that the relationship between actors and sources of influence, or institutional affiliation, generates a continuous process of adaptation, flux and counterbalance. Therefore, the relationships between various actors in a regulatory space is of central importance, according to MacKenzie and Martinez Lucio (2005, p.508):

Ultimately actors can only operate within the limitations of their specific sphere of legitimacy, whether that is defined spatially or ideologically – formally or informally. This is why the relationship between adjacent regulatory spaces and the actors that occupy these spaces is of such importance.

Relationships between actors may involve formal 'linkages' and informal 'coupling'. CSOs which have gained formal recognition under the state's legal apparatus are more likely to be involved in policy consultations as a recognised 'stakeholder' through formal 'linkages' such as state license, contracts, collective agreements, partnerships and collaborations (MacKenzie and Martinez Lucio, 2005). Research has shown that regulatory actors engage in a range of relationships with other actors (e.g. CSOs, trade unions, state agencies, employers) which may take different forms such as short-lived campaigns or longer-term networks and alliances (Heckscher and Carre, 2006; Osterman, 2006; Holgate, 2009; Williams et al., 2011c; Heery et al., 2012a, 2012b).

Patterns of conflicts, cooperation and indifference characterise the relationships between CSOs and other actors (Heery et al., 2012b). The relationship between CSOs and trade unions is particularly important in the context of declining trade unions as CSOs may contribute to union revitalisation or replacement (Heery, 2011a). Relationships of conflict and cooperation are viewed as either contributing to the replacement or reinforcement of trade unions by alternative actors such as CSOs. The 'replacement thesis' holds that CSOs pose a threat to unions as alternative representative institutions attributed to conflicting interests between CSOs and unions (Heery, 2011a). On the other hand, the 'reinforcement thesis' argues that unions can forge mutually beneficial relationships with CSOs based on congruent interests and drawing on each other's unique strengths (Heery, 2011a). The reinforcement thesis emphasises collaboration rather than competition between unions and CSOs, working jointly in coalitions (Turner, 2007;

Martinez Lucio and Perrett, 2009; Mayer, 2009; Fitzgerald and Hardy, 2010). Reinforcement may contribute to union revitalisation where new union members are mobilised and recruited because of the union's relationship with CSOs (Frege et al., 2005; Tattersall, 2005), this often occurs through 'bridge-builders' who act as boundary spanning agents between unions and CSOs to provide a fulcrum for union recruitment and mobilisation (Rose, 2000).

The establishment of a collaborative working relationship between a CSO and state agencies may have ambivalent implications for the development, effectiveness and legitimacy of the CSO. On the one hand, public recognition, access to decision-making procedures and public funding may provide vital resources for the development and success of the CSO. On the other hand, the integration into the established system of interest intermediation may impose limits on the capacity of the CSO to mobilise and adopt confrontational stances challenging state regulation, this can alienate important parts of its constituency and weaken the CSO in the long run (Kriesi, 1996; Della Porta and Diani, 2006). The sources from which CSOs derive their funding and depend on for their existence may wield power over the way CSOs set their strategic objectives and pursue activities and advocacy campaigns. McCarthy and Zald (1987b, p.371) writing about CSO funding warn that:

The growth and maintenance of organisations whose formal goals are aimed at helping one population but who depend on a different population for funding are ultimately more dependent upon the latter than the former.

CSOs as regulatory actors seeking to curb the excesses of the state and markets are expected to maintain a reputation for independence, autonomy and legitimacy in their role as representative organisations conveying advocacy and voice on behalf of their constituencies. However, CSOs which obtain funding from market or state donors, rather than solely from membership subscriptions and donations from constituents, run the risk of a crisis of legitimacy. 'Donor-driven' funding has been argued to cause an asymmetry in power relations between the CSO and major donors, undermine the effectiveness of CSOs, force a 're-alignment' of CSO priorities with the interests of donors and open up the CSO to fluctuations in funding because of the constantly shifting priorities of their donors (Parks, 2008).

4.5 Research Questions and Conclusion

This literature review has sought to theorise skilled migrant CSOs as 'new' actors in work and employment engaged in the social regulation of migration and labour markets. Chapter 2 provided contextual insight into skilled migration to the UK and the role of migrant CSOs in promoting equality and diversity given the key challenges of

discrimination and exclusion experienced by migrant workers. Theoretical resources from the field of migration studies were discussed and the importance of social networks and migrant capital (economic, social and cultural capital), transnational and diaspora connections and labour market segmentation were highlighted.

The aim of Chapter 3 was to problematize current conceptualisations and research agendas regarding high-skilled migrant workers in work and employment. It was argued that CSOs representing highly skilled migrant workers play an important yet under-researched role as 'new' actors in the regulation of work and employment. A case was made in Chapter 3 for a regulatory perspective to frame the understanding of skilled migrant CSOs as 'new' actors in work and employment. In departing from the dominant 'trade union lens' in researching CSOs in work and employment, literature from political science, sociology and development studies was utilised to theorise CSOs as part of civil society mediating between the state and the market and resisting or reproducing social equality and diversity through mechanisms of social capital. Insights from regulation studies provided a way to understand and explain CSOs as regulatory actors involved in the social regulation of labour markets and migration.

These pluralistic theoretical resources were synthesised in the current chapter to develop a conceptual framework for understanding skilled migrant CSOs as 'new' regulatory actors in work and employment using the forms, norms and spaces of civil society as organising concepts. Forms refer to the internal organisational characteristics of civil

society institutions. Following Scott's (1981) natural systems perspective, the analysis of forms focused on the informal structures and social relationships within skilled migrant CSOs, and processes of social regulation and reproduction occurring through informal social practices such as the accumulation and utilisation of migrant capital.

Norms involve routinised and expected behaviours, social conventions and values. These include norms of mutual support associated with social networks and bonding and bridging forms of social capital enabling migrants 'get by' and 'get ahead' (Coleman 1998; Putnam, 2003; Ryan, 2011). Norms may serve to include or exclude migrants from segments of the labour market as well as provide a basis for the production and reproduction of normative stereotypes of migrants as 'good workers' possessing higher levels of work effort when compared with non-migrant workers.

The public sphere (Habermas, 1991, 2006) was analysed as a space for CSOs to articulate the voices of their constituencies in their role as regulatory actors. CSOs are conceptualised as regulators of both skilled migrants and other regulatory actors within regulatory spaces made up of various actors, levels, locations, sites, and forms of regulation interacting in formal and informal relationships. While promoting equality and diversity within these regulatory spaces, they attempt to express the voices of their constituencies and are involved in the transnational diffusion of regulatory practices, particularly through institutional diffusion of 'best practices'.

Therefore, three research questions flowing from this conceptual framework will be used to guide the subsequent sections of this dissertation:

- How do the socio-structural **forms** and internal characteristics of skilled migrant CSOs influence the process of social regulation of migrants and other actors within the regulatory space?
- What social **norms** and normative values underpin the activities of skilled migrant CSOs in promoting equality and diversity as regulatory actors?
- What role do skilled migrant CSOs play in the regulatory **spaces** governing work and employment and how do they articulate the **voices** of their constituencies as they relate with other actors within these spaces?

The forms, norms and spaces of civil society are closely interwoven (Edwards, 2011a) and provide an interrelated set of organising concepts which inform the subsequent empirical research and theoretical discussion. This set of organising concepts are used as 'sensitising concepts' rather than rigid and fixed 'definitive concepts' which ignore nuances, variety and alternative ways of viewing phenomena. Blumer (1954, p.7) recommends the use of sensitising concepts in order to provide "a general sense of reference and guidance in approaching empirical instances". According to Mutch (2003) organising concepts may be used in two ways. First as a sensitising device to identify

areas of interest and second as a structuring device to make sense of things. This thesis uses these concepts in both ways – first sensitising the approach to the data and second as a means of structuring and making sense of things. The next chapter will discuss and justify the methodology guiding the empirical research undertaken in this thesis.

CHAPTER 5: Research Methodology

5.1 Introduction

This chapter aims to outline the research methodology utilised in this thesis. It begins with a discussion of social realism as the research philosophy underpinning this thesis, its benefit in researching the social reality of migrant CSOs and its methodological implications. Furthermore, the research focus and questions are considered. The research design is then outlined, with the rationale for the choice of organisational-level purposive sampling, key respondent interviews, and elite interview strategies presented. The use of secondary data such as websites, organisational documents and online forums to supplement semi-structured interviews was discussed. The chapter proceeds to discuss template analysis as the method of data analysis, and to evaluate the quality of the research undertaken using credibility, transferability, dependability, confirmability and integrity as the criteria for research quality. This is followed by a discussion of the limitations of the research process and a concluding section.

5.2 Research Philosophy and Methodological Implications

The approach undertaken to analyse the philosophical assumptions underpinning the research methodology adopted in this thesis focuses on articulating the epistemological and ontological assumptions of this thesis. Ontology is the branch of philosophy that is

concerned with the nature of reality (Easterby-Smith, Thorpe and Jackson, 2012), in social sciences ontologies are theories about social reality and may be differentiated by idealist and realist positions (Blaikie, 2007). An idealist ontology assumes that the external world has no independent existence separate from the thoughts of the human observer. In contrast, a realist ontology holds that both natural and social phenomena exist independently from the human observer.

Epistemology provides the grounds for how we know what exists and in social sciences it deals with how social reality can be known, it establishes what can be known and the criteria for deciding how knowledge can be judged as being both adequate and legitimate (Crotty, 1998). According to Blaikie (2007) there are various epistemological positions, some notable epistemological assumptions include: objectivism (things have intrinsic meaning and all observers should discover the same meaning or truth about the phenomenon observed); subjectivism (the observer imposes meaning on phenomena and things may be given quite different meanings by different observers); and constructionism (meaning is not observed it is socially constructed, rather than meaning residing in things, the observer plays an active role in its creation and meaning is the result of the observer's engagement with the thing observed and prior understanding of such things).

This thesis is underpinned by a realist ontology and constructivist epistemology and can be located within the broadly defined social realist research tradition (Blaikie, 2007).

Although there are philosophical debates and unresolved issues which differentiate social realists (Leplin, 1984; Maxwell, 2012) various theories of social realism are largely united by a belief in a realist ontology and a broadly subjective or constructivist epistemology (Blaikie, 2007). Similar terms have been used by other researchers to describe a broadly social realist tradition or a more specific version of social realism such as experiential realism (Lakoff, 1987) constructive or perspectival realism (Giere, 1999), subtle realism (Hammersley, 1992), emergent realism (Henry, Julnes and Mark, 1998), natural realism (Putnam, 1999), innocent realism (Haack, 2003) agential realism (Barad, 2007) and multi-perspectival realism (Wimsatt, 2007).

The most popular version of social realism is the critical realist theory associated with the work of Roy Bhaskar and developed by authors such as Archer and Sayer. However, Maxwell (2012) uses the term critical realism in a broader sense to mean a realist ontology and constructivist or subjective epistemology and distinguishes it from a specific Bhaskarian inspired version of realism. Maxwell justifies this by showing that the use of the term 'critical realism' predates Bhaskar and referred to a broad view of realist ontology and subjectivist/constructivist epistemology by authors such as Campbell (1974) and Cook and Campbell (1979). To avoid confusion, this thesis uses the term 'social realism' to describe this broad research tradition which includes a range of positions including Bhaskar's version (Blaikie, 2007). This broad approach to locating philosophical assumptions allows for a more nuanced understanding of social realism that incorporates additional insights and alternative perspectives beyond the narrow version of 'critical

realism' associated with the works of Roy Bhaskar (Maxwell, 2012). The social realist perspective which underpins this thesis is thus in a sense pluralistic as it does not conform strictly to Bhaskar's theoretical framework yet draws from aspects of Bhaskar's version as well as other versions of social realism. Indeed, a pluralistic approach to social realism can mitigate the shortcomings identified in the Bhaskarian version of critical realism by Paul Thompson, a leading proponent of this version, when he acknowledged that:

This is not to say that critical realism has solved all epistemological problems and provides a fully formed toolbox for researchers. As with all such frameworks, realists can hide absences and unsolved questions behind formally elegant language. But it is not necessary to fully embrace critical realism in order to accept that while there cannot be an exact correspondence between reality and our representations of it, good research aims to grasp the real with as much accuracy and complexity as is feasible in given conditions (Thompson, 2004, p.58).

Pluralism within the social realist tradition enables the use of broader philosophical and theoretical resources yet avoids the rigidity of a fixed and narrow paradigm. However, the ontological and epistemological boundaries are clear, in contrast to the use of 'multi-paradigm' analysis (Hassard, 1991) which attempts to combine incommensurate and contradictory ontological and epistemological assumptions. Paradigms used singly or in multiples tend towards closure, rigidity and narrowness for each paradigm "speaks from

behind its own walls” (Thompson, 2004, p.62). Furthermore, a common weakness of research paradigms is that they tend to conflate epistemology and ontology so that these two aspects of research philosophy merely reflect one another, what Lincoln and Guba (2000, p.175-176) refer to as the “ontological/epistemological collapse”.

The characteristics and assumptions of social realism as applied in this thesis therefore need to be elaborated upon briefly as well as their methodological implications. The starting point is the assumption of a realist ontology which adheres to the belief that there is a real world that exists independently of the beliefs and constructions of the researcher (Danermark et al., 2002). This is merged with a constructivist epistemological stance that holds to the belief that the researcher’s knowledge of this world is created from a specific vantage point and is not an ‘objective’ account of the phenomena studied, and all knowledge is therefore theory-laden (Maxwell, 2012). Knowledge is therefore fallible, provisional and is historically and culturally relative (Danermark et al., 2002; Mingers, 2006).

Building on from this, the physical and social realms are not seen as mutually separated and inherently independent realities, rather physical and social reality interact and mutually influence each other. Contrary to both logical positivists and social constructivists, social realists view physical and mental entities as equally real, although physical and mental phenomena are conceptualised using different concepts and frameworks (Putnam, 1999). Therefore, social life such as mental states, attributes,

beliefs, ideas, meanings, emotions and intentions of individuals are equally real as physical objects and processes, although these may be intangible and inferred rather than directly observable. This is buttressed by Frazer and Lacey's (1993, p.182) claim that "our knowledge of the real world is inevitably interpretive and provisional rather than straightforwardly representational".

This thesis adopts a stance on judgmental rationality that assumes the plausibility and adequacy of theory/knowledge produced about skilled migrant CSOs can be assessed to decipher which one among competing explanations is more plausible or adequate. Not all truths are viewed as equally valid as there are rational grounds for preferring one theory over another such as comprehensiveness and explanatory power (Mingers, 2006). This informs the choice of theories and the pluralistic conceptual framework underpinning this thesis which was elaborated upon in chapter 4.

Social realism diverges from social constructivist and postmodern approaches to research by insisting on an objectively real ontology. Unlike social constructionism, social realism holds that there is a difference between discursive and extra-discursive social phenomena, while social entities may be the subject of discourse they are not reducible to discourse (Fleetwood, 2004). *Contra* Derrida (1977), much of reality in this thesis is assumed to exist outside the 'text', skilled migrant CSOs are not assumed to be socially constructed from language, rather they have an independent objective reality. The research objectives are framed to elicit *explanations* of the regulatory role of migrant

CSOs rather than a *deconstruction* of discourse related to migration (postmodern social constructionism) or predictions of universal causal laws (positivism) (Blaikie, 2007; Bryman, 2008; Easterby-Smith et al., 2012; Cresswell, 2013).

One implication of adopting a definition of regulation as encompassing “all mechanisms of social control” involving state and non-state actors (Baldwin et al., 1998, p.4) is a recognition of the paradoxical nature of regulation as simultaneously centred and de-centred. On one hand, structural-Marxist and similar theorists in the field of political economy emphasise the ‘centralized state’ in providing a general framework of rules and governance processes underpinning ER at the macro-level (Martinez Lucio and MacKenzie, 2004, p.81). On the other hand, Foucauldian and postmodernist approaches view regulation (Foucault used the term ‘governmentality’) as a discursive social entity, and thus argue that regulation is de-centred and relies on a range of networks, discourses and identities constituting a web of relations which give rise to both intended and unintended effects. According to Foucault, these network relations sustain the economy, and discourses hold many of these relations together by providing a shared set of understandings and objectives (Foucault, 1977, 1986; Miller and Rose, 1990; Rose, 1993). However, Martinez Lucio and MacKenzie (2004, p.79) criticise Foucauldian approaches to regulation which view the state as reliant on these relations and discourses while acknowledging that the state does not necessarily organise these discourses. Although the role of ‘new’ actors in the regulation of work and employment points to the partially de-centred nature of regulation, this view does not need to be based on the post-

structuralist discursive immateriality of the Foucauldian approach. Indeed, Jessop (2002) argues that the French Regulation School's perspective on regulation sits well within critical realist worldviews. This paper departs from the Foucauldian view of de-centred regulation by recognising the stable and regular forms of de-centred regulation located in specific sites of regulation (MacKenzie and Martinez Lucio, 2005). In contrast to the de-centred fluidity of Foucauldian and post-modernist perspectives, this thesis views regulation as having an extra-discursive ontological reality as well as discursive dimensions. Therefore, regulation is regarded as stable, regular and occurring in specific sites such as the centralised state, as well as within de-centred sites such as the firm, and through the institutions of ER such as collective bargaining and institutional relationships between CSOs, trade unions, employers and the state (Martinez Lucio and MacKenzie, 2004).

This thesis argues that regulation is both centred and de-centred within the framework of a realist ontology through a recognition of both state (public) regulation and civil regulation occurring through tangible interactions (Levi-Faur, 2010). Regulation is viewed as de-centred to the extent that it occurs in multiple locations and across multiple levels which are located within concrete regulatory sites and encompass discursive and extra-discursive phenomena.

Social realism subscribes to a belief in causation contrary to positivist arguments such as the views of Bertrand Russell (1912) and Fred Kerlinger (1979) who claim that causation

is a metaphorical concept that has no role in science or should merely be 'operationalised' as an association between variables (Mulaik, 2009). In social realism, causation is a more sophisticated concept than a regular association between variables or patterns in data, thus it does not subscribe to Hume's theory of 'constant conjunction' which denies any knowledge of causality beyond the observed regularities in associations of events and rejects any reference to unobservable entities and mechanisms (Hume, 1967). Social realism holds to a belief that social processes possess causal powers although these may operate as 'hidden' mechanisms in the social world (Maxwell, 2012). The focus in social realism is on tendencies rather than general laws because entities are viewed as having causal powers to affect outcomes in specific ways as well as susceptibilities to be affected by the causal powers of other entities (Thompson and Vincent, 2010). These causal powers are tendential forces i.e. they tend towards a certain outcome but do not always achieve such an outcome. According to Sayer (2000), due to the geo-historic context and multiple external conditions making the social world akin to an 'open system', similar causal powers may produce different outcomes and different causal mechanisms may produce the same result. This complexity of the social world is further compounded by agential properties of entities especially the power of choice exercised by human agents, organisations and institutions. Agential action and reaction highlights how mental and social phenomena are inextricably interwoven in causal processes that result in physical and behavioural outcomes (Maxwell, 2012). Thus, causal mechanisms are not only 'hidden' but also situationally contingent, producing tendencies and variable outcomes rather than invariant general laws.

Therefore, social realism rejects the 'deductive-nomological' theory of causation which seeks 'laws and principles of the utmost generality' (Hempel and Oppenheim, 1948). A key methodological implication of this is that social realism eschews deterministic theorisation, this informs the choice of the strand of regulation theory associated with the French School of Regulation as the basis for theory and empirical research in this thesis. Regulation theorists argue that the objective of regulation is "ultimately to facilitate social and economic reproduction" (MacKenzie and Martinez Lucio, 2005, p.505). However, this conceptualisation of 'reproduction as regulation' (Jessop, 1990) should not be conflated with 'regulation as determinism'. According to Peck (1996) regulatory processes are non-deterministic because regulatory needs trigger the quest for a regulatory solution, however they do not determine the configuration of the specific institutional response. The French Regulation School holds that the logic of regulation does not imply functionalist reductionism (MacKenzie and Martinez Lucio, 2014a), and Peck (1996, p.105, 267) argues that social regulatory processes may carry immanent tendencies rather than constitute unbending universal laws. The continuity, reproduction and regularity in social and economic relations because of regulation should not obscure its non-deterministic nature. Martinez Lucio and Mackenzie, (2004) highlight the non-deterministic assumption of French Regulation School theorists which underpins their understanding of regulatory processes in both the private and public spheres:

Merton once reminded Weberians (Merton et al., 1952) we should not ignore the probable dysfunctional outcomes of bureaucratic processes, whether they are in the private or public sphere. In this respect we must regard the intentionality of action as being central, while also questioning the inevitability of outcomes (Martinez Lucio and Mackenzie, 2004, p.80).

Another key methodological implication of the rejection of general laws in favour of more contingent explanations within social realism is that there is little room for predictive statistical methods which assume a deterministic cause-effect relationship between variables under 'closed system' conditions. Indeed, qualitative data plays a big part in a social realist investigation of the social world and quantitative data may be useful to describe and compare rather than to predict cause-effect relationships as noted by Sayer (1992, p.2-3):

Realism replaces the regularity model with one in which objects and social relations have causal powers which may or may not produce regularities, and which can be explained independently of them. In view of this, less weight is put on quantitative methods for discovering and assessing regularities and more on methods of establishing the qualitative nature of social objects and relations on which mechanisms depend.

Thus, this thesis seeks to generate and analyse 'rich data' in order to reveal and understand the causal processes at work in the social world of skilled migrant CSOs. Rich data refers to qualitative data that is sufficiently detailed and varied to provide a fuller and more revealing insight into what is going on and the processes involved (Becker, 1970). Maxwell (2012) argues that rich data can reveal 'hidden' causal processes that are not accessible through direct observation. Following on from this, social realism has implications about the method of analysing qualitative research data. Causal powers, agential properties and 'hidden mechanisms' can be inferred using methods of analysis that employ categorising and connecting strategies. This thesis adopts a template analysis (Brooks and King, 2014) which both categorizes and connects qualitative data during analysis.

One important methodological implication of the social realist epistemological stance is that by accepting that knowledge of this world is created from a specific vantage point and is not an 'objective' account of the phenomena studied, it is wary of attempting to provide universal, single, definitive and unified accounts of social reality. This avoidance of essentialism and totalising meta-narratives implies a more nuanced understanding of diversity that is open to multiple valid perspectives. According to Maxwell (2012) this has implications for realist research regarding the methods used which should not impose 'illusory conformity' but should facilitate as diverse a sample as possible to highlight and understand the variation in population. Therefore, sampling strategies should be used that provide for as much variation as possible, and where single case studies are used

these should be done in such a way as to avoid homogenising the 'case'. This thesis therefore uses a purposive sampling strategy that provides for insight into difference, complexity and variation among a diverse set of skilled migrant CSOs rather than focusing on fewer and a less diverse set of CSOs. Furthermore, this approach to theoretical sampling allows for access to 'rich data' that shows similarities as well as differences among migrant CSOs without essentializing the phenomena, CSOs are treated as unique, complex, divergent and yet possessing some degree of commonality. The aim of the method adopted was not to systematically compare migrant CSOs as 'case studies' to identify essentialist characteristics, but rather to explore the richness and diversity of CSOs in their role as regulatory actors.

Although the approach to social realism adopted in this thesis has some significant overlap with Bhaskar's critical realism there are a few subtle differences worth noting. Bhaskar's critical realism has been criticised for its "heavy ontological furniture" (Blaikie, 2007, p.148) with its stratified ontology made up of the real, actual and empirical domains. Fleetwood (2004), who follows Bhaskar's critical realist philosophy, has a slightly different set of ontological furniture as he claims reality consists of the material, ideal, artefactual and social modes of reality. This highlights the problem with stratifying reality based on abstract theorisation which varies from philosopher to philosopher. In contrast, this thesis views ontology in a manner akin to the earlier work by Harre (1972) on social realism which departs from Bhaskarian versions by acknowledging that reality consists of a complex combination of hypothetical entities, some (but not all) of which can be

demonstrated to exist by a process of causal inference. This avoids the rigid categorisation of entities into stratified domains because such entities may operate in multiple ways and at multiple levels of reality while some need to be acknowledged as hypothetical entities whose existence cannot be demonstrably 'proven'. Layder (1985) critiques Bhaskar's critical realist ontology for bordering on dogmatic rather than theoretical claims about reality which compels research to comply with a rigidly structured ontology. Fay (1990, p.38) critiques Bhaskarian critical realism as being a form of essentialism because the structured ontology of Bhaskar suggests that reality is unitary and invariant, this "encourages the belief that there is only One True Picture which corresponds with this pre-existing, pre-formed reality". One implication of assuming a 'lighter' ontological furniture in this thesis is that an abductive rather than retroductive strategy is used to guide the research design (Danermark et al., 2002; Blaikie, 2007)

In addition, Bhaskar's version of critical realism also has a transformative and emancipatory potential (Bhaskar,1986,2002), and often involves ethical/normative value judgments in relation to the phenomena under study, in contrast to allegedly value-free positivist research (Sayer, 2004). While this may be a laudable goal, however, the extent to which many researchers claiming to follow Bhaskarian 'critical realism' actually undertake emancipative and transformative research in practice is debatable. In practice, many researchers who claim to adopt Bhaskar's critical realist approach may be considered to be more 'mainstream' or 'orthodox' than 'critical' in the sense of not advocating a radical structural transformation of society and its dominant social and economic systems. In contrast, this thesis diverges from the *de facto* practice of

Bhaskarian 'critical realism' by adopting a 'critical' yet 'pragmatic' approach to research which acknowledges that some of the published output from this study may combine both 'orthodox' and 'critical' potentialities depending on the strategic ways the research is disseminated. This thesis may produce published outcomes that are disseminated and targeted at both academic and non-academic audiences and thus straddle professional, policy, critical and public sociologies according to Burawoy's (2004) typology of research depending on the audience and type of knowledge produced or disseminated. This thesis acknowledges that the values of the researcher may influence the research in multiple and complex ways (Hammersley, 1995; Stewart and Martinez Lucio, 2011, 2017). Although recommendations and policy prescriptions flowing from this study are acknowledged as directed at supporting the interests and voices of the oppressed, ethnic minorities and migrants, that is not to say all of this study has an emancipatory potential. Indeed, it is also reflexively acknowledged that the interests and activities of migrants and ethnic minorities need to themselves be viewed critically as having a 'dark side' that contributes to the creation and sustenance of inequality, and that there are multiple and sometimes contradictory views regarding the promotion of the interests of migrant and ethnic minority workers. As pointed out by Stewart and Martinez Lucio (2011), articulating the voices and narratives of the excluded and elaborating their critical views are not necessarily the same thing.

5.3 Research Focus: Research Questions

This section outlines the research focus of this thesis by restating the key problematic, research objectives and research questions. The overarching focus of this study is on skilled migrant CSOs. As discussed in chapter 2, a broad approach to defining migrants was adopted that combined the two major approaches to studying migration, migrants were defined following both 'foreign-born' and 'foreign national' approaches (Castles and Miller, 2009). The strength of this holistic approach is that it captures a wider variety and complexity of migrant networks and addresses the two main dimensions through which migrants experience exclusion and discrimination (and around which they collectivise in networks) – ethnicity and citizenship (Bauder, 2006; McGovern, 2012). This broad approach also enables research into individuals who self-identify as migrant workers without excluding certain categories of migrants. This study defines skilled migrants as possessing at least a university degree in line with both government policy and academic literature on high-skilled migrant workers (McLaughlan and Salt, 2002; Cerna, 2011; Cerdine, Dine and Brewster, 2014).

A review of the literature on skilled migrant workers, civil society, regulation theory, equality and diversity informed the central problematic of this thesis: *to explain the nature and role of high-skilled migrant CSOs in the regulation of work and employment.* Following on from the key problematic, a set of research objectives were generated to guide the course of this thesis and outlined in chapter 1, the research objectives are:

- To elaborate on the conceptualisation of skilled migrant CSOs as ‘new’ actors involved in the regulation of work and employment.
- To examine the role of skilled migrant CSOs in the regulation of work and employment and their relationships with other actors in the regulatory spaces within which they operate.
- To examine the nature and role of migrant CSOs as ‘equality and diversity actors’ in the employment system.

The research objectives guided the development of a set of specific research questions constructed around a detailed conceptual framework which synthesised the relevant theoretical lenses contained in the review of the pertinent academic literature. Edward’s (2011a) argument that research on civil society needs to begin to recognise the interrelationship between the forms, norms and spaces of civil society to provide adequate explanatory power in conceptualising the complexities of civil society was influential in developing the conceptual framework and research questions. The research questions as stated in chapter 4 are:

- How do the socio-structural **forms** and internal characteristics of skilled migrant CSOs influence the process of social regulation of migrants and other actors within the regulatory space?
- What social **norms** and normative values underpin the activities of skilled migrant CSOs in promoting equality and diversity as regulatory actors?

- What role do skilled migrant CSOs play in the regulatory **spaces** governing work and employment and how do they articulate the **voices** of their constituencies as they relate with other actors within these spaces?

5.4 Research Design and Methods

5.4.1 Abductive Research Strategy

Blaikie (2007) points out that in order to develop new knowledge about social phenomena, researchers need to adopt a research strategy which serves as a logic of enquiry to answer the research questions. This thesis utilises an abductive research strategy originally developed by Peirce (1934) which involves generating theories derived from the social actors' language, meanings, accounts and context. This is achieved by describing these social activities and meanings and then deriving theoretical categories and concepts that can form an understanding of the issue or explanation that answers the research questions.

Abduction is the process of moving from lay descriptions of social life to theoretically informed technical descriptions and explanations of social life. The process of abduction based on a framework by Blaikie (2007, p.90) has been applied to this thesis, it starts with everyday concepts and meanings (e.g. migration, equality etc.) which provide the basis

for social action and interaction (e.g. among CSOs) about which social actors can give accounts (e.g. through interviews). Social scientific descriptions are made from these accounts from which social theories are generated or which can be understood in terms of existing social theories or perspectives. Abduction enables inferences to be drawn regarding causal processes not directly observed in line with the social realist philosophy discussed above, this is achieved by moving from accounts of social phenomena provided by social actors to inferring theoretical descriptions and explanations.

Danermark et al. (2002) point to some similarities and differences between abduction, induction and deduction as research strategies. Abduction is similar to deduction in that it starts from *a priori* knowledge of a general pattern or rule. However, it differs from deduction in that this is not used as a predictive hypothesis but as tentative basis to elicit accounts from social actors (e.g. informing the questions to ask in interviews) and social scientific descriptions (e.g. *a priori* codes in data analysis) which can be modified, discarded or added to in the process of deriving social theories. Abduction also bears similarities to induction in that they both derive theoretical insights, conclusions or results from *a priori* data. However, unlike induction, the logical process commences with *a priori* theoretical patterns and concepts. This combination of elements of induction and deduction make abduction a useful research strategy and informs the use of template analysis in this thesis enabling both the use of *a priori* theoretically informed themes as well as new codes and theoretical insights generated from data.

Nevertheless, unlike retroduction, abduction does not develop new theoretical insights through inferences which are developed in spiral categories and models which conform to the stratified ontology of Bhaskar's critical realism (Danermark et al., 2002; Blaikie, 2007). Blaikie (2007, p.90) claims that abduction incorporates certain social phenomena which induction and deduction ignore, because abduction focuses on:

The meanings and interpretations, the motives and intentions, that people use in their everyday lives, and which direct their behaviour - and elevates them to the central place in social theory and research. As a consequence, the social world is the world perceived and experienced by its members, from the 'inside'. The social scientist's task is to discover and describe this 'insider' view, not to impose an 'outsider' view on it. Therefore, the aim is to discover why people do what they do by uncovering the largely tacit, mutual knowledge, the symbolic meanings, intentions and rules, which provide the orientations for their actions. Mutual knowledge is background knowledge that is largely unarticulated, but which is constantly used and modified by social actors as they interact with each other.

This abductive emphasis on an 'insider' view informed the use of a pluralistic theoretical framework and sensitising concepts which underpin this thesis. A pluralistic theoretical framework (Jacobs, 2012) blends theoretical insights from different authors, disciplines

and perspectives thereby enabling theorisation and analysis that doesn't force a rigid 'outsider' view but is broad enough to make sense of complex social phenomena by combining a variety of perspectives to theorise an 'insider' account. Sensitising concepts are important in abductive research because they provide *a priori* clues and suggestions about what to look out for in data collection and analysis yet are flexible enough to encompass variation and evolution in the meaning of the concept as more insight is obtained during the research (Blaikie, 2010). This enables an 'insider' view to be developed rather than imposing strict and rigid predefined 'outsider' definitions of theoretical concepts to which social phenomena is expected to conform. Blumer (1954, 1969) critiqued the use of theoretical concepts in a 'definitive' manner because such concepts rarely match the empirical world to which they are supposed to refer. He advocated for the use of theoretical concepts in a 'sensitising' manner to explore the nature of what is common and already defined or known regarding a social phenomenon yet reshaping the concept to accommodate individual and group variations. Abductive research and template analysis are good ways to employ sensitising concepts because loosely defined concepts serve as *a priori* themes which are refined and broadened over the course of the research into new theoretical insights. Sensitising concepts enhance the understanding of the complex nature of internal diversity within a broad framework of commonality and are therefore useful for abductive research on diversity within and among migrant CSOs.

5.4.2 Sampling Strategy

A purposive sample strategy (Bryman, 2008) was utilised to select a sample of migrant CSOs from a wider population of skilled migrant CSOs. Purposive sampling is also known as judgmental, selective, or subjective sampling, it is a non-probability sampling strategy in which selection is based on the characteristics of the population and the objectives of the study as determined by the researcher. The aim of purposive sampling is not to ensure representativeness or comparability of the sample with the wider population and thus it does not lend itself to generalisability of findings across the wider population.

Marshall (1996, p.523) criticises random (probability) sampling strategies and makes a case for non-probability and purposive sampling strategies in qualitative research when he states that:

Choosing someone at random to answer a qualitative question would be analogous to randomly asking a passer-by how to repair a broken-down car, rather than asking a garage mechanic - the former might have a good stab, but asking the latter is likely to be more productive.

Purposive sampling is a form of theoretical sampling in the broad sense of sampling informed and driven by theory rather than the narrower sense of sampling using

Grounded Theory approaches (Marshall, 1996). According to Eisenhardt and Graebner (2007, p.26) the purpose of this type of research is not to test theory but rather to develop theory, and so theoretical sampling is more appropriate than random or stratified sampling strategies because:

Theoretical sampling simply means that cases are selected because they are particularly suitable for illuminating and extending relationships and logic among constructs. Again, just as laboratory experiments are not randomly sampled from a population of experiments, but rather, chosen for the likelihood that they will offer theoretical insight, so too are cases sampled for theoretical reasons, such as revelation of an unusual phenomenon, replication of findings from other cases, contrary replication, elimination of alternative explanations, and elaboration of the emergent theory.

According to Patton (2002, p.242-243):

There are no rules for sample size in qualitative inquiry. Sample size depends on what you want to know, the purpose of the inquiry, what's at stake, what will be useful, what will have credibility, and what can be done with available time and resources.

However, Rocco (2003) points out that this does not absolve researchers from the responsibility to discuss the rationale for the sample size. The purposive sampling strategy employed commenced with an initial exploratory collection of data undertaken to identify the scope and nature of skilled migrant CSOs in the UK, this was carried out through informal interviews with migrant community leaders, migrant professionals and migrant rights activists to identify networks of high-skilled migrants originating from outside the EEA. This was supplemented by an internet search of non-EEA migrant professional associations in the UK. Further discussions with the migrant leaders, activists and professionals informed a selection process to identify migrant CSOs that were widely recognised as credible and effective by migrant communities and engaged in either advocacy or service provision in relation to skilled migrants. The objective was also to obtain a sample comprising a variety of migrant CSOs in terms of formal/informal network structures, size, professional occupations, ethnicity, nationality and nature of activities to generate 'richer' insights. According to Marshall (1996), this approach to developing a sample comprising a broad range of subjects capable of providing varied and rich insights should be informed by the researcher's practical knowledge of the research area, the available literature and evidence from the study itself.

This theoretically-driven sampling strategy depends on the researcher's judgement and knowledge of the sample population and what the extant literature and researcher deem to be 'theoretically interesting'. This approach mirrors the rationale for selection during

sampling utilised by leading researchers of CSOs in HRM and ER such as Williams, Abbott and Heery (2015, p.107) when they state that:

The choice of CSOs for the interviews was governed by a number of factors, including the need to encompass organizations whose involvement in work and employment issues seemed to be significant or interesting in some way, and also to capture the diversity of CSO activity.

This shortlisting process narrowed the list from 38 identified skilled migrant CSOs to 11 credible and effective, but varied, migrant CSOs which were contacted to participate in interviews. Nine of the contacted CSOs agreed to participate in the research project.

The names, contextual information and summary descriptions of the nine CSOs which constitute the purposive sample are presented in table 1 overleaf:

Table 1: Contextual Information about the Research Sample					
Skilled Migrant CSO	Acronym	Type of Network	Approximate Membership Size	Year Founded	Membership Details
1. Association of Black Engineers UK (Aberdeen Chapter)	AFBE-UK	Formal	200-300	2007	Core base of ethnic minority African professionals working in the oil and gas sector in Aberdeen (predominantly African migrants) with growing numbers of Asian and European migrants attending events and benefitting from services provided by the network
2. British Association of Physicians of Indian Origin	BAPIO	Formal	12,000 although only about 1,000 are 'fee paying' members	1996	Migrant doctors working in the UK from the Indian subcontinent
3. British International Doctors Association	BIDA	Formal	7,000	Founded in 1975 as the Overseas Doctors' Association (ODA). Evolved to BIDA in 2002 with new waves of skilled migration	Migrant doctors working in the UK, large proportion of doctors from the Indian subcontinent
4. Fair Fees for Migrant Families	FFMF	Informal	40	2010	Core base of Nigerian high-skilled professionals in Scotland with peripheral membership drawn from non-EU migrants (from Africa and Asia)
5. Migrant Doctors Network in Scotland	MDNS	Informal	45	2011	Core base of Nigerian migrant doctors undertaking post-qualification GP training in Scotland, with peripheral membership drawn from African and Asian migrants. A minority group of non-migrant doctors joining the network to campaign in solidarity
6. Nigerian Community in Diaspora Network	NCDN	Informal	20-30	2013	Nigerian professional & faith-based network in the UK
7. Star 100	Star 100	Formal	950	2004	Ghanaian professionals (predominantly in London but with growing links to return migrants in Ghana)
8. The Global Nigeria Forum	TGNF	Formal	200-400	2013	Nigerian professionals working in the oil and gas sector in the UK (predominantly Aberdeen)
9. XN Foundation	XN Foundation	Formal	10,000 (Network of students and alumni)	2006	Nigerian professionals and postgraduate students in the UK. They have a working relationship with 40 UK universities, they have hosted over 200 seminars and supported 25 start-up companies

Some networks were formally (legally) registered as not-for-profit organisations with the relevant UK government body (e.g. Companies House, UK) and had a formally defined structure and membership. Other CSOs were informal social networks which emerged as migrants self-organised through social and professional ties and around specific regulatory issues, forming distinct social networks. Informal networks are not officially registered organisations and members use a variety of labels in lieu of officially designated organisational names, the CSO names used in this thesis were provided by

the leadership of such informal networks or pseudonyms used to provide anonymity where requested.

Previous research on migrant networks has focused on how individual migrants access the benefits and resources from membership in social networks (White, 2002). However, Pries and Sezgin (2012) have highlighted the importance of a shift in focus towards researching the strategic role of migrant CSOs in providing socio-economic and work-related benefits, therefore, the regulatory role of migrant CSOs as organisational entities formed the focus of the empirical investigation in this thesis rather than how individuals utilise social capital within a network. Thus, the sample is at the level of CSOs as *organisations* and this aligns with the research questions, findings and conclusions which also relate to CSOs as strategic organisational entities. Nevertheless, CSOs are made up of individuals and data about CSOs can be effectively accessed by interviewing individual members. Therefore, while the *unit of observation* is the individual skilled migrant, the *unit of analysis* refers to the regulatory role of migrant CSOs as organisational entities. Although the unit of analysis is often confused with the unit of observation they are distinct methodological concepts. According to Sedgwick (2014) the unit of observation (sometimes referred to as the unit of measurement) is concerned with the 'who' or 'what' for which data are collected or measured, in contrast, the unit of analysis refers to the 'who' or 'what' for which information is analysed and conclusions are made. Therefore, the sampling strategy (organisational-level purposive sampling) is concerned with the unit of analysis and is closely linked to, but different from, the method of data

collection (individual-level semi-structured interviews which serves as the unit of observation).

The organisational-level purposive sampling strategy adopted is very similar to the multi-case strategy which is a type of case study research (Yin, 2014) although there are subtle differences between both research strategies. The similarity with multi-case study strategy is that a large number and variety of 'cases' (referred to as 'sampling unit' in an organisational-level purposive sampling strategy) can be contained in the sample, for instance, Kammerlander et al. (2015) investigated 41 small and medium enterprises ('cases') using 73 semi-structured interviews. According to Alvermann et al. (1996), a multi-case strategy is used to obtain a broad view of the phenomena studied although this necessarily limits the ability to obtain depth of insight and specificity regarding individual 'cases'. Stake (1994) argues that the opportunity to learn from a 'case' should take precedence over a concern for its typicality or representativeness. Thus, both strategies aim to obtain a broad and diverse view of the phenomena studied and this guides the researcher's choice of sample. However, one important difference between organisational-level purposive sampling and a multi-case study strategy relates to how the 'cases' or 'sampling units' are investigated and analysed. According to Dooley (2002, p.339-340) in multi-case study research:

It is very important to realize in this step that if multiple cases are selected, each case must be treated as a single case. The conclusion of

each case can be considered in light of the multiple-case phenomenon;
however, each case must be examined on its own.

In contrast, organisational-level purposive sampling emphasises analysis of each sampling unit 'in light of the multiple-case phenomenon' and pays less attention to examining each sampling unit 'on its own' and systematically comparing the different units. Although each sampling unit is treated as a unique entity, the emphasis in organisational-level purposive sampling is on theory development for the set of cases as a group, this is in line with Eisenhardt and Graebner's (2007, p.26) argument that "the choice is based less on the uniqueness of a given case, and more on the contribution to theory development within the set of cases". Therefore each 'case' does not have to be studied or analysed individually but rather in relation to the wider sample of 'cases'.

5.4.3 Data Collection and Reflexivity in Research

The main method of data collection consisted of interviews of key respondents (Bryman, 2008) within the sample of migrant CSOs. The key respondents possessed a rich knowledge of the regulatory environment, migration context, CSO aims and activities as well as issues under investigation. These key respondents comprised individuals possessing a rich insight into the activities of their CSO and these were in most cases leaders or founding members of migrant CSOs. This approach is based on the selection

criteria for an 'ideal' key informant by Marshall (1996) and Tremblay (1957) i.e. role in community, knowledge, willingness, communicability, impartiality or declaration of bias. The key informant approach is useful in examining the 'hidden' structural mechanisms and causal processes which influence policy development (Ackroyd 2009; Williams et al., 2015) such as immigration regulation, and is well suited to a social realist philosophy. Additional key respondents were also obtained in line with Tremblay's (1957) recommendation that 'preliminary' key informants should be supplemented by adding 'new' key informants, this was accomplished by using a snowball sampling technique (Bryman, 2008) to provide more information as required.

The advantage of the key informant interview is that a relatively small number of respondents are required in order to obtain extensive information and insight about each migrant CSO. Such extensive information may not be available through in-depth interviews of several members of the particular CSO were such members lack a deep knowledge of the migrant network, or such extensive insight may only be obtained through more time consuming and expensive means (Marshall, 1996). In total, 38 interviews were carried out either face-to-face, by video conference or over the telephone. The average length of each interview was one hour. The interviews were recorded and transcribed except in cases where the interview respondent chose not to be recorded, in such cases detailed notes were taken of the interviews (Marchington, 2015). For the purposes of confidentiality and anonymity, the participant's names and their formal position ('job title') within the migrant CSOs are excluded.

Interviews were based on interviewee's perspectives and experiences in order to gain an understanding of how migrant CSOs operate (Antcliff et al., 2007). The interviews were semi-structured utilising open questions, with main questions and probing questions covering the regulatory role of migrant CSOs and regulatory context. The main questions focused on the origins, objectives, activities and the nature of CSO efforts to represent skilled migrant constituencies and support migrant careers. Probing questions typically elicited information regarding the nature of their relationships with other regulatory actors, the internal dynamics of CSOs and issues of legitimacy, power and funding. In some cases, there was the opportunity to supplement the data generated from interviews with secondary data from the CSOs such as websites, documents and online discussion forums for the purpose of better elucidating the regulatory role of CSOs. Where such supplementary data was available it also served to cross-check and confirm interview data and thus acted as a form of data triangulation (Denzin, 1970). Table 2 provides a summary of the key respondent interviews spread across the sample of nine migrant CSOs, see appendix 4 for more detailed information about the interview respondents including demographic data and role in migrant CSOs.

Table 2: Key Respondents Interviews

Skilled Migrant CSO	Acronym	Interview Respondents
1. Association of Black Engineers UK (Aberdeen Chapter)	AFBE-UK	4
2. British Association of Physicians of Indian Origin	BAPIO	2
3. British International Doctors Association	BIDA	4
4. Fair Fees for Migrant Families	FFMF	2
5. Migrant Doctors Network in Scotland	MDNS	5
6. Nigerian Community in Diaspora Network	NCDN	12
7. Star 100	Star 100	3
8. The Global Nigeria Forum	TGNF	4
9. XN Foundation	XN Foundation	2
Total		38

The key respondents interviewed in this thesis also fall within the category of ‘elites’ and so elite interview strategies were utilised. There is no clear-cut definition of the term ‘elite’ and this has resulted in a variety of approaches to conducting elite interviews in social science research. According to Harvey (2011, p.433):

Elite status also changes with people both gaining and losing their status over time. In addition, it is geographically specific with people holding elite status in some, but not all locations. In short, it is clear that the term elite can mean many things in different contexts.

A common approach to elite interviews is to define elites as individuals having a higher social position either compared to the researcher or compared to the average person in society (Stephens, 2007). However, in the case of migrant social networks it is not necessarily solely the figureheads and leaders of CSOs who have a claim to elite status, elites include members of social networks who hold a high level of social capital, can exert influence or play important roles as network connectors or hubs and occupy strategic positions within the social structures of the networks even if these positions are informal (Smith, 2006; Harvey, 2011). Elites are often key actors in migrant CSOs possessing important information and insight into the inner workings of such networks. Following both these arguments, this thesis adopted elite interview strategies because the key respondents occupied a higher social position compared to both the researcher and the average member of society and were influential members of migrant social networks possessing high levels of social capital. Elite interviewing strategies are particularly suited to interviewing highly skilled professionals (Harvey, 2011) and key actors in political and regulatory processes (Beamer, 2002). Hochschild (2009) advocates for the use of elite interviews when collecting data on institutions and structures involved in rulemaking,

regulation, policy enactment and implementation as well as obtaining insight into the role of elites in political, social or economic processes.

According to Bozoki (2011) elite interviews are a form of “small-N research” in which only a few number of individuals are interviewed to obtain first-hand accounts and rich depth. He argues that the insights of the elite respondents are valuable and irreplaceable, the interview aims to elicit subjective perceptions and therefore any deviations in interpretation between elites are seen as valuable. Hochschild (2009) points out that elite interviews are particularly suited to purposive sampling methods and as a selection criterion for key respondent interviews because elites should be selected by name, reputation or position for a particular reason, rather than randomly or anonymously. Furthermore, she argues that the researcher can ‘carefully triangulate’ among elite respondents using anonymised information gleaned from a previous interview to question or push a current subject a little more deeply.

Establishing trust and researchers’ knowledgeable preparation are two specific strategies recommended for effective elite interviews. Trust is vital in order to obtain the elite interviewee’s personal account of events and this can be established by providing information about the researcher and the research project to the elites who may observe and evaluate the researcher (Mikecz, 2012). One important consideration during elite interviews is the possibility that power relations between interviewer and interviewee can shape the production of the interview data (Bozoki, 2011). The researcher should

reflexively consider such power relations and ways to manage these. The elite interviews conducted during the course of this thesis followed the suggestion by Harvey (2011, p.434) that the researcher must show that “they have done their homework” because that helps manage power relations between elites and researcher whenever elites might consciously or subconsciously challenge them on their subject and its relevance. Adequate preparation helped gain the trust of elites (Mikecz, 2012) during this thesis and the elites viewed the interview as an opportunity to have an informed discussion with a knowledgeable outsider (Welch et al., 2002) thus helping to balance out the power relations.

Elite interviews are characterised by tight time limits which must be recognised and restrictions on respondent availability, there is often only one opportunity for an interview and the researcher may not be able to go back to the respondent to clarify with further questions after the interview (Bozoki, 2011). The elite interviews undertaken in the course of this thesis adhered to the strict time limitations imposed by the elites (often no more than an hour-long interview) and provided elite respondents with as much flexibility as possible such as the option of a telephone or video conference interview. This agrees with Harvey’s (2011, p.436) suggestions that telephone interviews are commonly preferred by elites and the researcher should accommodate this or risk losing the chance to interview busy elites because “in many instances, the alternative to a telephone interview was no interview”. Telephone and video conference (Skype) interviews increased the response rate of elites during this research, this agrees with Stephens

(2007) who argues that telephone interviews can be more time efficient for both the interviewer and respondent particularly when they are located in different geographical regions. Holt (2010) points out that telephone interviews are an effective method and should not be considered as a 'second-best' option to face-to-face interviews as they can be used to obtain rich data. Harvey (2011) found that surprisingly, there was no significant difference in the average length of face-to-face interviews and telephone interviews when conducting elite interviews enabling sufficient data to be collected.

Another strategy for effective elite interviews is to view each interview as different and adopt a flexible approach because elite individuals vary and "what may be suicidal or impractical for one interviewer or in one situation may be feasible or even the best way to proceed for another interviewer or in another situation" (Dexter, 2006, p. 32). Therefore, the researcher needs to gauge the atmosphere of the interview at the start and adjust their behaviour, speaking voice and mannerisms accordingly (Harvey, 2011). This informed the flexible approach to interviews undertaken in the course of this thesis.

In addition to the strategies for elite interviews discussed above, two more considerations were identified through a reflexive and reflective process (Weber, 2003) in collecting data through interviews. First, the relationship between the researcher and the interview respondents, and second, the use of language in migrant interviews.

Social realism views the relationships between the researcher and the research participants as ontologically real phenomena because “they shape the context within which the research is conducted and have a profound influence on the research and its results” (Maxwell, 2012, p.100). Focusing on specific aspects of the research relationship such as ‘entry’, ‘access’ or ‘rapport’ rather than the holistic research relationship may oversimplify and obscure the complexity and dynamism of research relationships (Maxwell, 2012; Seidman, 1998). Relationships with participants influence the collection and understanding of data by the researcher and may change over time (Rabinow, 1977). Such relationships need to be understood as capable of facilitating or constraining research (Bosk, 1979). Maxwell (2012, p.102) warns that researchers need to “guard against the romantic and illusory assumptions of equality and intimacy that distort the actual relationships they engage in” and recognise power differentials, cultural differences and other impediments to genuine dialogue in an interview. He advocates the search for ‘common ground’ which can serve to enhance communication and bridge the differences between the researcher and participants in a mutually productive and ethically acceptable research relationship. The ethical principles which underpinned research relationships in this thesis included principles such as informed consent, voluntary consent, avoidance of deception, assurance of data protection, anonymity and confidentiality (Bryman, 2008; Saunders et al., 2009). During this thesis the researcher developed ‘common ground’ with participants by highlighting the researcher's background and experiences as a skilled migrant of African and Indian descent in order to highlight some similarity with participants and understanding of issues pertaining to skilled migration. Such ‘common ground’ aided

the development and articulation of tacit and mutual knowledge and an 'insider view' which are critical in the process of abduction (Blaikie, 2007). This approach to developing 'common ground' based on a shared high-skilled migrant status with participants was also used to mitigate any potential 'race of interviewer effect' (Gunaratnam 2003; Perrett and Martinez Lucio, 2009) during the data collection process in cases where the participants were from a different racial or ethnic origin from the researcher.

Language poses a unique challenge in cross-national research such as investigations of transnational migration. However, language is often treated in a superficial way in the research methods literature as merely an issue of translation and cultural contextualisation (see for instance Bryman and Bell, 2003; Cascio, 2012). Tietze (2008, 2010) warns us that language can never be 'neutral' or 'innocent'. Where the researcher and participant share the same native language, and this is used as the medium of communication it can put the interview respondent at ease, loosen constraints and lead to more open sharing than in situations where English is used in the interview even when both parties are fluent in English (Soderberg, 2006). Languages are closely associated with personal identities and act as 'meaning systems' privileging certain perspectives while subordinating others (Tietze, 2010). Furthermore, the English language is an "invisible hegemonic force which exerts strong influence on the framing and ordering of the global world" (Tietze, 2010 quoted in Cohen and Ravishankar, 2012, p 171-172). The role of English as a medium of communication is hotly debated among postcolonial writers, some view it as a form of neo-colonisation through 'the language of the

oppressors' (Wali, 1963; Ngũgĩ, 1986) while for others it can have an emancipatory and unifying potential among the forces for decolonisation (Saro-Wiwa, 1992; Achebe, 1997; North, 2001). To conduct transnational research solely in English raises the ethical dilemma of socially reproducing the cultural dominance of the Western-centric Anglophone world and worldview among interview respondents from different countries. Thus, language remained a thorny issue during this thesis in this hegemonic sense.

All interviews undertaken in the course of this thesis were conducted in the English language, nevertheless, a smattering of indigenous words and phrases were used when appropriate to bolster communication, rapport and the overarching relationship with participants. In particular, the use of patois and Nigerian 'pidgin' (also called 'broken' or 'rotten') English (Saro-Wiwa, 1994) when interviewing Nigerian participants facilitated the tapping into the diasporic consciousness and elicited important findings such as the concept of 'kparakpo' (see chapter 7), thus articulating otherwise 'hidden' relational processes and worldviews embedded in unique cultural and migratory contexts. This approach to using the English language draws inspiration from Chinua Achebe (1997, p.349) who argues that:

I feel that the English language will be able to carry the weight of my African experience. But it will have to be a new English, still in full communion with its ancestral home, but altered to suit its new African surroundings.

The argument here is that English can be used in postcolonial writing by going beyond the limits of the conventional English language to accommodate African thought patterns by taking control of the language and expanding or modifying it, thus countering its hegemonic and colonistic tendencies.

5.4.4 Data Analysis

Interviews and secondary data were coded and analysed using a template analysis (TA) to develop themes from initial codes and identify patterns and relationships in the data (King, 1998). TA is a type of thematic analysis that balances a relatively high degree of structure with flexibility to adapt data analysis to the needs of a particular study and is commonly used in analysing interview data. King (2012) contrasts TA with other forms of thematic analysis that require a step-by-step move from concrete and data-grounded themes to more abstract and interpretive themes, typically advancing from descriptive themes, to a smaller number of interpretive themes and a few overarching 'third order' themes. King argues that in reality there is no clear-cut distinction between descriptive and interpretive coding, and that the norm of three-level hierarchical coding may restrict researchers from exploring the richest aspects of the data in any real depth. TA utilises a flexible coding structure that does not suggest in advance a set sequence of coding levels, instead it encourages the researcher to develop themes more extensively where the richest data in relation to the research question are found. TA allows parallel coding where segments of text may be classified within two or more different codes at the same level.

Using TA also allows for the development of integrative themes which pervade much of the data and can be treated as an under-current running through participants' accounts even if only implicitly identified by participants. TA avoids treating integrative themes as top-level or third-order themes because such an approach does not draw sufficient attention to the integrative nature of the theme and its relation to all the other thematic clusters (King, 2012).

TA fits well with the abductive research strategy (Blaikie, 2007) adopted in this thesis because of its use of both *a priori* themes and subsequent codes developed from the data. A coding template was developed based on *a priori* themes identified from the literature, following the TA process these *a priori* themes were limited in number and corresponded to the key concepts or perspectives of the study. The coding template consisted of the major organising concepts drawn from the literature (the forms, norms, spaces and voices of migrant CSOs) which were related to other codes (e.g. migrant capital, regulation, diaspora etc.). This is in line with the recommendation by Mutch (2003) that the organising concepts should be used as both sensitising (*a priori*) and structuring (subsequent coding) devices in research.

According to Brooks and King (2014), the coding template should be used tentatively and iteratively with the *a priori* themes redefined or discarded as required by the study. This process was followed, and new codes were inserted into the template to include new themes emerging from the data such as sources of power and regulatory limits of skilled migrant CSOs.

5.5 Research Quality

The means by which quantitative research traditionally signals rigour and quality to the research community do not transfer directly to qualitative research, thus the direct transfer of quantitative evaluative criteria such as validity, reliability, generalisability and objectivity to qualitative research is problematic (Symon and Cassell, 2012). According to Anney (2014) and Shenton (2004) these differences on closer inspection stem from philosophical (ontological and epistemological) differences rather than strictly from methodological differences (quantitative vs qualitative).

Anney (2014) and Lincoln and Guba (1985) have criticised internal validity, external validity (generalisability), reliability and objectivity as inappropriate for evaluating the quality and rigour of non-positivist (e.g. social realist and social constructivist) research. They argue that internal validity is concerned with the truth value of research and relies on the assumption of a single reality whereas non-positivist research is open to multiple realities and alternative explanations ('truths') of social reality. Generalisability evaluates the applicability of the research to different settings and positivist research generally seeks to achieve this by large samples and random sampling strategies as well as conducting research "in ways that make chronological and situational variations irrelevant to the findings" (Guba, 1981, p. 80). In contrast, non-positivist research assumes that phenomena changes with time and context and while research findings based on relatively low sample sizes and non-probability sampling may not be generalisable they

may nevertheless be transferable to different settings through adaptation and modification.

Reliability concerns itself with evaluating the consistency of the research process in deriving similar findings when the research is replicated. While positivist research assumes that research instruments must be free from error to produce unchanging results that are to be considered reliable, non-positivist research assumes that deviation in results does not necessarily arise from instrumental error but can arise from the nature of social reality (ideas, meaning, feeling etc.) and humans as research instruments which are prone to variation (e.g. in exercising judgement). This makes dependability of the process a more appropriate form of assessing consistency in non-positivist research compared to the reliability of instruments. Objectivity is concerned with neutrality and in positivist research this evaluates if the findings come solely from participants and if the research is influenced by the bias, motivations or interests of the researchers (Anney, 2014). However, while positivist research assumes that the researcher is independent from the participant, non-positivist research assumes they are not completely independent and adopts a subjective or social constructivist epistemology.

Several authors (Guba, 1981; Wallendorf and Belk, 1989; Anney, 2014) have proposed credibility, transferability, dependability, confirmability and integrity as alternative criteria to evaluate the quality and rigour of non-positivist research and this is presented in table 3 overleaf:

Table 3: Research Quality		
Aspects	Positivist Research	Non-Positivist Research
<p>Truth Value</p> <ul style="list-style-type: none"> • How can a researcher establish confidence in his/her findings? • Or how do we know if the findings presented are genuine? 	Internal validity	Credibility
<p>Applicability</p> <ul style="list-style-type: none"> • How do we know or determine the applicability of the findings of the inquiry in other settings or with other respondents? 	External validity or generalisability	Transferability
<p>Consistency</p> <ul style="list-style-type: none"> • How can one know if the findings would be repeated consistently with (the) similar (same) participants in the same context? 	Reliability	Dependability
<p>Neutrality</p> <ul style="list-style-type: none"> • How do we know if the findings come solely from participants and the investigation was not influenced by the bias, motivations or interests of the researchers? 	Objectivity	Confirmability
<p>Integrity</p> <ul style="list-style-type: none"> • How do we know if the findings are not false information given by the study participants? (Integrity concern) 		Integrity

Source: Chibuzo Ejiogu, 2018 (adapted from Anney, 2014; Guba, 1981; Wallendorf and Belk, 1989)

Credibility refers to the confidence that can be placed in the truth of the research findings (Holloway and Wheeler, 2002; Macnee and McCabe, 2008). Credible research findings should be a correct interpretation of the participants' original views drawn from plausible and original data (Lincoln and Guba, 1985; Anney, 2014). *Transferability* refers to the degree to which the research findings can be applied to other contexts and situations (Shenton, 2004; Anney, 2014). The aim of this thesis was not to arrive at findings that can be generalised across all migrant CSOs but rather to obtain rich insights into the complex reality and variety of skilled migrant CSOs. Although no claim of generalisability is made regarding the findings, there is scope for the transferability of findings and recommendations in ways that can be adapted to different contexts (Bryman, 2008; Lincoln and Guba, 1985).

According to Bitsch (2005, p.86), *dependability* refers to “the stability of findings over time”. This is essentially an evaluation of the findings, interpretations, conclusions and recommendations of the study to ensure that they are all supported by the data received from the informants of the study (Anney, 2014; Cohen et al., 2011; Tobin and Begley, 2004). *Confirmability* involves “establishing that data and interpretations of the findings are not figments of the inquirer’s imagination but are clearly derived from the data” (Tobin and Begley, 2004, p. 392). Research *integrity* deals with guarding against misinformation, evasion and fabrication from research participants (Wallendorf and Belk, 1989). The specific methods adopted in this thesis to enhance research quality are presented in table 4 overleaf:

Table 4: Methods Used to Enhance Research Quality		
Research Quality Criteria	Methods Utilised in this Thesis	Authors Justifying these Methods
Credibility	· Peer debriefing (scrutiny from peers)	Guba (1981); Shenton (2004); Anney (2014); Yin (2014)
	· Triangulation (combining interview and secondary data, triangulation between elites during interviews)	
	· Iterative questioning (probing questions and 'rephrased' questions to cross-check data)	
	· Adoption of well-established research methods (purposive sampling, key respondents, elite interviews and template analysis)	
Transferability	· Purposive sampling strategy	Shenton (2004); Bitsch (2005); Symon and Cassell (2012); Anney (2014)
	· Key respondents	
	· Providing sufficient contextual information to compare with, and transfer to, different contexts	
	· Providing rationale for findings and conclusions to enable understanding of how variation in different research projects may be influenced by different contexts	
Dependability	· Audit trail of significant research decisions and activities	Krefting (1991); Li (2004); Bitsch (2005); Bowen (2009); Anney (2014)
	· Code-recode strategy (coded the same data twice at intervals of two weeks to compare and assess stability of themes)	
	· Peer examination (with experienced researchers) to obtain new perspectives and undertake reflexive analysis	
Confirmability	· Audit trail	Anney (2014)
	· Reflexive practice	
	· Triangulation	
Integrity	· Adopting a healthy scepticism about suspect information	Wallendorf and Belk (1989); Anney (2014)
	· Building rapport and trust with participants	
	· Safeguarding of informants' identity to encourage 'good' data generation	
	· Triangulation	
	· Use of good interview technique and iterative questioning	
	· Researcher reflexivity	

In addition, considerations such as fairness (balance in giving equal voice to the participants) and ontological authenticity (the researcher increasing knowledge, understanding and awareness of the issue under investigation as well as reflexive self-awareness) which enhance research quality (Lincoln and Guba, 2000; Rodwell, 1998) guided the course of this thesis. Nevertheless, this thesis was informed by the argument by Maxwell (2012) and Mishler (1990) who suggest that research quality does not come from a rigid use of specific methods (e.g. triangulation, audit trails, peer examination etc.)

but rather from an assessment of the actual conclusions drawn from the study and the context of the study. In arguing against the use of a checklist to evaluate research quality, they propose a move away from 'validity' to 'validation' and an emphasis on the context of each study rather than universal methods of assessing quality. Therefore, this thesis approached quality criteria such as credibility, transferability, dependability, confirmability and integrity as context-dependent and adaptable concepts rather than rigid guidelines applicable to all research studies.

5.6 Limitations

All research designs have weaknesses and shortcomings and this thesis is no exception. One important limitation of the research design adopted in this study is the lack of longitudinal data to study how migrant CSOs changed over time and the evolution of their regulatory roles. By adopting a cross-sectional research design the data collected only provides a 'snapshot' in time (Saunders et al., 2009) rather than a longitudinal view. This also limits the ability to have 'prolonged engagement' with the sample of CSOs which potentially reduces the quality of the research findings (Shenton, 2004; Symon and Cassell, 2012; Anney, 2014). A cross-sectional design was adopted as a pragmatic way to manage the limits to time, finances and access to CSOs in the course of the study. The limitations of a cross-sectional design were mitigated by utilising key respondents and elite interview strategies to ensure interviewees possessed 'long-term' knowledge of CSOs and by asking specific questions during the interviews regarding the evolution of

CSOs and their regulatory roles. Further reflections on the limitations of this study as a whole are provided in chapter 9.

5.7 Conclusion

This chapter has outlined the key components of the research design and the rationale behind the chosen research strategies. The thesis is clearly positioned within the social realist tradition, the realist ontology, relativist epistemology and methodological implications of social realism were discussed in detail. Social realism is well suited to explore the social relationships and processes which occur within migrant CSOs, and to research the central problematic of this thesis: to explain the nature and role of high-skilled migrant CSOs in the regulation of work and employment. An abductive research strategy was adopted in order to provide an 'insider' view of social phenomena in line with the relativist epistemology of social realism. Following on from this, the chapter provided the rationale behind the choice of an organisational-level purposive sampling strategy and the use of key respondents and elite interview strategies. The use of semi-structured interviews was supplemented with secondary data collection from websites, documents and online forums of the skilled migrant CSOs sampled. Data was analysed using a template analysis which combined the use of *a priori* themes with the development of new codes and themes, in line with an abductive research strategy. Specific methods and strategies which enhance the credibility, transferability, dependability, confirmability and integrity of the research process were discussed. In addition to strategies that enhanced the research quality, a discussion of research limitations and how they were mitigated

was provided. The following chapters present the research findings from the empirical work in three chapters organised thematically around the forms, norms and spaces of civil society.

CHAPTER 6: 'Forms': Organisational Characteristics of Migrant CSOs and Social Regulation

6.1 Introduction

The purpose of this chapter is to critically analyse the empirical data collected from the migrant CSOs to ascertain how their socio-structural forms and organisational characteristics are implicated in the social regulation of high-skilled migrant workers. The discussion of the research methodology in chapter 5 adopted in this study indicated that the data is organised thematically around the three main organising concepts – the internal forms of migrant CSOs as social networks, the normative dimensions of CSOs as equality and diversity actors and the role of migrant CSOs in articulating the voices of skilled migrants within the regulatory space. The relatively large number of CSOs studied also precludes a case-by-case comparison, rather the major themes emerging from the research study are analysed drawing on the empirical data and the conceptual resources. Rather than centre on formal hierarchical structures, internal processes of negotiation and coordination, and leadership structures emphasised by rational and open systems perspectives, this thesis follows Scott's (1981) natural systems perspective. Therefore, this chapter will focus on the informal structures and social relationships within skilled migrant CSOs, the natural systems perspective emphasises social regulation and reproduction occurring through informal social practices such as the accumulation and utilisation of social capital. An essential aim of this research is to explore how the variation

in the internal form and characteristics of migrant CSOs influences their role as regulatory actors: what are the characteristics of the social organisation of high-skilled migrant CSOs? How do the internal characteristics vary and in what ways do the internal forms inform our understanding of the role of migrant CSOs in the social regulation of skilled migrants? These are important questions which shape the research, therefore, this chapter focuses on the internal forms of migrant CSOs in order to address these fundamental questions.

6.2 Socio-Cultural Identity

Socio-cultural identity was the first emergent theme in relation to CSO organisational forms, this was an important basis for many skilled migrants to congregate and coalesce into CSOs. Similar to earlier waves of CSO formation in the UK based on mass migration, many high-skilled migrants formed CSOs around homogenous ethnic, national and cultural identities. The origins of many CSOs studied reveal organisational structural forms underpinned by shared social and cultural identities, one interview respondent highlighted the important role these socio-cultural identities play in CSO formation and their ongoing relevance:

At the end of the day, we are drawn to each other by our similarities. Right? And we understand each other by our cultural similarities as well...**some of these organisations obviously have come in place because of that, because we celebrate each other's cultural similarities**, so you get a Pakistani organisation, you understand that people fast, you understand when they celebrate Eid. They come together and they celebrate those sort of things...I think that's important to remember and keep in mind as well, that ultimately they are not just representative organisations, **they are also organisations that come together historically, because they were communities of people, who came to a country where there were very few people like themselves, and they created their own communities.** (Interview F3, BIDA)

The focus on 'cultural similarities' among 'people like themselves' discussed by this respondent draws attention to the way cultural capital internally regulates skilled migrant CSOs by establishing boundaries between the in-group and out-group. In particular, the embodied, performative and objectified aspects of cultural capital (Bourdieu, 1986) such as language, dress, food, cultural and religious festivals etc. act as centripetal forces pulling skilled migrants together to form CSOs. Nevertheless, 'similarity' here needs to be understood as going hand-in-glove with their 'difference' and 'otherness' when compared to the majority UK population. By embodying forms of cultural capital different from those

forms privileged within the UK society, skilled migrants experienced processes of 'othering' (Said, 1978) and distinction (Bourdieu, 1986) which deprived them of economic capital, constricted their quality of life and participation in the labour market.

The sense of community and in-group identity within the CSO mentioned in the quote above highlights the prominence of bonding capital in homogenous social networks (Putnam, 2000) which primarily functions to support members 'get by' i.e. the sharing of resources in common. The origins of skilled migrant CSOs reveal that cultural capital provides symbolic group identifiers and enables the conversion of cultural capital into economic capital and informational resources as group members share finances and information. The two quotes below provide some insight into how BAPIO's origins could be directly traced to the combination of a desire to 'mix socially' in celebrating distinctive socio-cultural identities as well as combating the concomitant exclusionary and deprivational effects of such uniqueness:

There was no recognised body working actively in support of the Indian doctors who faced huge and peculiar problems in terms of passing exams, in terms of career progression, and also in terms of socially...because most of these people were working in the inner-city areas or in very small rural places, so they were working in the extremes...and it was recognised that there was no social support as well. So, with the view to support those doctors, with the view to make

them aware, the view to help them **also mix with each other socially, share problems, share successes, that was the origin of BAPIO.**

(Interview G2, BAPIO)

Well BAPIO was launched in 1996. This was after a few years of consultation with various colleagues of mine. And the reason for launching BAPIO was the difficulty we noticed that BME doctors were facing in the NHS. **At that time also, there was a big problem for doctors who were coming from abroad to take that test [to qualify to practice in the UK], they were passing the test, but they were not finding jobs and there were lots of doctors who were in financial difficulty. Also, they were living in very dilapidated accommodations in East Ham [London].** So, we thought we need an organisation which could support the [migrant] doctors, those who were new in the country as well as those who are working in NHS but facing career progression problems and differential attainment. (Interview G1, BAPIO)

It is important to note how the quotes above blur the lines between work and non-work spheres by identifying labour market exclusion (career progression, qualifying professional exams) in combination with wider social exclusions and problems (accommodation, financial difficulties, geographical and social isolation etc.). CSOs have

been classified as having an exclusionary focus on either 'work' or 'non-work' by leading researchers on 'new actors in ER' (Williams et al., 2011a), and this may partly explain why many CSOs have been ignored by researchers in HRM and ER, especially those CSOs focused on socio-cultural activities ('non-work'). However, the findings from this study contradict this rigid binary categorisation. The quotes above indicate a holistic approach to providing advocacy, employment and social support to skilled migrant workers right from the inception of BAPIO. As regulatory actors, such CSOs extend the traditional boundaries of HRM and ER beyond the boundaries of work and employment by incorporating the interconnected and complex 'non-work' issues which ultimately affect the ability of migrant workers to participate in the labour market.

Both quotes above link the origin of the CSO to its function in providing socio-economic benefits to members through the social capital available within migrant networks (Ryan, 2011). Importantly this includes not only 'getting by' but also 'getting ahead' to overcome the issues of 'career progression' and 'differential attainment' mentioned by the respondents. The quote below shows how socio-cultural identity socially regulates the ability and opportunity of CSO members to 'get ahead' and improve their careers:

So that is our spectrum of activities...of course you know we meet around Christmas times and you know **for Indian festival times**, we have regional meetings and **social gatherings** and that goes on...that is on

the **social side of things...while I kind of rush through that, it is actually a very important mechanism to network** to get to know people because at the end of the day it is your personal interactions, personal knowledge of people, that gets you through things...and now **you are able to pick up the phone and speak to people [that can help]**. So, with that purpose in view we bring **a variety of seniors and juniors in BAPIO so they are able to mix and do stuff**. (Interview G2, BAPIO).

'Getting ahead' enables skilled migrants convert cultural and social capital into economic capital through enhanced remuneration accompanying career progression (Bourdieu, 1986), this aspect of 'work' is inextricably interconnected with the use of cultural and social capital for socialisation and leisure in skilled migrant CSOs ('non-work') as explained in the interview quote above. The 'non-work' related activities of migrant CSOs should be viewed not merely as social and cultural leisure activities, they also provide a space for the utilisation of social capital in the advancement of careers through social interactions.

Distinctive socio-cultural identities are the basis for skilled migrants to collectivise in forming CSOs and these help us understand how skilled migrant CSOs both regulate and are regulated by social and cultural capital. The socio-cultural identities of CSOs influenced the *formation* of CSOs to counteract their exclusion stemming from differences

in cultural capital as well as the *form* the CSOs adopted (based on cultural similarities), social networks provided the social capital necessary to obtain socio-economic benefits in order to 'get by' and 'get ahead'.

6.3 Perceived Discrimination and Collectivisation

Collective action in response to shared perceptions of inequality and discrimination emerged as important social processes and structures which underpinned the organisational forms of CSOs. A major theme among interview respondents was the shared perception that skilled migrant CSOs, as social organisations, are a collective response to institutional discrimination. Pincus (1996) defines institutional discrimination as policies of dominant institutions that are intended to have a differential or harmful effect on a minority group. One vivid example is provided by a member of BAPIO below:

Now if you look at the professional knowledge test, even though the GMC [General Medical Council] says that it is for a license to practice at the House Surgeon level, which means at the junior-most level, **the actual exam itself was always set at a higher level, which to begin with is discriminatory** because if you are expected to practice at one level which is compatible with the FY1 or FY2 [Foundation Year 1 and 2] doctors scheme but the test is set at another knowledge level, it's just not practical if you are supposed to be at one level but it is set at a much higher level...in fact...if I remember right, there was a study by the GMC

were they administered this professional test [for licencing overseas trained doctors] to British born qualified doctors **and the substantial number of them failed, and that test was hushed up. The fact that they even conducted the test was hushed up**, but it's still available...there are some details that are available somewhere. (Interview G2, BAPIO)

The interview respondent goes on to discuss the use of the GMC test in regulating the immigration of medical doctors and questioned its objectivity, independence and fairness as a test of knowledge and skill which it claimed to be:

For some interesting reason, **even though the GMC is supposed to be independent**, the pass rate of doctors has varied depending on what the government policy was on the news [media]...**so it is very strange that when they needed more workforce the pass rate increases and when they needed less workforce the pass rate decreased**. So this is extraordinary that a professional licensing exam was used as a proxy and as a support system for the workforce planning so it may impede the pass rates...**so it may not be about objectively testing knowledge as claimed but about controlling migration levels of overseas trained doctors who are paying to take these tests**
(Interview G2, BAPIO)

Skilled migrants experienced labour market discrimination as individuals and families, nevertheless, these issues were approached as matters of wider collective interest as noted by the interview respondent below:

We kind of got fed up and started properly to get together to send a message. We thought that we could either get them to listen or get them to stop further [visa fee] increments...and then **we started meeting and we started getting other people interested...** we were meeting here in Glasgow and further down the line we decided that we were going to start a petition... so we structured a letter which we distributed to all the MPs I think they were about 634 MPs so **we shared that letter among ourselves and made it a point of duty to make sure... that all the emails got to them by the close of the day on Sunday.** (Interview E2, FFMF)

The collective grievances were addressed through mobilising collective power and resources within the CSO, the interview respondent quoted below describes how skilled migrants pooled economic and other resources through CSO organisational structures to achieve their joint objective of challenging labour market discrimination:

If you are a white UK graduate and you compare that against a black minority ethnic overseas doctor, **international medical graduates of BME origin, the BME doctor, would I think be 17 times more likely to fail the exam... they have both gone through the same training process and they have both gone through the same GP training**

scheme in the UK, but for some reasons there is this massive difference... So it doesn't make sense. Why? **And it was organisations like BIDA and BAPIO who raised this issue and actually BAPIO took them to court, BIDA supported BAPIO in that court action, donated some money to it as well, it was only because of that there has been so much discussion about differential attainment in postgraduate exams** and then there's been a lot more work been done because of this over the last few years to address it. (Interview F3, BIDA).

This may be understood as the pooling of economic capital to fulfil the objectives of migrant CSOs as regulatory actors. Similarly, resources based on institutionalised and embodied cultural capital (Bourdieu, 1986; Bauder, 2006) such as knowledge, information and physical effort were collectivised in campaigning against institutional discrimination in the UK labour market as described in the quote below:

I think you can do so much as a group, there is that kind of dynamic...you know...among the group...if they are determined to do something...you need to provide evidence so we worked out how much it cost to process each unit of the visa application, we worked out what the national statistics says about the average household income, we worked out how much it's going to cost to do child-care so we tried

as much as possible to kind of bring all these things to the fore to make sure if we are arguing our points that we have evidence to prove it, to back that up (Interview E2, FFMF).

These findings challenge the dominant orthodoxy in HRM research which views skilled migrants as passive and individualised workers whose talent is managed, developed and exploited by organisations (Claus et al., 2015; Crowley-Henry and Al Ariss, 2018; Moeller et al., 2016) by foregrounding the collective agency of skilled migrant workers. Despite the trend towards the individualisation of ER and employment regulation (Heery, 2011b), this study provides evidence of new forms of worker collectivisation. Skilled migrant CSOs can be understood as a form of collectivisation with the objective of socially regulating migration policy and the conditions under which skilled migrants are allowed to sell their labour and participate in the labour market. These findings provide empirical support to theoretical arguments about new forms of labour collectivism (Martinez Lucio and Stewart, 1997), changing dynamics regarding the collective regulation of ER (MacKenzie and Martinez Lucio, 2005) and new forms of collective migrant voice (Martinez Lucio and Connolly, 2010).

6.4 The Invisible Hand of the Market

The conventional view of civil society is that it is distinct and independent from the state and private sector, enabling it act as a social regulator of public policy and market practices (Edwards, 2011a). However, one of the CSOs studied challenged this assumption. It was unique in tracing its origins to the significant strategic action of a private MNC. TGNF was set up by skilled Nigerian migrants working in the oil and gas sector in the UK, at the behest and sponsorship of EnergyCo, a major MNC in Nigeria, as explained in the quote below:

Global Nigeria was originally launched by EnergyCo and is still an organisation heavily affiliated to EnergyCo ...and it was their initiative to start off this Global Nigeria Forum which the whole idea was to promote business partnerships between Nigerian expats and Nigerian companies. (Interview D1, TGNF)

The informal relationship with EnergyCo was hugely influential in shaping the formal organisational objectives and structure of TGNF. The literature assumes migrant CSOs are formed as a result of the internal mobilisation of migrants. One notable departure has been researched by Bosma and Alferink (2012), who highlight the complex relationship

between migrant CSO formation, and the multicultural policies and sponsorships provided to migrant CSOs by the state in the Netherlands. Their research into the political opportunity structure in the Netherlands uniquely provides evidence of the formation of migrant CSOs at the behest and sponsorship of the state. The interview data from members of TGNF reveal that private sector organisations can play a similar role in facilitating the formation of migrant CSOs. TGNF was the only migrant CSO studied whose origins, objectives and activities are closely linked to a private sector organisation. While Bosma and Alferink (2012) provide evidence of the state's role in migrant CSO formation, the evidence from TGNF in this study reveals the role of the 'invisible hand of the market' in forming and influencing the direction of skilled migrant CSOs. Although the state facilitated the formation of CSOs in order to provide better political representation of migrant ethnic groups in the Netherlands, in the UK, EnergyCo focused on formation of a CSO of skilled migrants, capable of providing the sought-after talent needed to support its operations in the Nigerian oil and gas industry. The nature of the relationship between TGNF and EnergyCo will be explored in more detail in chapter 8.

6.5 Diaspora and 'Giving Back'

Diasporic consciousness emerged as another key theme from the interview data pertaining to the social relational structures of migrant CSOs. Many migrants view themselves as belonging to a diaspora and maintain strong links with home countries. The interconnections and tensions between the country of origin and receiving country as

the focus of CSO activities and organisational orientation were pointed out by an interview respondent:

At the end of the day we are a diaspora organisation... should we be mentoring Ghanaian children here [in the UK] because we read in the news some of them get into trouble with knife crime and all this stuff? or should we be mentoring Ghanaian children in Ghana? or should we be mentoring any children here [in the UK] regardless of whether they are Ghanaian? So I think... this axis of home versus home, you know, **the home that you're in versus the home that you're from**, is quite an interesting one. (Interview H1, Star 100)

Diasporic consciousness often takes the form of individual financial remittances to home countries (Castles and Miller, 2009). However, the interview respondents revealed a more nuanced and collective manifestation of diasporic consciousness influencing the organisational forms and relationships of migrant CSOs. The twin objectives of socio-cultural learning and 'giving back' to home countries emerged as collective forms of diasporic consciousness exhibited by some skilled migrant CSOs. An interview respondent described how both objectives provide a connection to the home country:

The Star 100 aim really is to join people... **to connect people from here with Ghana, it helps you in terms of culturally** - so Star 100 do events

that covers **educating us about our culture, especially the second generation** who've never been to Ghana or spent very little time in Ghana, so we do events called the 'Tribes' where we cover how Africans get married, you know naming ceremonies, the burial ceremonies, chieftaincies, things like that. **So we educate ourselves well in the culture. Then it connects you to Ghana,** lets you know what's happening in Ghana, we get **C-Connect events where we bring CEOs from Ghana, law firms...I mean you name it...doctors... we did a conference where we had people from the oil and gas, from real estate, from the health service...really influential people to come and speak to people in London who are in Star 100 here and educate people, and it helps you see...opens your eyes to [investment] opportunities in Ghana as well.** Then also there is the "give back" where we do charity work and then support certain charities in Ghana as well (Interview H3, Star 100).

Although not prevalent in all migrant CSOs studied, the desire to maintain strong connections with home countries was underpinned by transnational forms of social capital. These transnational social networks developed social and economic ties between migrants and their home countries, preventing members from 'drifting away'. Foregrounding connections to the diaspora by CSOs socially regulates the flows of social,

cultural and economic capital among skilled migrants and directs a significant proportion of these to home countries.

'Giving back' went beyond regulating flows of migrant capital to include socially regulating the movement of people. For some migrant CSOs, giving back involved creating opportunities for members to return to the labour market of their home countries in order to reverse the 'brain drain' from home countries and facilitate the transfer of skills to their countries of origin. TGNF and BAPIO were good examples of migrant CSOs with the objective of reversing brain drain as indicated by founding members:

....the local Nigerian oil companies could actually affiliate with Nigerian technical professionals in the same clime, doing the same job these guys are doing, and that way you have a high level of local participation and **reverse brain drain, so that's really what started The Global Nigeria thing...** it's a very strong message, **everybody wants to give back [to Nigeria], everybody wants to find an avenue, a credible avenue, to develop what we have [in the Nigerian oil and gas industry]** (Interview D3, TGNF).

What happens is these doctors are selected... and then they come here with the special Tier 5 visa and under the Medical Training Initiative. Once they come here

they get more induction and BAPIO provides them a mentor as well as the trainers. We assist them with social networking, finding accommodation, things like that. **And at the end of 2 years these people return [to their home country] with hopefully the knowledge and experience they have gained and then they develop departments of emergency medicine in different parts of India** (Interview G1, BAPIO).

TGNF's approach was to encourage skilled migrants already resident in the UK to return to the home country either permanently or for fixed periods. However, BAPIO facilitated the temporary migration of skilled workers from their home country to the UK where they worked and trained for a fixed duration of time, thereafter returning to their home country.

TGNF went beyond socially regulating the mobility of members, they also enabled skilled migrants return to the home country as entrepreneurs and investors, thus transforming 'employees' into 'employers of labour' as described in the quote below:

The whole idea is promoting local content... if through Global Nigeria - **not just as members of staff within companies, it's not a just recruitment forum, it's actually a higher level than that, actually participating in real projects and operations and manufacturing based on that level where you have foreign players taking a large chunk of the cake there...** so rather than leaning on the foreign entities,

and **encouraging capital flight** the thinking was why don't we get the Nigerians down here [in the UK] to form some sort of platform collaboration... **teams, companies, enterprises whatever it takes and be the entities that are utilised one way or the other to achieve the same objectives we achieve with foreign companies** [in Nigeria] (Interview D3, TGNF).

Diasporic consciousness exhibited by such migrant CSOs may be understood as a form of *transnationalism from below* (Portes et al., 1999), the grassroots initiatives by migrant networks to develop and socially regulate transnational relationships and ties.

6.6 Evolution in Internal Structures: Open and Closed Networks

This study suggests that the organisational structures of migrant networks are permeable and evolving. The social structure of networks have been classified as 'open' or 'closed' (Barnes, 1954; Bott, 1955; Granovetter, 1973). 'Open' networks consist of relatively heterogeneous membership where members do not all know each other, while 'closed' networks have a homogenous and exclusive membership structure and members usually know everyone else in the network. Bonding capital is associated with inward looking 'closed' networks that tend to reinforce exclusive identities and homogeneous groups.

Bridging capital characterises relations in 'open' and outward looking networks that encompass people across diverse social cleavages (Putnam, 2000; Nannestad, Svendsen and Svendsen, 2008). These accounts perceive network structures as fixed and static with rigid boundaries. In contrast, findings from this study suggest that networks are dynamic and evolving and such evolution is mediated by social capital. AFBE-UK originated as a 'closed' formal network of high-skilled workers in the engineering sector from an African and Caribbean background, the Aberdeen branch was started by migrants and drew most of its membership from African high-skilled migrants. Over time the original members drew in Asians and Eastern Europeans from overlapping educational and community networks who were interested in benefiting from the career and employment workshops run by AFBE-UK as described below:

We are not only focused on people of minority ethnic origin, we also allow interactions so for example many other assessors and many of the participants have also come from the local area **so we've got people who are of Asian nationality, people who are of Black and African nationality, people of White extraction have come to the program...people outside the EU.** We have had on occasions [people] who are looking for a job here and how to get into the job market.
(Interview B2, AFBE-UK)

The findings reveal that skilled migrants belong to overlapping networks and their use of bridging capital works both ways, not merely in connecting members of a CSO to 'outsiders' but also connecting 'outsiders' to the relationships, activities and services provided by the migrant network. The openness of the AFBE-UK network came to be regarded as a strength of the network as the comment below suggests:

We as an organisation, neither us nor our objectives are exclusive...for us diversity is a strength, and it is a somewhat mysterious thing when people come to one of our events...in some cases - I use our last Transition program [as an example] - had more White people than Black people in the Transition workshop. And you say "how does that happen?"... it's a regular question that comes up, but it's never been a contentious one. It's never been difficult to get people into the fold. I think there is also the fact that the case of diversity is kind of well understood, and it's something that people very much appreciate. So far diversity is strength - it's a strength whatever way we look at it. (Interview B1, AFBE-UK)

The leadership of AFBE-UK viewed the evolution of the network as a way to provide services to a greater cross-section of skilled migrants, this was ironic given the name of the network had nothing to do with migrants and suggests an exclusive orientation towards Black ethnic minorities. Over time, the network became more 'open', issues

regarding Black ethnic minority migrants remained the networks priority, nevertheless, it became very welcoming of skilled migrant members from other ethnicities.

Another reason some of the networks evolved towards more open structures was to develop greater power and influence through the mobilisation of bridging capital of members. BAPIO originated as an ethnically-bound network but evolved to become more open to members from other ethnicities by highlighting the need for solidarity in campaigning against a 'common axis' of discrimination. When BAPIO started a specific campaign opposing institutional discrimination affecting all migrant doctors it sought to form inter-ethnic coalitions with other networks of migrant doctors as described below:

It [BAPIO] is representing all BME [Black and Minority Ethnic] doctors...you know in our name it is "Indian Origin" [but] whatever work we are doing is for all BME doctors, for all nationalities, we actually have very big support [during the judicial review in 2014] from other doctor organisations like the Nigerian doctors, the Ugandan doctors, Pakistani doctors, Ghanaian doctors as well. And lately we have had messages from some of these organisations that they want to be part of BAPIO as associate organisations...**we did get support from all these different organisations, financial support that is** [during the judicial review] (Interview G1, BAPIO)

BAPIO became 'open' to individuals joining from other ethnicities as well as forming interorganizational network relationships with other migrant CSOs. The findings from this study are important because they highlight how skilled migrant networks self-organise and mobilise social resources in response to the intersectional nature of labour market exclusion. Both BAPIO and MDNS evolved into more open network structures as a result of the strategic intention of their respective leadership in mobilising the bridging capital among members during regulatory-change campaigns challenging common axis of discrimination. In contrast AFBE-UK became more open through the unintended effect of members' using their bridging capital to invite skilled migrants from overlapping networks and different ethnicities to participate in mutually beneficial career-related services provided by the network.

However, the findings also indicate that the strategic intention of the leadership of networks to recruit an ethnically heterogeneous membership may be constrained by the lack of sufficient bridging capital of network members and the 'weakness of strong ties' between members of the same ethnic group. BIDA attempted to mobilise members across various nationalities but was limited to a predominant ethnic group, it only managed to recruit members from non-EU nationalities and more specifically members of Indian ethnicity, as explained in the quotes below:

**We call ourselves BIDA [British International Doctors Association]
but we may as well be British "Indian" Doctors Association,**

personally, I don't think we have enough diversity in our organisation, and I think that goes back to its historical origin [among the Indian migrant community] (Interview F3, BIDA)

To be honest with you, it's not very diverse at present, because, since the membership started dwindling, it has been become mainly [an] Indian doctors organisation, but in [the] last 6 months, it has improved a little bit with the help of some of my friends, now the [Association of] Pakistani Doctor's Chairman has joined it, we got Nigerian doctors joining it at present and we got Egyptian doctors joining it, and we want to make BIDA really diverse. (Interview F1, BIDA)

FFMF was also constrained by the lack of bridging capital among its members resulting in a membership base dominated by a pre-existing social network of Nigerian high-skilled migrant families. Coleman (1988) focuses on the norms of mutual trust and reciprocity among a close-knit network as *advantages* of network 'closure'. However, the findings from this study suggest that a lack of trust acts as a *limitation* on the ability of a network to become more 'open', thereby constraining the bridging capital of members. Despite attempts to campaign against exorbitant increases in visa fees affecting all high-skilled migrants from outside the EU, FFMF was unable to recruit significant numbers from outside the pre-existing social network of its African founders as described below:

Actually, it was because as of this time they were high numbers of Asians who should have been involved in this campaign but obviously because the campaign was started and led initially by Africans... I guess these were some of the challenges - the validation, the trust, and the opportunity to join up - didn't happen. If the Asian communities had joined that campaign - I believe they were more established, they had more numbers at that time than we had... if they had been [more] involved and had taken a lead... taking part in the leadership of that campaign - I believe it would have been more successful than it was...the invitation was made open...but again it goes back to the thing of trust, who was championing it? or who started writing the mail [to invite others]? or who started talking to people about it?...it's a very tricky one...honestly it's a very tricky one. But I guess over the years a number of those issues and challenges are no longer there and more relationships have been built over years, so I hope and I believe that if there are future campaigns they would be more successful than that. (Interview E1, FFMF)

Mutual trust is more prevalent among members of 'closed' networks allowing them to develop closer bonds (bonding capital). However, the findings indicate that the lower levels of trust within 'open' networks inhibited the building of a broader based organisational structure between African and Asian migrant communities in Scotland. The lack of trust limited the ability of FFMF to become more 'open', constraining the ability of

FFMF members to develop closer ties to non-African skilled migrants through bridging capital.

6.7 Evolution in Approaches: Service-Based and Advocacy-Based CSOs

CSOs also evolved with regards to methods used to pursue their objectives. According to Williams et al. (2011a), CSOs either use service-based or advocacy-based methods in their role as regulatory actors in ER. However, the interview data contradicted this rigid and static view of CSOs. Some CSOs evolved from a predominantly service-based approach to becoming leading advocacy-based migrant CSOs. The quote below provides insight into the transformation of BAPIO in this regard:

So BAPIO was started and initially we started assisting the overseas doctors in simple things like finding accommodation, writing curriculum vitae, providing them mentors, running workshops, to support them in career progression. At the same time, we also have discussions with some establishments including GMC [General Medical Council], various Royal Colleges and the Department of Health to see how things could be improved. Interestingly almost everybody agreed that there is a problem for BME doctors with differential attainment and SAS [Specialty and Associate Specialist roles], it is unfair. **Anyway, in**

2006 we were extremely worried because of [the] sudden change in the visa regulations and it was changed without any notice and the regulations were changed for people who were already in the training. So, the effects were that almost 15,000 BME doctors who are in training were to be removed [from their training programmes and from the UK]. **So, we took the Department of Health and Home Office for judicial review in 2006** which we lost initially, we appealed in higher court which we won. Then the Department of Health appealed so the case went up to the House of Lords and eventually we won this case and the result was that all these almost 15,000 doctors could continue in their training and we believe all of them are now Consultants. (Interview G1, BAPIO)

BAPIO evolved from a service-based organisation into a major advocacy-based CSO in response to the external challenges facing its members, especially changes to state regulation of the visa permitting migrant doctors to work. In contrast, the evolution of Star100 from a service-based to advocacy-based CSO was in response to opportunities in the external environment emanating from transnational social networks and a more open political opportunity structure (Tilly, 1978) in the host country, Ghana. The interview respondent below explains how the relationship with Imani, a very influential political think-tank in Africa, provided an opportunity to begin advocacy:

We've already been linked to policy makers and I think the strategy is in the future to do more in the policy space...so let me give you a background. About a year or a year and a half ago, we were approached by a think tank in Ghana called Imani Centre of Policy and Education and they are one of the influential think tanks and they influence policies and those [kind of] things...and they wanted to use the skill set within Star 100 to enhance and push certain agendas forward in Ghana. And so, we met and the strategy was we would start using things like Skype, things like radio, call-in radio [shows] to do interviews and to start pushing agendas and educating people...

(Interview H3, Star 100)

The interview data also provided evidence of evolution in the reverse direction. Some migrant CSOs transformed into predominantly service-based CSOs at the end of the initial advocacy campaign around which they originated as indicated in the quotes below:

We formed groups which were subsets of our original group at that time when we led that struggle and we developed friendships which still endures even till today... even now that we are GPs now we are still in touch, **we still have educational groups which are still offshoots of that original group that led this struggle at that time. So, it helped**

to kind of integrate us, to bring us together, and we became aware of the peculiar challenges that we were faced as international medical graduates... (Interview C2, MDNS)

Well because a lot of people here have known each other before they have grown to become friends from the [advocacy] campaign and got to know and meet others... **this network has informally supported each other in terms of seeking for work opportunities, advice and support during visa applications** ... (Interview E1, FFMF)

MDNS evolved into a network primarily providing education and career support to members at the end of a successful advocacy campaign to change state regulation governing visas of foreign GP trainees in Scotland. Although FFMF ran a largely unsuccessful advocacy campaign to change UK state visa regulation and visa fees, it was still able to evolve into an informal network providing advice regarding visa applications and career support. Neither success nor failure of the initial advocacy campaigns around which the CSOs originated prevented their evolution into service-based regulatory actors. Such an evolution shows that where the primary objective and driver for emergence of the CSO has been fulfilled or exhausted, the regulatory actor need not die off but may evolve towards new objectives and methods.

6.8 Internal Diversity and Intersectionality

The interview data enabled a critical interrogation of the identity and internal diversity of migrant CSOs. Migrant networks are typically classified as homogenous networks comprising members of the same ethnicity or nationality (Wimmer, 2004). The migrant CSOs studied actively advocated for inclusivity and promoted diversity in the wider labour market. However, because their membership was originally based on an exclusive socio-cultural identity, it raises questions regarding their commitment to inclusiveness. One of the leaders of BAPIO argues in the quote below that while its membership is exclusive, it is not discriminatory:

...It [BAPIO] was specifically designed for people from the Indian Sub-continent, we have a few Pakistani members, a few Sri-Lankan members but it is overwhelmingly people from India...now when **we say BAPIO there is a certain image... Now they say the name itself is not inclusive, it's exclusive to Indian doctors, it is not inclusive of various people, but then the term BME is exclusive, it applies only to black and minority ethnic people**, so where you have particular concerns the organisations develop with those kinds of names...**well it is not racist** but the design of the organisation and the history of the organisation means that it is primarily for people from the Indian sub-continent but having said that **there is British Pakistan Doctors**

Association, there is student and medical association of the UK, there is MANSAG which is medical and nursing health professionals from Nigeria, there are all sorts of organisations with their countries names attached to it so BAPIO is one of the biggest players...simply because it's been around for a long time and we've taken up some high profile cases and we are influencing [stakeholders] heavily so we do have a disproportional influence, but there are other organisation with their countries names attached to them so the name BAPIO and the kind of work BAPIO does is not exclusive but it is overwhelmingly large and we do have a disproportionate influence.

(Interview G2, BAPIO)

Homogeneous networks are characterised by high levels of bonding capital which is useful for 'getting by' but are generally regarded as lacking the bridging capital to enable members 'get ahead' in terms of obtaining jobs and career progression (Nannestad, Svendsen and Svendsen, 2008). The findings in this study indicate that skilled migrant networks are more complex than a simplistic dichotomy between homogeneous and heterogeneous networks.

The research findings suggest migrant networks may be homogeneous in terms of ethnicity and nationality but heterogeneous in other important respects. Network identity

was based on the intersection of ethnicity, nationality, migrant status and class (occupational and professional status) in all networks studied. Although there were variations in the relative 'weight' given to either occupation, migrant status, ethnic or national identity, these dimensions were consistently combined as the basis of network membership, identity formation and mobilisation. These dimensions ranged in a spectrum across predominantly nationality based professional networks (e.g. NCDN, Star 100, TGNF, XN Foundation), ethnic based networks (e.g. BAPIO, BIDA) and networks that attached more importance to specific high-skilled migrant or professional migrant status irrespective of specific ethnicity or nationality (e.g. MDNS, BIDA, FFMF). Nevertheless, every network studied contained an intersection of identities.

Some migrant CSOs adopted a broader BAME identity in addressing discrimination related to ethnicity because non-EU migrants are typically from ethnic minority groups. The interview respondent below explains how BIDA campaigned against discrimination at the intersection of BAME and migrant identity:

There's a General Medical Council, they have a black minority ethnic forum, on which BIDA has a seat, right?... see one of the things that we noticed with the GMC, is that there's a high rate of investigation of overseas doctors, black minority. **So, these 2 groups - there's overseas doctors and then there's black and minority ethnic doctors, right? And so, we're in a place where we are representative organisation who is able to raise these issues because we're on the**

table having those discussions as part of [GMC] committee structures. (Interview F3, BIDA)

Despite the large presence of skilled migrants in AFBE-UK, it adopted a BAME rather than migrant identity. The reasons for this are explained in the quote below:

I think because **we are the only body in the UK that looks primarily at engineering from a Black perspective. Part of the problem with a lot of organisations that are similar in some ways is that they look at a state or a country.** You have the Engineering Forum of Nigerians [EFN-UK], for example who we worked with in the past. **They primarily focus on Nigeria related issues. We are looking at a broader spectrum of all the various [groups] - Africa, and subcultures that exists in the UK.** That I would say is one of our primary differences. (Interview B1, AFBE)

The fluidity and 'openness' of migrant networks extended their internal diversity. One striking example was how Star 100 extended its membership base beyond Ghanaians by moving from an approach strictly based on 'identity' to 'interest', as revealed in the following quote:

I think it's a good **group of people that are professional in their outlook, they're joined by an interest in Ghana so they are not all Ghanaians, there are some Dutch members and English members, Nigerians, Zambians, a few others. But majority are Ghanaian. So, I think that they're joined by a common interest in Ghana, a common interest in meeting other people that are interested in Ghana or are Ghanaian. (Interview H1, Star 100)**

The internal diversity within migrant CSOs are not always neutral. They may incorporate hierarchy and power differentials within such networks. Even though BAPIO evolved into a more 'open' network, ethnicity and nationality acted as differentials among members, as stated by the interview respondent below:

Now by definition because it's called British Association of Physicians of Indian Origin, so Indian Origin is **Indian sub-continent which includes India, Pakistan, Bangladesh, Sri Lanka, Nepal and Burma. However, because we promote diversity we also include all other nationalities as associate members who get all the facilities of membership except for the voting right.** The gender we have **unfortunately male predominant membership**, although we are now promoting women, we have a **women doctors' forum** as part of BAPIO and we're giving a lot more importance to females. (Interview G1, BAPIO)

The quote above highlights how nationality and even gender differentiates and socially regulates BAPIO's internal membership. This agrees with authors who argue that intersectional identities reveal simultaneous oppressions as well as power relations (Carbodo et al, 2013; Erel, et al 2013; Erel, 2015).

According to Piore and Safford (2006), recent changes to employment regulation are based on the shift in the 'axis of social mobilisation' from economic identities (e.g based on class and occupation) represented by trade unions, to social identities (e.g. based on sex, race and ethnicity) represented by CSOs. However, studies on intersectionality argue that discrimination is experienced at the intersection of more than one identity/dimension and therefore is more complex, contingent and exclusionary than simplistic dualities of ethnic or class-based discrimination (Anthias, 2012; Alberti, Holgate and Tapia, 2013; Erel, 2015). The interview data supports this argument, one respondent explained in detail how different forms of exclusion and discrimination varies across different points in the career ladder of migrant doctors:

... all different groups of doctors, trainees for example, still do find it **difficult to pass the Royal College Examinations**. Now the **2 types of exams** from Royal Colleges are the entry examination, for example College of Physicians and College of Paediatrics, and there is the exit exam for example CSA [clinical skills assessment exam] which is part of RCGP for MRCGP exams. There is such a big differential between the

pass rates that we were extremely and we are still extremely worried about it. **So that is one group of doctors - trainees. Second, still with the trainees,** most of the BME doctors who have come from overseas are **working in district general hospitals** and they are used a lot more as a pair of hands to deliver the clinical services rather than being trained to progress in their careers. And we found this as a major problem. **The third thing** which is valid **for all the doctors** is the **number of complaints to GMC [General Medical Council] as well as the disciplinary actions**, and it was very obvious to us that the differential action, if it was a white doctor for the same sort of problem, will have no issues, but if it was a BME doctor, the doctor will be disciplined. **Going on to the group of SAS [Specialty and Associate Specialist] doctors,** now this is a large number of doctors; **most of them are international medical graduates. They are very experienced people.** They work **almost at the level of consultants but they do not get recognition and their career progression is almost blocked. Finally, consultants and GP's,** Consultants have similar problem about disciplinary processes with the GMC but **also [are overlooked] for excellence awards** and it was quite obvious for us that the number of awards given to BME doctors are much less as compared to the white doctors. GP's also, **a lot more GP's are disciplined and referred to GMC** and currently CQC [The Care Quality Commission] is creating lots of

problems and going down on especially single-handed BME practices for not very good reasons. (Interview G1, BAPIO)

Differentials in professional status intersecting with ethnicity not only act as sites of discrimination, they also enable members benefit from social capital by networking with migrants in more senior career roles. This study identified how variations in class (professional and occupational status) provided social resources to 'get ahead' in a variety of ways. One interview respondent described how differentials in occupational status within her migrant network provided the bridging capital even were the same ethnicity was shared by network members:

Well, so, the hierarchy in the organisation, the leadership in the organisation are all well-established leaders of the profession...for example... [a] person contacts the organisation and then they will be put on to somebody like myself or somebody like the Chairman of BAPIO - he's a medical director of a Mental Health Trust - you know that's a really...powerful, credible candidate who you [are] then connected to and that's the sort of advantages of these organisations, that they are like-minded people who have supported each other through their networks, building on that social capital and they are all excelling and what they've

carried on doing is helping other people around them. (Interview F3, BIDA)

As shown above, ethnically 'homogenous' migrant networks may nevertheless contain 'difference' in the form of occupational status differentials. This finding agrees with the views of Cederberg (2012) and Ryan (2011) that hierarchies, power differentials and social location within migrant networks can be a source of bridging capital to 'get ahead'.

The differences in professional occupations also provided opportunities for some migrant CSOs to extend the reach of their voice and advocacy. In recognition of commonalities in the discrimination experienced by doctors, nurses and other medical professionals, BAPIO used its more privileged status and power to address issues of discrimination across various medical occupations which intersect with ethnicity as revealed in the quote below:

We will continue to work and support NHS, we will continue to **promote equality and diversity**, but we will also stand up when we find **injustice** amongst the BME community or injustice [regarding] BME people who are providing the NHS service - **so not only doctors but nurses and other health workers.** (Interview G1, BAPIO)

Ethnic and national homogeneity may hide gender differences within skilled migrant networks. Social regulation of labour markets may result in inclusion where networks provide female migrants access to bridging capital and female mentors enabling them get ahead. However, networks may also socially reproduce forms of exclusion encountered by females at the workplace, females may not access the social resources available in networks in the same way as male members of the networks, and network leadership structures may not proportionally represent female membership. The quote below provides insight into how a network encouraged female inclusion through participation and leadership:

In BIDA executive committee we got 3 women. In the executive committee, we got 3 to 4 women, and they are all becoming really active now. Every year we got women's event, being International Women's Conference. We have had it for the last 3 years. (Interview, F1, BIDA)

Nevertheless, one respondent recognised that despite deliberate internal structures created to encourage female participation and female utilisation of network resources and benefits, there were lower levels of female participation within the network:

You know we recognise that people have busy lives, and women have their own specific responsibilities, there was a BAPIO Women's Forum that was very active for two years and now it is no longer active so these are constant struggles that we struggle with. (Interview G2, BAPIO)

Even where internal structures are designed to encourage female participation in migrant networks, they may still exclude a category of female skilled workers, a more nuanced view of how gender exclusion intersects with age was provided by the interview respondent below:

I think in BAPIO the leadership were women are involved it's all older very established women, there's not many young women around. That speaks a story of a certain type, what does that reflect? Does that reflect that young doctors struggle to get on it? Or they don't have the time? I don't know. (Interview F3, BIDA)

Internal diversity sometimes influenced the approach adopted by the CSO in promoting diversity in the wider labour market. XN Foundation was the only migrant CSO studied which had a dedicated focus on incorporating issues of disability in their activities targeted at skilled migrants as noted by the interview respondent below:

Then **we also have something called PAID which is a Program of Advancement and Intervention in Disability**, what I need to explain to you is that what people join XN Foundation for is not just to attend ICONS [XN Foundation's major conference], so if we can institute a program like **the Program of Advancement and Intervention in Disability** what we are doing is saying "alright, you have left ICONS, you can be the best person you can be in the lives of disabled people". (Interview 1, XN Foundation)

This approach to viewing migration as intersecting with disability and the focus on disability issues through the mechanism of PAID was attributed to the internal diversity arising from the significant presence and influence of persons with disabilities in the leadership of XN Foundation.

The complex and intersectional nature of migrant CSOs was highlighted by an interview respondent in the quotation below:

...it is very easy to say that we are diverse but are we diverse? Yes and no. For instance, if you talk about BAPIO, I already said that **we are mainly Indian**...and I already explained the reasons for that so I won't go into that. Now if you look within the Indian people **we have very few**

general practitioners, within the doctors we only have hospital specialists as a part of our executive team, our executive committee, we don't have too many general practitioners so that is a problem in diversity. And if you look at women...we only have two women on our executive committee...that is a problem with diversity. I don't know whether we have any LGBT members as part of our executive committee. You know we have to be honest, you know there's no point in kind of beating around the bush...these are all issues. We are conscious of that...and I already touched on the fact that we do not want to become an “old brown boys club”. So, where we have been very vocal is about the need for getting more general practitioners and more women involved. We have tried and we are successful only at specific points. I'll explain what I mean. When we organise conferences BAPIO women tend to get involved a bit more but when we organise think tanks, when we organise executive committee meetings, even though people are not members of the executive committee we invite and people don't turn up... you know we recognise that people have busy lives, and women have their own specific responsibilities, there was a BAPIO Women's Forum that was very active for two years and now it is no longer active so these are constant struggles that we struggle with. We are trying to increase our representation of the general practitioners and there is a big huge

struggle there because it is hospital specialists who tend to get involved with BAPIO more...So you know we are trying to engage a little bit more with the **age agenda**...and that is again partially successful...**when I say partially successful I mean when we organise for younger people we do get a lot more younger people. But when we organise a general thing then the younger people issue drops off.** So, these are all the kind of issues, it is very frustrating...it is not because we are not aware...we are aware, we are trying...but to be frank, we fail often. But we won't give up...we won't give up. (Interview G2, BAPIO)

The quote above underscores how 'difference' and exclusion may exist within network structures that may be ethnically or nationally homogenous. From the discussion above, internal diversity and intersectionality play key roles in the social regulation of migrants within CSOs, as well as the way in which these CSOs seek to regulate other actors in ER. Indeed, the legitimacy and credibility of migrant CSOs campaigning against inequality and promoting diversity is in part linked to stakeholders' perception of inclusivity, representativeness and diversity *within* such CSOs.

6.9 Conclusion and Discussion: Social regulation - the forms and functions of migrant CSO networks

This chapter sought to explore the internal forms and organisational characteristics of skilled migrants CSOs. This enables a critically analysis of the relationship between the internal forms and the function of such CSOs as regulatory actors.

The findings indicate that while the origins and objectives of migrant CSOs varied, socio-cultural identity was an important basis for CSO formation. The socio-cultural identities of CSOs influenced the *formation* of CSOs to counteract their exclusion stemming from differences in cultural capital as well as the *form* the CSOs adopted (based on cultural similarities). Social networks provided the social capital necessary to obtain socio-economic benefits in order to 'get by' and 'get ahead'. Perceived discrimination in the UK labour market led to the emergence of skilled migrant CSOs as regulatory actors and the use of social, cultural and economic capital to address discrimination and exclusion.

The desire to give back as diaspora groups in home and host countries, was a major driver shaping the origins and objectives of some CSOs. Interestingly, the origins and objectives of one CSO (TGNF) was heavily influenced by an MNC, indicating that rather than being independent regulators between the state and private sector, the regulatory objectives of a CSO could be closely tied to the strategic objectives of a private MNC.

These findings suggest that migrant network identities and structures are not fixed and static but fluid, evolving and contingent. The relationship between the structure (homogeneity/heterogeneity), relational processes (bonding/bridging capital) and socio-economic benefits (getting by/ahead) of skilled migrant networks is more complex than simplistic binary relational processes. In contrast to orthodox accounts, ethnically homogenous networks were revealed to comprise intersectional identities involving bridging capital utilised in processes of social regulation which took the form of 'getting ahead' (inclusion of skilled migrants into the labour market and organisational employment). The evolution of network structures was mediated by the strength or weakness of available bridging capital within networks, regulating (constraining or expanding) who benefits from the career development and advocacy services provided by migrant networks to their constituencies. Finally, findings suggest that internal diversity and intersectionality are an important aspect of social regulation of migrants both within CSOs, and in their roles as regulators of other actors in ER.

Chapter 7: 'Norms': Migrant CSOs as Equality and Diversity Actors

7.1 Introduction

The findings presented in chapter 6 explored the organisational forms, social characteristics and internal diversity of skilled migrant CSOs. This chapter builds on the discussion of internal characteristics and socio-structural forms by focusing on the normative dimensions of skilled migrant CSOs. Social regulation involves social norms which have power to influence individuals and regulatory actors (Peck, 1996). Social regulation will be critically analysed in terms of normative dimensions such as normalised behaviours, social conventions, patterns of social behaviour and normative values exhibited by migrant CSOs involved in promoting equality and diversity.

The structure of this chapter is as follows; first, common themes regarding norms of mutual support in migrant CSOs will be discussed. These include support in terms of international mobility, recruitment and selection, pay and reward negotiations, career mentoring, training and skills development. Second, the way in which inclusion and exclusion may be normalised through migrant CSOs will be considered. Third, the role of migrant CSOs in the normative conditioning of skilled migrants as 'good workers' will be assessed as well as issues of normative control of migrant labour. Following this, the role of skilled migrant CSOs in normalising the neoliberal hegemonic logic of the business

case in attempts to promote equality and diversity will be evaluated. Finally, a concluding section will summarise the major findings of this chapter. The next section examines social regulation and the norms of mutual support within migrant CSOs.

7.2 Norms of Mutual Support

Several authors suggest that bonding and bridging capital are an important part of the social norms within migrant networks (Putnam, 2000; Ryan, 2011). These social norms guide and govern the behaviour of members within CSOs. They consist of expectations and behaviours enabling members 'get by' and 'get ahead', as well as obligations of mutual reciprocity and trust (Coleman, 1998). Although activities which enable members derive socio-economic benefits are seen as normalised behaviours stemming from the social (bonding and bridging) capital within social networks, the data from this study indicates that such norms may also be derived from the unique cultural capital of migrant networks. One interview respondent highlighted how the social norms within migrant networks were underpinned by both social *and* cultural capital. He compared the support migrant workers could receive from non-migrant CSOs in the UK with the support provided by African migrant CSOs in the UK:

We as Africans, we have a very, how will I put this without sounding a bit bigoted? In terms of a support structure, we have the best in the world,

Africans inherently in our culture, in our environment back in Nigeria, are support structure oriented, we're a community people, which is why back home we have a lot of large extended family interlinks, if someone is having a baby, the whole family arrives roundly to support. Now because we have that orientation as part of our upbringing, **you know they've come to a place whereby you don't have a local support structure but you have [non-migrant] support organisations in place... but they do not understand the act and perspective, they don't understand the Nigerian perspective, they don't understand the need for "kparapko" to use our term of expression, so we hope that AFBE would provide this.** (Interview B3, AFBE)

Migrant collectivism in the form of giving and receiving support within migrant CSOs can be partly explained by the power of 'kparakpo', a form of embodied and performative cultural capital. By drawing on the notion of 'kparakpo' (a Yoruba word used among Nigerians referring to the collectivism, communal solidarity and support provided within tribal and ethnic networks), the respondent evokes a deeply held cultural value and expectation of giving and receiving aid to strangers encountered anywhere in the world because of common cultural identity bonds. This arguably shows that social norms within migrant networks may have a deeper degree of cultural embeddedness beyond the norms of support, trust and reciprocity described by Coleman. These supportive and

reciprocal behaviours which constitute major social norms within skilled migrant CSOs may also act as a means of social regulation (Peck, 1996) where they facilitate the incorporation, allocation, control and reproduction of labour within labour markets.

7.2.1 International Mobility Support

The interview data showed that migrant CSOs were important facilitators of the international mobility of skilled migrants and this acted as a form of social regulation. An interview respondent described the norms of supportive behaviour in relation to the migration process within a migrant CSO:

...if not for their help in giving that information, I would never be able to have come [to the UK], and then of course throughout the application process I had guidance from people with regards to how to meet the requirements, the timing of applications...my first application as a highly skilled person...I basically go for guidance to people (within the network) who had applied for the same visa, and who are in the UK on the same visa... you can only get those kinds of tips from migrant networks... it's not the kind of information that you get from your office or workplace, it's not the kind of information that the UKBA or Home Office put in a public place. (Interview A2, NCDN)

The quote above highlights the value of information sharing within migrant CSOs in support of migration processes. By providing guidance and support, NCDN acted as a kind of mediator between skilled migrants and state institutions and regulations. While the value of shared informational resources as a form of social capital has been emphasised by some authors (Garip, 2008; Ryan et al., 2008), this study extends this line of research by showing how migrant CSOs serve as alternative actors in regulating skilled migrant mobility through information sharing. While the interview respondent above explained how a migrant CSO may complement or mediate the regulation of skilled migrants by state institutions, another respondent showed how CSOs may fill the gap emanating from the lack of support provided by the HRM functions of some employing organisations as reflected in the quote below:

The HR Departments in the UK...if it's a white British employee they are more than adequately positioned to deal with those issues, but in terms of foreigners, in terms of migrants, there are a lot of challenges and experiences that we have, that they can't even visualise or relate to... so a lot of the time **the HR departments here are clueless...** so they honestly do not know how to handle some of these things, and as a result, they don't really handle them very well...**when it comes to employment...changes in governmental policy, they're not always on top of things when it comes to knowing the opportunities for**

migrants, for foreigners to get the right to work and remain employed in the UK. (Interview B3, AFBE)

The expertise of migrant CSOs in providing informational resources in support of skilled migrant mobility was contrasted in the two preceding quotes with the paucity of information from state institutions and some HRM departments of UK employers. In acknowledgement of this expertise the General Medical Council (GMC) drew on expertise within BIDA to provide informational resources on their website, targeted at migrant doctors as shown in the quote below:

...we tell them to look at the GMC website **which we helped to re-write**...We also give them information about the colleges, website access, all those things we do before the doctors come here. If they contact us, we do that proactively. (Interview F1, BIDA)

In addition to supporting migration to the host country (UK), migrant CSOs also socially regulated movement to home and third countries. Migrant CSOs undertook processes of social regulation by helping shape the perception of skilled migrants regarding destination countries as 'welcoming' or unfavourable locations. This research highlights the transnational agency exercised by migrant CSOs, migrants not only shared information about possible destination countries, comparing these to the UK to enable skilled migrants make decisions based on their personal circumstances, they also connected

skilled migrants to opportunities and support networks in potential destination countries for career mobility. This is illustrated by the quote below:

I have quite a number of friends now who've migrated from Nigeria to Canada, Nigeria to Australia and Nigeria to the U.S.A. Also, I have a few friends who've migrated to the UK first and then migrated again from the UK to say Canada and some are in the process...I have all these friends or people [in the network] there, and if I really want to take the step to move then I have the support network there. **I have access to the information I need. I have a place to stay if I need to, for the initial period I need to settle down...**some of the migrant doctors in my network are considering moving to Canada **because there is a possibility of entering a partnership with other migrant doctors there from part of the network or that kind of support.** (Interview A1, NCDN)

The foregrounding of the agency of migrants in managing their mobility across borders (rather than state-centric approaches to international mobility) has been highlighted by the autonomy of migration approach to understanding international mobility (Moulier-Boutang, 1998; Papadopoulos and Tsianos, 2013; Casas-Cortes et al., 2015). Of interest in the quotes above is the collectivisation of such agency among skilled migrant workers across international geographical locations through migrant networks. Migrants are not

passive victims of state migration and border control regulations but engage in activities and strategies which mediate state migration policies and regulations. Migrant CSOs play an important role in influencing the perceptions, decisions and mobility of skilled migrant labour.

7.2.2 Recruitment and Selection Support

Migrant CSOs undertook normative activities that enabled skilled migrants 'get ahead' in the labour markets of home and host countries. Such activities included providing support in relation to recruitment and selection. Some migrant CSOs developed close ties to recruitment agencies, and actively advertised specific vacancies as described in the quotes below:

I think we've been more successful **bringing recruiting agents like Careers in Africa... if you can bring an employer that's a great thing, and we have brought one or two, but when you actually bring a recruiting agent [to our conference] then you have links with a lot more organisations.** (Interview I1, XN Foundation)

We have monthly newsletters and stuff and we advertise jobs, when we are approached by people that are looking to employ people we might share that wisely...so when they [recruitment agencies] are

dealing with the client in Ghana that particularly wants to recruit somebody from the diaspora or somebody that has international experience then they have a conversation with us. (Interview H1, Star 100)

The quotes above suggest that migrant CSOs are attractive sources of skilled labour for employers and recruitment agencies seeking employees with specific knowledge and experiences of home countries or international expertise. The symbolic, embodied and institutionalised forms of cultural capital (Bourdieu, 1986; Bauder, 2006) as well as the social capital possessed by such migrants may be sought after by employers. Migrant CSOs can provide a valuable pool of such talents and act as intermediaries between skilled migrants, recruitment agencies and employers.

The normative activities by migrant CSOs may also socially regulate the incorporation of skilled migrants into labour markets. One way such social regulation may occur is through the 'edge' given to certain skilled migrants over other job applicants in the form of support to prepare curriculum vitae (CV) and coaching to succeed at interviews and assessment centres. An example of support in preparing CV's is revealed in the quotes below:

My wife for instance ...merely two [or] three years ago, **before interviews she would sit down with someone in the network, or an expert who is linked to the network.** They had a session around preparing for the

interview. Possible questions, how to answer them... **Now my wife has climbed the ladder in the HR field. She's now in the position to give people advice...** So she does that quite a bit... there's a lot of that... **I think my wife has gained experience and now is able to use that experience to help others in the network.** (Interview A1, NCDN)

The quote above indicates a significant degree of support in recruitment and selection is available within some migrant CSOs and that norms of mutual reciprocity govern the way social capital flows between members of such networks. There is an expectation that members who have the knowledge and expertise provide support to those requiring such support, individual members are expected to be both beneficiaries and recipients according to their changing circumstances. The findings suggest that migrant CSOs socially regulated the labour market participation and outcomes of skilled migrants by mediating the process of recruitment and selection.

7.2.3 Supporting Pay and Reward Negotiations

Although information about pay and reward can sometimes be a sensitive and private issue, there was some evidence of information sharing regarding pay and rewards within skilled migrant CSOs. The norms of social support within some migrant CSOs included sharing information that enabled skilled migrants negotiate individual pay packages with employers. Skilled migrant workers, especially those who are new to the UK, may have

little or no idea as to the 'going rate' for their services and may be reticent in negotiating a higher reward package in their eagerness to get jobs. An interview respondent described how his migrant CSO supported his pay negotiations with an employer:

Yeah, like when I was speaking to the people at Birmingham after they offered me the job... then I negotiate for pay, **but friends in the network said if you're going to do that kind of work this is the minimum pay you should be willing to accept. In terms of pay and other conditions around the job, the network was helpful in helping me in setting the kind of bar I wanted to negotiate with.** (Interview A1, NCDN)

The preceding discussion about close ties between migrant CSOs and recruitment agencies failed to highlight the complicated and contested nature of such relationships. However, some recruitment agencies have also been shown to act unethically and exploitatively in regard to migrant workers (Forde and MacKenzie, 2010). The findings of this study indicate that skilled migrant CSOs socially regulate the exploitative tendencies of some recruitment agencies in regard to remunerations as indicated by the quote below:

If you don't have information about pay before you come here then you probably lose a lot of money to start with...that's the kind of information you can only get from within your migrant network...a

lot of recruitment agencies would rip you off when they see that you are fresh [new to the UK], they will tell you that because you don't have UK experience, you've not worked in the UK before, so employers would not pay a lot of money for you and all that...**which if you are not told you won't realise that's a lie,** hospitals have a flat rate that they pay, whatever rate that they agree for a particular worker is the rate they would pay the agency, it doesn't matter if the worker has a 100 years' experience or 10 years' experience, but the recruitment agency comes and tells you that story, and being a fresh migrant eager to get work and start earning money and probably pay-off a lot of debt incurred in coming to the UK, they know that you are under pressure and in a hard place. So for a job that probably pays 40 to 50 pounds they offer you 10 pounds or 15 pounds per hour to go and do the job. **So they can rip you off the first few months you are in the UK, basically for me, being connected to a migrant network helped me,** (Interview A2, NCDN)

Employers, recruitment agencies and CSOs each seek to regulate pay rates and reward packages. While the literature recognises trade unions as important actors representing workers in collective negotiations over pay (Hyman, 1997; Gumbrell-McCormick and Hyman, 2013), these findings suggest that migrant CSOs play an important role in supporting skilled migrant workers individually negotiate pay rates and conditions of employment. The interview data reveals that the regulatory space governing the pay and

reward of skilled migrants is contested. However, migrant CSOs provide a countervailing force to the exploitative and inequitable tendencies of some recruitment agencies and a more equitable 'balance of power' (Kelly, 1998; Blyton and Turnbull, 2004) regarding information and negotiations with employers over pay.

7.2.4. Career Mentoring

One important way migrant CSOs enabled members provide mutual support was through career mentoring. The opportunity to be mentored by more experienced professionals in the same industry or profession helped migrants acquire tacit knowledge, skills and networks to develop their career.

Social regulation of the career of skilled migrants takes place as knowledge and informational resources are passed between mentor and mentee. Norms of mutual support such as career mentoring are linked to power and status differences within social networks. This agrees with research by Ryan (2011) highlighting how the hierarchical nature of social capital controls the opportunities for migrants to 'get ahead'. Mentoring often involves 'opening doors' to social ties in new networks to access cultural and economic capital which Bourdieu equates with power and social status (Bourdieu, 1986). The quote below shows how migrants CSOs facilitate access to individuals with greater power and status through mentoring relationships:

I went to one of the social networking groups [Within Star 100] and I was talking to another lady... so, she did introduce me to this gentleman **and through that I've gotten myself a mentor**. He also introduced me to another Ghanaian person who in the Scrum world **is like a major player**, he works with all the Scrum.Org guys, has done a lot of digital transformation for a lot of major companies in Europe and America. **So, I got connected to them...** and through that I got to meet people like the CTO [Chief Technology Officer] of Capital One Bank Europe and **all the big guys, the people that wrote the Agile manifesto...that started Agile**, I was able to help coordinate for someone like Ken Schwaber **who is one of the founders of Scrum itself**, to help coordinate so that they could present at the conference. After that I have also assisted in the Scrum Day London Conference, that's the first of its kind in London as well. **So for me, career wise it has been amazing...** these people, anytime, **they were just sending in my CVs, I'm gonna start a contract on Monday. One of my mentors, cause I have got two mentors through that [Star 100], is the one that basically introduced me and put my foot in the door.** So, it's helped tremendously and I believe there a lot of people like that in Star 100. (Interview H2, Star 100)

The quote above shows how mentors act as 'boundaries spanners' connecting skilled migrants to social capital within non-migrant and non-ethnic professional networks

(Raghuram et al., 2010). Mentors connect mentees to sources of cultural and economic power (capital) beyond ethnic and migrant CSO's.

Although the preceding discussion has emphasised the role of skilled migrant CSOs in connecting members to career mentors to support career development, migrant CSOs also provide mentoring to non-members seeking to develop careers or businesses. As a norm of mutual support within migrant CSOs, members are expected not only to benefit from mentoring but also to act as mentors to others. However, support may also be provided to *non-members* when linked to the objective of 'giving back' and developing human capital in home countries, as indicated by the quote below:

What we're looking at the moment is using the 4th pillar that "give back" one and the skills... so we are looking to pair up some of our members that are based here. Particularly with entrepreneurs on the ground in Ghana... I mean I've had conversations with everyone from **The Meltwater Entrepreneurial School of Technology [Ghana]** who we already have a relationship with to **iSpace [iSpace Foundation]**, to **Accra Hub [Impact Hub Accra]** to **ServLed [SeveLed Africa]**, to a **new one called Kumasi Hive [Ghana]** about - and these are sort of co-working, accelerator, incubator, sort of programmes and spaces - about how the **young entrepreneurs**... how we might pair them up with **mentors from Star 100**... there are areas where they could benefit from

having coaching or mentoring or advice whether it be like legal or marketing or that kind of stuff. So what we're looking at is how do we take those skills that we have in this group and sort of pair them up with those individuals. (Interview H1, Star 100).

Providing mentors within organisations to ethnic minorities and other minority groups is growing in importance as a HRM strategy to manage diversity (Thomas, 2001; Kumra and Manfredi, 2012). The findings of this study indicate that migrant CSOs act in a similar but parallel manner, by providing career mentors to migrants *outside* the boundaries of the workplace and employer organisations.

7.2.5. Training and Skills Development

The norms of mutual support are evident in the way migrant CSOs provide training and skill development. Members with requisite knowledge and skills train other members to fill gaps in institutional training provision. One interview respondent described the lack of institutional support available to prepare for the licensing exam permitting foreign doctors to practice in the UK:

There's no institutional support for the PLAB exam...it's a licensing exam...there's no single support in terms of guidance around how to prepare for the exam or what sort of materials to use... there's no

institutional support at all. So, the migrant networks have basically tried to fill the gap... **Obviously, it is only foreign doctors who have to take the PLAB exam. People generally just link up and form study groups.** (Interview A2, NCDN)

Migrant CSOs provided social networks and spaces where foreign doctors could provide mutual support and training for the PLAB exam in response to the lack of institutional support. In addition to informal training and academic support described above for licensing exams, some migrant CSOs (e.g BIDA and BAPIO) provided formal professional training sessions and were accredited as continuous professional development (CPD) providers. BAPIO recently started a formal training academy which provides medical training in the UK and internationally, highlighting their importance as a 'new' and alternative actor in Human Resource Development (HRD). The importance of BAPIO Training Academy as a transnational training provider was underscored by its collaboration with the All India Institute of Medical Sciences and Academic College of Emergency Experts (ACEE) in training doctors in their home country (India) to use ultrasonography as an adjunct to trauma resuscitation as explained by the interview respondent below:

A part of BAPIO is BAPIO Training Academy which was launched in 2015...the **BAPIO Training Academy** was started initially to help doctors in **passing exams** because the same thing you know the pass rate for

BME doctors as I said earlier on is much worse than the local doctors. And we've been looking into these issues and again **the cultural background, the way our doctors communicate and so on [as the reasons] because we understand it much better.** We started running courses for doctors taking [qualifying] exams. However, this is at very early stages **we launched it in 2015. We are also planning to then through the academy run several courses and workshops in the Indian subcontinent. Recently we ran a very specialised course for doctors in emergency departments in India on use of ultrasonography in resuscitation.** (Interview G1, BAPIO)

From the quote above, BAPIO provides a combination of technical training in specialist areas of medical practice and cross-cultural communication skills development. Developing the social and cultural competencies of skilled migrants was a significant way in which migrant CSOs were involved in socially regulating the careers of skilled migrants. These 'soft' skills, cross-cultural competencies and 'employability' skills were often the difference between a successful job application and being unsuccessful in an attempt to 'break into' the job market. A member of AFBE-UK commented on the role of the CSO in the transfer of tacit skills and knowledge to newer members of the network:

These are the things we lacked when we first came to this country, we wanted to give the newcomers the knowledge we wished we could have

had back then so they don't have to go through what we went through...**it's the kind of knowledge you don't get taught in school, I had to pick it up the hard way over the years but it's what makes you stand out from the rest of the crowd at the job interview.**

(Interview B3, AFBE-UK)

Social capital was both a power resource that skilled migrants drew on from their networks and a source of social distinction (Bourdieu, 1986; Bauder, 2006). Social capital distinguished skilled migrants in two ways; on one hand, enabling them 'stand out' from the crowd because of the quality of their soft skills as indicated in the quote above. On the other hand, it enabled them 'fit into' the UK culture and working environment by providing socially and culturally appropriate skills as the following quote from a member of NCDN reveals:

I used to feel like I stuck out like a sore thumb, the culture is so different from Nigeria...then he (a member of the network) showed me...(laughs)...**how to pick up the (social) cues because they are so subtle here...**to go for drinks with my team at work because back home (in Nigeria) we do the social things at work and not on Friday night after work...so I started going for the drinks and buying chocolate for the team...I never used to go before because I don't like the food at the places we go to...it's British food...it's not spicy (long laughter) but he told

me to go and eat with them **so I can fit in**...it worked, now the relationships are better, I can joke and talk about things outside work with my team...now I feel I belong. (Interview A12, NCDN)

More experienced members of the networks used their knowledge of cultural differences between home and host countries to develop cross-cultural skills among new arrivals. Training to adapt to the societal and professional cultures prevalent in the UK work environment, was provided through formal and informal coaching methods. Cross-cultural training occurred through norms of mutual and informal knowledge sharing as well as more formalised training courses provided to support the careers of members. This may be understood as a normalised use of social capital (networks) to access and share cultural capital (cross-cultural knowledge and skills) in order to enhance economic capital (careers).

7.3 Normalising Inclusion and Exclusion

The preceding discussion has emphasised the role of migrant CSOs in promoting the inclusion of skilled migrants into the UK labour market. However, the 'inclusion' of migrants is complex and contested, inclusion goes beyond a simplistic binary contradiction to 'exclusion'. De Genova (2013) highlights processes of 'inclusion through exclusion' where the very process of inclusion of migrants is a form of subjugation.

Similarly, this research suggests that the norms of mutual support not only facilitates access to job and career opportunities, they may also exclude high-skilled migrants from more desirable segments of the UK labour market. The interview data indicate that the norms of mutual support within migrant CSOs may lead to the social production and reproduction of labour market segmentation. One interview respondent talked about the segmentation of migrants occurring along geographical lines resulting partly from the activities within his migrant network:

Geographic clusters also...people tend to want to be where their friends are...yes...but [there is] also the economic push. **For migrants, most of them will go where the jobs take them...and this is often to locations the UK citizens do not like to work or live in so migrants find it easier to get jobs in places like that because no one else wants to work there...**some of them would make specific effort to find jobs around where their friends [in the migrant network] or families are...so I work here and I know the job opportunities and I can pass them on to other migrants. **So you have other migrants begin to cluster around [here] because they are more aware of the job openings here...there's a bit of network in it...**so there's that kind of information passed around [in the migrant network]. (Interview A1, NCDN)

Another interview respondent commented on how the mentoring and career networking support from older and more established members of his migrant network influenced the career choice and occupational segmentation of skilled migrants at the early stages of their careers:

Those that moved to the UK first are helping the newer highly skilled migrants...they get a lot of guidance and direction...**encourage them to go into certain occupations and specialisations because a few people have found themselves in there and have the experience...these tend to be specialisations that may be considered unattractive [to the non-migrants]...** they can tell them what they need to do to get in and progress...that sort of dynamic around access to information and support...I think that's the way we sort of help ourselves. (Interview A2, NCDN)

The negative impacts of exclusion by segmentation on skilled migrant workers and their families are described by an interview respondent below:

You cluster around your network for support and you go to areas where they would appreciate you because ...**if you're in a place where you are the minority, you cannot get the choice jobs and that's just life...**for example, **I'm working five and a half hours away from my family**

much for the same reason because in under-served areas, they'll appreciate you more than in places that are well populated...that's how the society is. The impact is family disruption...you are not there for basic things like you should be for your kids. (Interview C4, MDNS)

This research suggests that the unintended consequences of the norms of mutual support within migrant CSOs result in the occupational and geographical segmentation of high-skilled migrant workers in the UK. These findings are supported by literature on migrant workers occupying lower paid, peripheral and less attractive segments within dual and segmented labour markets (Piore, 1979; Sassen, 1991). Occupational and geographical segmentation may be understood as forms of social regulation which channel and restrict labour market openings and opportunities available to skilled migrants in the UK and may result in increasingly precarious experiences (Ejiogu, 2018).

7.4 Normative Conditioning and Control as a 'Good Worker'

Migrants workers are regarded by many employers as 'good workers' exhibiting greater levels of effort, productivity and performance. Migrant labour is preferred by employers because they are regarded as possessing superior work ethic, attitudes and dispositions (Dench et al., 2006; MacKenzie and Forde, 2009). The debate in the literature has centred around the extent and manner to which (low skilled) migrant workers embrace the 'good

worker' identity and rhetoric. One view holds that migrant workers are *'good when they want to be'* emphasising the agency of migrants in embracing the 'good worker' image when the context suits them. In this view, reinforcing positive orientations to work and stereotypical 'hardworking' identities as a source of differentiation from domestic workers is linked to temporal flexibility and discarded at will (Thompson et al., 2013). In contrast, it has been argued that migrants are *'as good as they need to be'* and migrant workers do not fully buy into the good worker rhetoric because of issues such as high levels of education, personal aspirations, employers' strategies, bullying, discrimination, and the segmentation of migrant workers at work (Baxter-Reid, 2016).

The stereotyping of migrants as 'good workers' is related to greater levels of control and exploitation by employers. This reflects the level of dependence migrants have on their employers for jobs and 'sponsored' visas underpinned by UK immigration policies (Anderson, 2010). This research extends the debate in the literature to high skilled migrants and provides evidence that skilled migrants are *'good because migrant networks tell them to be'*. The stereotype of migrants as 'good workers' was not limited to employers but was internalised by high-skilled migrants as a collective strategy to respond to perceived discrimination. A common theme among the high-skilled migrants interviewed was the internalised belief they needed to 'go the extra mile' and 'work twice as hard' as non-migrants workers to advance their careers. Regardless of whether specific employers will discriminate against a skilled migrant worker or require discretionary effort from

migrants as 'good workers', there was still a widely held belief by skilled migrants that they needed to 'work twice as hard' as indicated in the quotation below:

My name is not John Smith or any other English name...once they [employers] hear a foreign name the doors automatically shut...**with an African name I have to work twice as hard if I want to get anywhere with my career.** (Interview A4, NCDN)

High-skilled migrants attempted to secure jobs and advance their careers by internalising the attitude of a 'good worker' making them more amenable to employer control and exploitation. Therefore, being a 'good worker' is normatively embedded in the minds and behaviours of migrants, and these may be transferred to employment relationships, expectations and stereotypes in the wider labour market in implicit rather than explicit ways.

The findings indicate that migrant CSOs engaged in a collective programming of the mind of skilled workers. This research suggests that migrant networks are complicit in socially reproducing the stereotype of migrant workers as 'good workers' thereby providing employers with an extra lever of control and exploitation at the workplace. This research shows that migrant work ethic and dispositions to work stem from self-policing and control *within* migrant networks, one interview respondent described how his identity as a 'good

worker' was socially constructed through the social interactions occurring within his migrant network:

When I came [to the UK] my friends in the network told me I had to work twice as hard as the locals...it makes me definitely want to go the extra mile to prove myself. Generally, makes me feel like I don't have any room for errors. I don't have any room to make a mistake [at work], because the mistake I make would not be interpreted the same way if a local [non-migrant] makes the same mistake...I will not be forgiven if I make a mistake. (Interview A2, NCDN)

The stereotype of the migrant being a 'good worker' is subtly strengthened by the social interactions within migrant networks. One way this occurs is through the support and mentoring offered within the networks for members' careers development. This involves improving performance at work with the aid of a mentor, to 'get recognised' as a high-performing employee who works 'twice as hard'. Furthermore, members are often introduced to jobs in firms and recruitment agencies through other members of the networks, on the condition that they maintain the reputation of being 'hard workers' so they don't jeopardise subsequent recruitment from the network through poor performance at work. This acts as a form of normative control *within* the migrant networks that perpetuates the stereotype of the 'good worker' by subtly pressuring members to keep open the access to recruitment into organisations on the basis of their reputation for

'working twice as hard' as non-migrant workers. The following respondents describe how this works:

So we tell the members we are trying to help get jobs “no go there fall our hand” as we say in Nigeria, that means they can't afford to disgrace us, **we have a reputation of working twice as hard and not giving any problems, so these companies will only keep coming back to recruit our members if we keep working hard.** The new members must be good like the ones already working there and copy them, **we warn them**, if they don't perform then no one will help them next time they are looking for a job, and if they bring anyone else we will be very cautious before we help such a person, **you have to be a good worker for us to help anyone you bring to the network looking for a job.**

(Interview A5, NCDN)

One reason some employers favour employing skilled migrants is because as a 'good worker', migrants may be more productive and more easily controlled. The interview respondent below describes how the 'good worker' rhetoric fuels the relentless quest for profits in a neoliberal capitalist system:

...because this place is kind of a capitalist country... you know... very very cold capitalism, so the business owners are not really

interested in who you are in most cases, there are not interested whether you are a human being or an animal, they are interested in getting the job done so if it was a dog that could actually get the job done...you understand what I mean, so they would get that dog to do the job because they are profit oriented, they want to make profit...so it doesn't matter where you come from [as a migrant] as long as you have that intellectual capacity to deliver over and above the others [non-migrants], to give them the profit which they want, to contribute immensely toward the actualisation of that profit, then you are on board... [as a migrant] you want to work harder... because at the back of your mind you know that you need to double your effort.

(Interview E2, FFMF)

The profit imperative in capitalist systems implies a control imperative. Employers as agents of capital apply a range of methods to control employees, and such control mechanisms may arise from within or outside the workplace (Thompson and Newsome, 2004). Neoliberal capitalism constantly seeks new and more effective ways to control labour including new forms of normative methods of control (Sturdy, Fleming and Delbridge, 2010) and migrant labour is considered more compliant and amenable to such forms of control (Anderson, 2010). The stereotype of the migrant as a 'good worker' preferred by employers needs to be understood in terms of self-disciplining by migrants which give employers an extra 'lever' of normative control and economic exploitation over

migrant labour. The high degree of control by employers over skilled migrant workers contributes to the precarious status of high-skilled migrant workers and increases the imbalance of power in the employment relationship in favour of employers over skilled migrant workers. One interview respondent described the way being a 'good worker' was related to greater levels of employer control and a lack of 'voice':

I felt I was caged. I had to 'behave myself' because if I didn't like the employer I couldn't just tell them or leave...they have the control so I have to be 'good' and not have any issues with my employer...if you feel you have any grievances [against the employer] you just keep quiet and shut up...you just take it all in. It feels restricted...in a sponsored work visa, you feel trapped...you don't have the freedom to work wherever you want to work or whatever you want to do. (Interview A2, NCDN)

Normative control is intimately linked to the fear of losing employment as a result of migrant status, making such skilled migrants 'work twice as hard' and opening up the possibility that some employers may exploit the situation in their quest for profit and productivity. The fear of losing employment is proffered as one of the reasons to be a 'good worker' in the quote below:

I found that at every point I needed to prove myself, it was as if I wasn't really trusted in what I was doing or in my decision making or anything like that [because I am a migrant]...**so I have to prove myself at work every day, prove that I am not just at the same standard but better than the others... we have to work twice as hard just to be accepted and trusted, we have to be better than everybody else if not at the first opportunity to drop someone, it's the migrant they will fire...**

(Interview C2, MDNS)

The two preceding quotes suggest that the migrant 'good worker' stereotype when combined with the uncertainty resulting from employers control over the employment and legal status of migrant workers (e.g. the requirement that employers acts as a 'sponsor' of the visa of migrant workers) induces a significant degree of precarity among highly skilled migrant workers. This opens up the possibility of the exploitation of high-skilled migrant labour by some employers where migrants are restricted in their ability to change employers and there is a normative expectation that migrant labour exerts more effort than non-migrant labour in the workplace. The response by highly skilled migrants to the excessive degree of power and control employers have over migrant labour as evidenced in the quotes above was to conform to (and reproduce) the 'good worker' stereotype. In essence, this involves the provision of high levels of work effort and productivity by highly skilled migrants that may be exploited by employers for no additional reward to the migrant workers. Furthermore, employers may take some liberties in the employment

relationship with migrant workers where they know that migrant workers are unlikely to raise a grievance or exit the employment relationship (for instance, degrading terms and conditions of employment or exploiting migrant workers by paying lower wages for the same or higher skills), albeit this would likely occur only among unscrupulous employers. Nevertheless, the evidence shows that the employment relationship between highly skilled migrants and their employers may be considered exploitative when it involves a significant degree of 'extra effort' on the part of the migrant workers without commensurate payment. This may occur especially when the expectation of high-skilled migrants conforming to migrant work ethic stereotypes is normalised within the employment relationship.

The collective agency of migrant networks is problematic in that it is intimately involved in the social reproduction of the 'good worker' stereotype. While this may help the careers of individual migrants, it nevertheless contributes to the social reproduction of collective precarity and the psychological insecurity which migrants experience in their employment relations. Migrant networks are complicit in developing normative rules for the concertive control (Barker, 1993) experienced by skilled migrant workers in the labour process. Therefore, the collective agency of migrant CSOs may constitute a form of social regulation — the social production and reproduction of mental and behavioural norms embedded within the stereotype of a 'good worker'. This normative conditioning may result in normative control in the form of self-disciplining processes that manufacture

consent and compliance (Burawoy, 1979) to employer control which may potentially result in economic exploitation.

7.5 Normalising the Neoliberal Hegemony of the Business Case Logic for Diversity

The utilitarian hallmark of diversity management is the ideology of the business case (van Dijk et al., 2011), the logic that the benefit to the business reigns supreme over competing moral imperatives and that businesses are free to choose based on a cost-benefit analysis rather than constraints of 'hard' regulation. Therefore, as argued in chapter 4, the logic of the business case can be understood as a reflection of the hegemony of neoliberal capitalism within the practice of equality and diversity. There was evidence of the business case logic in the normative ideology of some migrant CSOs, BAPIO went to significant lengths to show migrant doctors and BAPIO itself provided business benefits to the NHS as part of its normative approach to promoting equality and diversity in the UK health sector as indicated in the quote below:

We have direct links with the Chief Executive, with the Chairman of NHS, With the HEE [Health Education England] ... all the different parts of the establishment. If you see the program that we have on the website for our annual conference you will see that **we are talking about how NHS can be helped...** Actually, we have our annual conference coming up in November in London and some of the important sessions are on **how**

international medical graduates can help NHS in financial terms, because people coming from, especially doctors coming from developing countries, are used to utilising meagre resources and innovating ways of providing quality service with much less funding. So, we are doing a lot of work on that ...Well the problem of course is there is **limited funds and the demand for services** are constantly increasing, so how do you manage the NHS with the limited finances? What we're saying is **we need to have innovation in our mind and not only medical innovation but the innovation in service delivery.** And we are picking up a lot of examples from developing countries in how good quality service could be provided with much limited resource. (Interview G1, BAPIO)

The discourse of patient safety was another way some CSOs articulated their contribution to the health sector and the performance targets of the NHS, this formed a part of the 'business case' for promoting equality and diversity in respect of migrant doctors as illustrated in the quotes below:

Well, absolutely **because we believe equality and diversity is crucial for patient safety. If you have the staff who [are] not happy staff or demoralised staff,** staff are being bullied and harassed, **all these will affect the patient's safety in a big way.** (Interview G1, BAPIO)

How we can make sure that everybody respects our organisation, it's a professional organisation, **it is not considered a troublemaker, it is not considered to be just about people who are talking about racism but who also talk about patient safety, staff well-being, how we can help NHS to be strong...and make sure all patients get the best and the safest care, but all doctors are treated fairly and equally**, that is what I think we should do collectively. (Interview F1, BIDA)

Although the CSOs studied challenged social norms of discrimination and inequality affecting skilled migrant workers, some CSOs which adopted the normative approach of the business case could be considered hegemonic forces, upholding, sustaining and legitimising the neoliberal capitalist system which is partly responsible for the structural aspects of inequality they seek to change. Gramsci (1971) emphasises the role of civil society in entrenching the prevailing hegemony or contesting prevailing normative ethical values and actions through counter-hegemony. When civil society elicits the consent of the subjugated it promotes hegemony, for instance by presenting the values of the dominant class as 'natural', 'common-sense' or 'normal' values to be accepted as normative and taken-for-granted by the subjugated. Gramsci argued that societies maintained stability not only through coercion, but also through the normative and ideological consent to the prevailing hegemony. Thus, stability through hegemony, or change in form of counter-hegemony, may be understood as aspects of social regulation in relation to logics and value systems of neoliberal capitalism. CSOs which support the

normative and value-laden logics and practices of hegemonic systems act as social regulators sustaining and legitimising the status quo, in this case making the demand for greater equality and diversity conditional on showing a business case for economic benefits resulting from improvements to equality and diversity.

7.6 Discussion and Conclusion

An important aim of this chapter was to explore the normative dimensions of skilled migrant CSOs by examining social conventions, patterns of social behaviour, values and ethical standards. It was essential to examine the social norms underpinning migrant CSOs as social regulators in relation to equality and diversity. This involved a critical analysis of the normalised behaviours and organisational approaches adopted by skilled migrant CSOs.

The literature emphasises norms of support, trust and reciprocity within social networks (Coleman, 1998; Putnam, 2000) and how these are accessed through social capital (Ryan, 2011). The findings indicate that major norms of mutual support practised within migrant CSOs include support regarding international mobility, recruitment and selection, pay and reward negotiation, career mentoring, training and skills development.

Skilled migrant CSOs mediate state migration policies and regulations through social norms supporting international mobility of fellow skilled migrants. Migrant CSOs play an

important role in socially regulating the perceptions, decisions and mobility of skilled migrant labour. Norms of mutual support regarding recruitment and selection may also socially regulate the incorporation of skilled migrants into labour markets by providing a competitive edge over other job applicants. Such supportive norms included support in writing CVs, preparing for interviews and assessment centres, using social networks to obtain work experience, and providing access to recruitment agencies and employment opportunities. Unlike trade unions which socially regulate pay and working conditions through collective bargaining, some migrant CSOs supported skilled migrants in their individual pay and reward negotiations. By mutual sharing of information regarding pay among members, migrant CSOs provided a countervailing force to the exploitative and inequitable tendencies of some recruitment agencies and a more equitable 'balance of power' regarding information and negotiations with employers over pay.

The findings of this study indicate that career mentoring was an important norm of mutual support, similar to HRM mentoring strategies within organisations aimed at developing the careers of individuals from minority groups. Migrant CSOs provided career mentors to members and non-members in home and host countries. However, the mentoring provided occurred outside the boundaries of the workplace and employer organisations, this helped to socially regulate the capabilities and opportunities of skilled migrants in the wider labour market. Cross-cultural training occurred through norms of mutual and informal knowledge sharing as well as more formalised training courses provided to

support the careers of members. The norms of training and skill development socially regulated the capabilities and participation of skilled migrants in the UK labour market.

The norms of mutual support within migrant CSOs benefited migrants by enhancing their labour market inclusion and participation, however, the unintended consequences of these norms also resulted in forms of labour market exclusion through occupational and geographical segmentation of high-skilled migrant workers in the UK. Occupational and geographical segmentation may be understood as forms of social regulation which channel and restrict labour market openings and opportunities available to skilled migrants in the UK.

Furthermore, the findings suggest that the norms of mutual support may constitute a form of social regulation — the social production and reproduction of mental and behavioural norms embedded within the stereotype of a migrants as ‘good workers’ who work ‘twice as hard’ as non-migrants. This normative conditioning of skilled migrants by migrants networks in relation to the ‘good worker’ stereotype may result in normative control in the form of self-disciplining processes, making migrants more amenable to employer control and potentially resulting in economic exploitation. Furthermore, It was argued that CSOs which supported the utilitarian business case logic act as social regulators sustaining and legitimising the hegemonic status quo of neoliberal capitalism in the regulatory space occupied by equality and diversity actors in the UK.

This chapter underscored the collective agency of migrants in developing their careers through the social regulatory processes involving skilled migrant CSOs. The next chapter will build on this by highlighting the role of migrant CSOs in articulating the voice of skilled migrants as a form of collective agency.

CHAPTER 8: Spaces and Voices

8.1 Introduction

The findings in this chapter builds on the discussion of the normative dimensions of social regulation in chapter 7. This chapter views social regulation through the lens of civil society voices in the public sphere (Habermas, 2006). The role of skilled migrant CSOs in the regulatory space will be explored by focusing on the nature of voice articulated by the CSOs, and their influence on, and relationship with, other regulatory actors.

After this introduction, the next section in this chapter assesses migrant CSOs as institutions of collective voice, providing evidence of political and apolitical approaches to voice. The third section analyses the role of migrant CSOs in regulating the state and its agencies. The fourth section investigates migrants CSOs regulatory influence over employers and workplaces. The fifth section explores transnational regulation emanating from skilled migrant CSOs. This is followed by a section that examines the relationships between skilled migrant CSOs and other regulatory actors. The final section concludes this chapter by discussing the major findings. It would be argued that CSOs exert important regulatory influences within the regulatory space. Both political and apolitical approaches to voice enable CSOs occupy significant positions in, or even dominate, a

regulatory space. The next section explores migrant CSOs as voice institutions involved in social regulation.

8.2 Social Regulation through Collective Voice

There is a strong research tradition which seeks to understand the spaces of civil society. This body of work is rooted in Antonio Gramsci's (1971) conception of civil society as a site for hegemony and counter-hegemony; John Dewey's (1927) theory of pragmatic public engagement; and Jurgen Habermas' (1991) concept of the public sphere as a space for debate, voice and the promotion of the public interest. This chapter draws on the notion of civil society voices in the public sphere (Habermas, 2006) in order to understand the regulatory role played by CSOs in promoting the interests of skilled migrants. As discussed in chapter 4, migrant CSOs actively participate in political processes as regulatory actors within the public sphere. This highlights the need to focus on identifying other regulatory actors, the nature of the relationships CSOs have with these actors, and the ways in which CSOs seek to promote the interests of skilled migrants through voice and other forms of advocacy.

The dominant orthodoxy in IHRM studies views skilled migrants as passive and individualised workers whose talent is managed, developed and exploited by organisations (Claus et al., 2015; Moeller et al., 2016; Crowley-Henry and Al Ariss, 2018).

In contrast, the findings of this study suggest that skilled migrants exercise collective agency through migrant CSOs which act as representative (voice) institutions for skilled migrant workers. The quote below shows how skilled migrants view migrant CSOs as important actors in the articulation of their interests within the public sphere:

So, they are there, these organisations are there for the generational issues, for the big stuff, so when something big happens, **I can look to BIDA and BAPIO and other organisations like them to join forces and get together, organise themselves and get together and push forward, working together and creating a big voice, being the voice of overseas doctors.** (Interview F3, BIDA)

The quote above emphasises the collective agency of skilled migrants expressed in the form of migrant CSOs. As indicated above, migrants articulate their collective voice through individual CSOs as well as alliances and networks between such CSOs.

Voice is not only an issue of articulating and promoting migrant interests, it also involves occupying, or even dominating, regulatory spaces. This idea was buttressed by an interview respondent who explained how AFBE-UK was seeking to 'occupy' a 'position' within the regulatory space as a significant voice for the BAME community:

The future basically will be that AFBE can **occupy a position to provide a voice where necessary... provide a voice for people of minority ethnic extraction to be able to convey their messages to the government...** So, we hope that we would be able to have impact in these respects. (Interview B2, AFBE)

The findings suggest a polarity in the ways in which migrant CSOs articulate the voices of skilled migrants and seek to influence other regulatory actors. At one end of the spectrum, some migrant CSOs exhibit political approaches to voice that involve significant engagement with political agendas, groups, processes and institutions. BAPIO exemplifies this approach and one of the leaders of BAPIO expressed interest in increasing the depth of their 'political' influence in the quote below:

I mean if we had funds we could influence the political parties in much bigger ways. So, we can attend the annual conferences [to lobby political parties], and so on...We have managed to progress and now we are very significant, a big national organisation. (Interview G1, BAPIO)

The quote above alludes to the size and significance of CSOs as sources of political influence and power. Social capital in terms of the size of the social network and its prominence enable migrant CSOs occupy the regulatory space as a 'major player' in political approaches to articulating voice. Furthermore, economic capital in the form of financial resources was identified by the interview respondent above as an important source of power in social regulation by migrant CSOs. In contrast, some other CSOs, eschewed engagement with politicians and political institutions by adopting apolitical approaches to voice predicated more on influence through information, ideas, knowledge and persuasion based on moral values or strategic interests. Although the distinction between political and apolitical approaches to voice is not clear cut, the findings suggest that migrant CSOs may express voice in two broad ways; through politically engaged means such as public campaigns and lobbying, as well as quieter and subtler apolitical forms of vocal persuasion such as knowledge transfer, diffusion of 'best practices', advice, recommendations and suggestions. Star100 exemplifies a migrant CSO at the apolitical end of the voice spectrum as explained in the quote below:

I guess there is a difference between policy and politics but we tread carefully when it comes to politics because we are apolitical as an organisation...One of the discussions I've had has been with the think tank in Ghana who does work on policy and influencing policy... if they're in Ghana doing research in relation to education policy or something, we might be able to take members of our group who

work in education here or who have worked on education policy for the government here and then pair them up again with the guys in that think tank and see how they could **collaborate on a piece of research**.

(Interview H1, Star 100)

From the quote above, a migrant CSO like Star 100 may limit itself to *apolitical voice*, such forms of social regulation draw on the social and cultural capital of its members. Social capital provided access to policy think tanks and advocacy organisations. The educational qualifications, technical knowledge and familiarity with the Ghanaian cultural and institutional context acted as forms of cultural capital behind the power and influence of Star 100 in shaping state policy. Apolitical approaches to voice in the quote above involved the transfer of knowledge and good practices between host and home countries through the mediation of skilled migrant CSOs. These findings suggest that *political and apolitical approaches to voice* may have the same goal of socially regulating state policy and institutional practices, although operating through different means. From the emergent themes, migrant CSOs were identified as acting as agents of collective voice and social regulators in three major ways; in relations with the host state, employers and home countries. These will be explored in subsequent sections.

8.3 Regulating the State and State Agencies

8.3.1 Scale and Volume of Voice

Migrant CSOs acted as institutions of collective representation, voicing opposition to state regulation viewed as detrimental to the interests of skilled migrants through a variety of methods. Not surprisingly, migrant CSOs attempted to influence and socially regulate state policies on high-skilled migration. FFMF emerged as a network expressing the collective voice of skilled migrants to influence the visa fees regulated by the state as explained in the next quote:

At that time, **the government had just implemented the Migration Impact Fund**... they targeted to raise a specific amount of money, which I understood was exceeded immediately [it started] ... and **the campaign was to challenge why the increase was necessary, [and highlight] the impact of that increase on families, migrant families... so a number of us had come together, started some online campaign, we got a number of signatories, you know getting everybody to write to their MPs**, and few of them replied at that time. But ... quite a number of them never did, and, **unfortunately, we were not able to raise the**

number of signatures required to take it to Parliament. And so... it didn't go forward. (Interview E1, FFMF)

As indicated by the interview respondent above, FFMF sought to 'challenge' state regulation. This highlights the collective agency of skilled migrants and their regulatory activity at the macro (state) level within this regulatory space. This campaign used methods of mobilisation and activism such as letters to Members of Parliament (MPs) and an online petition. In 'challenging' state regulation, FFMF articulated the collective voice of skilled migrants as 'political outsiders' (Heery et al., 2014b) whose political participation took the form of applying pressure, rather than working as an internal part of policy making structures. Nevertheless, the petition raised by FFMF voicing the protest of skilled migrants to increases in visa fees, was channelled through the existing political structures and democratic processes. The political opportunity structures (Tilly, 1978) of the UK democratic system shaped the methods used in protesting as 'political outsiders'. Migrant voice here is not radical or revolutionary but conforms to existing political processes and structures.

As noted by the interview respondent above, the campaign by FFMF was ultimately unsuccessful in its stated objective of reducing the visa fees paid by skilled migrants. This was attributed to the failure to obtain the required number of signatories for the online petition. The effectiveness of migrant CSOs in articulating collective voice is therefore

linked to the power obtained from the size (and therefore social capital) of the network. It would suggest that the larger the amount of social capital within the network, the more likely the *volume of voice* is to be louder and more effective in advocacy campaigns by migrant CSOs.

While the specific site of contestation within the regulatory space for the FFMF campaign was the wider UK labour market for high-skilled migrants, MDNS acted as a representative mouthpiece of collective voice within a narrower and more specific site of regulatory contestation. MDNS successfully campaigned for change to state regulation in Scotland governing the sponsorship visas for medical doctors undergoing specialist GP training, the following quote describes the specific issues and constituency MDNS campaigned for:

What I mean by that is you're supposed to have one training visa for the whole program as used to apply in England [but in Scotland the regulation was different] ...Our [GP training] program involves going from different specialty to specialty [training rotations] ... so having to change 4 times between Hospital and General Practice. So, each time you change from hospital to General practice, you have to apply for new visas and for a family of four, it will cost you about £3,000 pounds that's how

the situation [was] as a foreign GP trainee...having to pay £3,000- £4,000 pounds every 6 months through your training. (Interview C4, MDNS)

The quote above illustrates how specific sites of contestation (such as visa renewals in the health sector) may occur within larger regulatory spaces (such as the wider UK labour market), for skilled migrants CSOs like MDNS, such spaces were demarcated along professional and occupational lines which intersected with issues of migrant-based discrimination. Like FFMF, MDNS acted as instruments of voice over collective issues in the public sphere rather than over individual grievances within specific organisational spaces. Although both FFMF and MDNS challenged the existing regulation governing skilled migrant visas, it is unlikely they could extend their representative voice to campaigns within specific workplaces as the existing UK regulatory framework permits only recognised trade unions to undertake such a representative role. While migrant CSOs may challenge specific rules, they are nevertheless constrained by the overarching 'rules of the game' and institutional structures.

8.3.2 Economic Power and Duration of Voice

Economic power played a significant role in the ability of migrant CSOs to act as effective voice institutions within a regulatory space. MDNS relied on economic power in providing an effective voice for migrant doctors in Scotland as described in the following quote:

We itemised what the problem was and compared ourselves to other trainees across the country. **We wrote out in detail how much it cost us to train here as compared to other people in the UK because they have a problem recruiting trainees to Scotland...** we wrote first of all to the NHS Education for Scotland [NES] to ask them why they couldn't sponsor [visas for] us... we wrote to UKBA again, asking them why they couldn't allow the NHS Education for Scotland to be our sponsor... **and also highlighted the fact that this is one of the reasons they struggle to get trainees who are not from the EU to come to Scotland because they have to face a special difficulty which would cost them [trainees] an extra £12,000 [each]...**But fortunately, it was resolved towards the end of our training...the NHS Education for Scotland has now agreed to become the sole sponsor throughout the training which is something that should have happened since [the start of the training]. (Interview C4, MDNS)

The interview respondent above highlights how MDNS drew on the business case logic by emphasising a 'commercial' problem encountered by NHS Education Scotland in recruiting migrant doctors. MDNS went beyond a reliance on moral power to provide evidence of a business benefit their proposed regulatory change would bring to NHS Education Scotland in reducing the difficulties experienced in recruiting migrant doctors

to fill skill shortages. MDNS could be viewed as drawing on economic power derived from the expertise of migrant doctors, the rarity of such skills and the economic benefit they offer. In the preceding discussion, BAPIO alluded to the lack of financial resources as a constraint on their ability to lobby political parties, this shows a subtle distinction between *economic power* of skilled migrant CSOs derived from availability of *financial resources* and economic power obtained from the *economic value* of skilled migrants as in the case of MDNS. It could be argued that economic power based on the economic value and scarcity of skilled migrant labour becomes more cogent within a specific site of regulation such as the medical profession in Scotland. MDNS could make a strong case in seeking to change regulation in a specific site of regulation rather than within the wider regulatory space of the general labour market in the UK.

The economic value of migrant workers not only reveals the nature of power wielded by migrant CSOs, it also sheds light on the relationship between various forms of regulation within a regulatory space. McKinsey Consulting popularised the idea of a 'war for talent' (Chambers et al., 1998; Michaels et al., 2001) and this has framed the competition to attract skilled migrant workers by employers and countries (Beaverstock and Hall, 2012; Harvey and Groutsis, 2015; Crowley-Henry and Al Ariss, 2018). The competition between organisations seeking to recruit medical doctors in the UK was mediated by regulatory differences between Scotland and England, one interview respondent described how the economic value of skilled migrants enabled MDNS influence market and state regulation:

It was a “crusade” that took about 2 years... then out of the blue, I got this letter from him to say that the NHS Education for Scotland was now going to be the sole sponsor for us...**also making Scotland a kind of a popular destination because it also affected the recruitment when people heard our stories, they were really struggling recruiting international graduates who are qualified to do the training, they will prefer to stay in England which had a single sponsorship system,** so that was the problem we faced at that time and how we tried to deal with it. (Interview C2, MDNS)

This quote reveals how the economic value of skilled migrant workers was a source of power behind the *civil* regulation emanating from a CSO (MDNS), this in turn successfully altered *state* regulation (the visa sponsorship system) and influenced *market* regulation by increasing the attractiveness, and hence the supply, of migrant doctors. While the regulatory influence of CSOs may be categorised as civil regulation, and therefore a form of ‘private regulation’ (Williams et al., 2011c), it nevertheless acts in a complex interrelationship with other forms of regulation such as those emanating from the state and market. These findings contrast with the view that civil regulation merely fills a ‘regulatory vacuum’ or ‘regulatory gap’ and thus constitutes a separate and alternative form of regulation within the regulatory space (Vogel, 2008; 2010). Although Williams et al. (2011c) argued that civil regulation is closely linked to state regulation and goes

beyond merely serving as an alternative form of regulation filling a 'regulatory gap', their findings were limited to the role CSOs played in influencing *state* regulation and private regulation within employing organisations. This study presents evidence that civil regulation emanating from migrant CSOs can influence *market* regulation by mediating the market forces of supply and demand of skilled migrant labour. This occurs as civil regulation modifies existing state regulation underpinning the labour market for skilled migrant labour.

The quote above also highlights the *duration* of voice articulated by skilled migrant CSOs. The campaign by MDNS lasted two years and was likened to a long and arduous "crusade". Such durability required economic power in terms of financial resources, the quote below describes how BAPIO obtained the economic capital to finance and sustain the legal challenges concerning discrimination against foreign doctors over several years:

I have to commend BAPIO there, BAPIO has taken cases to court now twice, once, Department of Health to court when they wanted to change the immigration rules. Number two, [the case with the] Royal College. **BIDA has not done that because BIDA doesn't have the finance, BAPIO has got a very good financial back-up so they collected money, and that is why they fought... we don't have the financial muscle which BAPIO has.** And both the court cases have been

extremely useful for BME doctors. Number 1 is immigration. **They should not have applied the immigration rules retrospectively...** then BAPIO had second case in the court, **a court case, BAPIO did the right thing, it's a moral victory, but legally BAPIO didn't win, but since then BAPIO and BIDA are doing a lot of work with the Royal College...** the funding [for the legal challenges] which has mainly come from BAPIO members, and BAPIO asked for donations, we used our contacts... **and we collected £200,000. So BAPIO members contribute, volunteers contribute, donations are collected and INDIGO, and these are the four sources BAPIO has. INDIGO is made up of foreign doctors, because it was mainly started as Indians, but then I opened it to other migrant doctors.** (Interview F1, BIDA)

According to the quote above, BIDA lacked 'financial muscle' compared to BAPIO and so could not initiate and lead the legal challenge over the course of its duration starting in 2006. However, there was evidence of economic cooperation and pooling of economic power among migrant CSOs as BIDA provided financial support to BAPIO in articulating the voices and interests of skilled migrant workers.

Bourdieu reminds us that social, cultural and economic capital are forms of power which may be converted from one form to another (Bourdieu, 1986). The 'INDIGO' sub-network

highlights the ability to transform and leverage social and cultural capital into economic capital, the 'INDIGO' online forum [a Yahoo! chat group for migrant doctors] provided a major part of the funding for BAPIO's war chest in its legal battles. Economic power in the form of financial resources (£200,000) were donated by members of the INDIGO online network, enabling BAPIO fund the legal challenge throughout its duration in the courts. INDIGO allowed BAPIO tap into a wider social network beyond its membership base and draw on the social and economic capital of migrant doctors originating from outside the Indian sub-continent (BAPIO's membership identity). This was possible because BAPIO was acting as a representative of a wider constituency beyond its core membership.

8.3.3 Moral Power and Effectiveness of Voice

BAPIO was able to position itself as representing the collective voices of all non-EU migrants in both judicial reviews because it played the role of an ethical guardian campaigning for the interest of a broad base of migrant doctors in relation to perceived injustices in state regulation. The first judicial review spearheaded by BAPIO challenged changes to immigration rules intended to have a retrospective effect while the second judicial review opposed perceived institutional discrimination and differential attainment affecting the qualifying exams of GP trainees. By championing issues of ethics and justice affecting the rights and interests of a broad base of migrant doctors BAPIO drew on *moral power* which provided it with wide acceptance and support among the broader

constituency of non-EU migrant doctors in the UK. Not only did this enable BAPIO convert its moral power and acceptance into economic power in form of financial donations through INDIGO, acting as an ethical voice provided BAPIO with credibility among courts and other state agencies as well as wider stakeholders.

As noted in the quote above, BAPIO's moral power was explicitly recognised by the judge in the second judicial review undertaken in 2014. This allows for a flexible view of 'victory' and 'success' in voice campaigns organised by migrant CSOs. Indeed, BAPIO was able to turn a 'legal defeat' into a 'moral victory' because its role as an ethical watchdog was recognised by the court. Although the judge presiding over the 2014 judicial review refused to declare the examinations conducted by the Royal College of General Practitioners (RCGP) unlawful, the judge nevertheless noted that it was time for the RCGP to 'eliminate discrimination' in the MRCGP examination and address the disparity in pass rates for non-white groups (Davis, 2014). The RCGP has subsequently started a formal collaboration with BAPIO and BIDA to address the issues they had previously denied or downplayed. The legal challenge may be understood as a form of 'soft' regulation (Stuart et al., 2011; MacKenzie and Martinez Lucio, 2014b) emanating from BAPIO in 'naming and shaming' the RCGP in the public sphere. This ethical approach to social regulation puts pressure on the target of regulatory changes (RCGP) in the court of public opinion through negative media coverage generated by the court case and enabled the court make a distinction between the strength and success of the ethical case

presented by BAPIO and failure as regards the technicality of the law. Indeed, the moral case presented by BAPIO may have a knock-on effect in the regulatory space as indicated in the quote below:

It ended up in a judicial review which incidentally BAPIO lost but the Judge actually said BAPIO had a **moral victory** and since then there have been changes in the way the Royal College of General Practitioners are conducting their exams, **it is anticipated they will have more changes and it will have changes in the way GMC [General Medical Council] and other regulatory bodies deal with these issues.**

(Interview G2, BAPIO)

The knock-on effect may spread to other Royal College's regulating qualifying examinations in various medical specialists, these Royal Colleges may proactively seek to identify and address issues of differential attainment by migrant doctors in the UK to avoid the negative publicity generated by BAPIO's legal challenges. This suggests that the regulatory influence of skilled migrant CSOs may *radiate* to affect other actors beyond those directly targeted by the CSOs regulatory intervention.

This suggests that the *effectiveness* of CSO's in articulating the voices of skilled migrants and influencing regulatory change is not limited to changes to 'hard' regulation such as legislation, professional licensing practices and immigration rules. Rather, effective voice also includes 'soft' regulatory changes such as modifications to state and organisational practices, openness to address issues rather than denying their existence and collaboration and consultation with migrant CSOs in addressing existing challenges in the regulatory rules and practices governing skilled migrant workers. One interview respondent described the relationship between 'hard' regulations from the judge's ruling and the 'softer' forms of regulation flowing from BAPIO's 2014 judicial review:

We really challenged the Royal College of General Practitioners for terrible, terrible differential attainment. For example, if it was a white trainee doctor in general practice, the pass rate would be nearly 96% but if it was the local graduates, Asian BME doctors the pass rate will be 74%. Local graduate black doctors, the pass rate would be 62% and if it was international medical graduates the pass rate was 34%. And we say this is ridiculous. But the college said they are looking at quality which didn't make sense to us [as they all underwent the same training in the UK]. So, we took them to the judicial review again. **We lost the case but the judge [ruling] in high court had that BAPIO had done this in public interest and there has to be change in this practice and if**

there is no change in next year or two years and if BAPIO comes back then the [Royal] College will be in trouble... We have been voicing out that there is a problem and presented our evidence to the Royal College, **but it really took the court case and the media pressure it generated to really begin to seriously address these issues.** We felt we had to go to court for judicial review and the judge did not grant us a **legal victory** but said it was a **moral victory** and asked the Royal College to solve the problem of differential pass rates. At least the judicial review confirmed there is a problem, and the Royal College has accepted this...**The Royal College is now more open to address these issues, we have had very fruitful discussions with the RCGP and we are looking forward to working constructively with the RCGP** to address the issues now the RCP has invited us to work together...**but we are very clear, if no solution is found we will challenge the Royal College again.** (Interview G1, BAPIO)

These findings depart from the view that 'hard' and 'soft' regulation are separate and alternate forms of regulation (Stuart et al., 2011) by emphasising their complex and intertwined relationship. As pointed out by the interview respondent above, the 'hard' decision of the court recognised the 'softer' moral argument presented by BAPIO and directed the RCGP to find a solution to the problem of differential pass rates experienced

by non-EU migrant doctors which has resulted in the RCGP formally collaborating with BAPIO and BIDA. On the one hand, 'hard' regulation was shown to facilitate the emergence of soft regulatory mechanisms such as collaborations and consultations among regulatory actors stemming from the judge's recognition of the problem of differential attainment and the judicial direction to the RCGP to eliminate this. On the other hand, 'soft' regulation such as media pressure, consultations and collaborations in the regulatory space may serve as the basis for successful changes to 'hard' regulatory and organisational practices (e.g. RCGP rules and examination practices). 'Soft' regulation may not be totally lacking in coercive power and may act as a subtle form of pressure, as noted by the judge, a failure to show substantial progress in eliminating differential attainment (e.g. through 'soft' collaboration) could be viewed as legal evidence in reaching a 'hard' legal verdict if BAPIO was to launch another judicial review in the near future.

8.3.4 Amplifying Voice by Widening Constituencies and Issues

As noted in the preceding discussion, BAPIO sought to represent all non-EU migrants in the judicial reviews it instigated in 2006 and 2014. In addition to representing migrants beyond their membership base of the Indian sub-continent, BAPIO also positioned itself as a representative of all BAME workers in the NHS. This shows a significant *amplification of voice* by widening of its 'voice constituency', enabling it to

occupy a larger and more prominent role in the regulatory space. The quote below reveals how BAPIO extended the groups it claims to speak on behalf of to include workers who are not medical doctors and non-migrant BAME employees of the NHS:

We will continue to work and support NHS, we will continue to **promote equality and diversity**, but **we will also stand up when we find injustice amongst the BME community or injustice [regarding] BME people** who are providing the NHS service - **so not only doctors but nurses and other health workers**. (Interview G1, BAPIO)

Another strategy BAPIO used to widen the scope of its 'voice constituency' was to go beyond representing workers by claiming to speak on behalf of BAME patients in the health sector. Although the core issues remained focused on migrant and BAME doctors, BAPIO shifted emphasis between occupational ('class') and ethnic ('social') identity depending on the issue of interest. The quote below shows how issues of equality and diversity championed by BAPIO have been extended to include patients' outcome and quality of care experienced by the BAME community:

...we have started to talk about issues like privatisation and devolution of the NHS so our voice is now heard on these

issues...and we do look at the impact of that as well, for instance we know that black and minority ethnic patients get poorer outcomes and all that, and so we do have some smaller level programmes to address that, but the nature of our organisation, the purpose of our organisation, our core thoughts, are on doctors careers, doctors livelihoods not being affected due to bias and discrimination.
(Interview G2, BAPIO)

As pointed out in the quote above, in addition to widening the scope of its 'voice constituency', BAPIO also extended the range of issues on which it made its voice heard. This was another strategy to occupy a more prominent position within the regulatory space governing the UK health sector. In the preceding discussion, a distinction was made between political and apolitical approaches to voice by migrant CSOs. Both BAPIO and BIDA extended the range of issues they voiced concern over by adopting a more political approach to articulating voice. BIDA endeavoured to make its voice heard and influence regulation among key stakeholders on politically contentious issues as explained in the quote below:

I think the first and foremost is for overseas and BME doctors, **to make sure they have their voices heard, to take interest in what's happening to NHS, what's happening to themselves, what are the**

changes coming, how they can be actively involved, how can they become leaders of NHS...At present, **Number 1 is Junior doctors Contract**, we have written a lot about it, **we have made noise**, how we can support junior doctors. **Consultant contract, we are giving opinion on that. MHPS, Maintaining High Professional Standards, we are trying to modify it, and we have given opinion on that one. Number 4, doctor shortage...** That's the thing we are doing, so we are doing all of these things achieved to date and we are very proud. (Interview F1, BIDA)

As can be seen from the quote above, BIDA is engaged as a regulatory actor in a range of politically contentious issues. One major issue that has drawn media and political attention is the attempt by successive Consecutive governments in recent times to move towards a neoliberal health services model such as by privatising part of the NHS. The quote below shows the distinct political stance BAPIO adopted on this issue:

We are committed to the National Health Service [NHS], we still believe that it is one of the best services in the world **being free at the point of providing service**. However, equality is a major issue and until it is sorted out it will affect the patient care...Well you see, we believe that it [the NHS] is one of the best [health] services in the world because people don't have to worry about how much money they have when

they're ill. But with changing times and the patients of NHS, it is likely that the government may think of **privatising part of the NHS or even the whole NHS which we believe will be a [commercial] piggery, so this is what I mean that we would support wholeheartedly that it should continue free [to patients at the point of service]** as it is at the moment. (Interview G1, BAPIO)

The stance adopted by BAPIO highlights the importance of regulatory actors speaking on behalf of civil society, as they provide some countervailing power to the commercial and profit-oriented interests of private organisations and state actors. This agrees with the view that civil society regulates the tensions arising from problems associated with capitalism, market failure and lack of social cohesion (Edwards, 2011a). This political approach to voice does not seek to separate issues of migration from the wider political economy, rather, migration is seen as influencing, and being influenced by, the structures of the political economy. Specific issues in the political economy may be seen as providing opportunities for, and necessitating, strategic mobilisation for collective action.

Although migrant CSOs like BIDA and BAPIO broadened their vocal support by engaging with issues and regulatory actors beyond their immediate 'voice constituency', they were constrained by existing regulatory structures in the manner by which they could engage in politically oriented advocacy (e.g. lack of the power to strike in support of the Junior

Doctors campaign). The voices of skilled migrant CSOs conformed to, rather than transformed, the 'rules of the game' governing the regulatory spaces within which they operated.

8.4 Regulating Employers and Workplaces

8.4.1 Awards and Recognition

The preceding section highlighted the constraining effects of existing regulatory sub-structures on skilled migrant CSOs. The right to strike, representation of individual employees involved in disciplinary and grievance cases, and collective bargaining over pay and working conditions are regulatory activities exclusively reserved for recognised trade unions in the UK regulatory space. In recognition of these constraints, the literature has portrayed CSOs as having only limited involvement in regulating employers. They are portrayed as involved in developing and monitoring codes of conduct and certification arrangements covering industry-based labour standards in the global supply chain (Kuruvilla and Verma, 2006; Egels-Zanden, 2009; Reinecke and Donaghey, 2015). CSOs are also recognised as engaged in advocacy to develop standards and good management practices on equality and diversity within the workplace (Williams et al., 2011a). Evidence from the interviews indicated that some skilled migrant CSOs were

involved in regulating employers by recognising good standards and management practices in equality and diversity as described in the quote below:

About three years ago we had what we called a BME award...**we also gave an award to the organisation that we think has been committed to diversity, and to promoting diversity**...we had a number of organisations submit entries to that. That's the way we generally address the diversity question, so that **rather than that sort of confrontational approach that says, "You are not doing this as an organisation" what we try to do is give them an opportunity to show how they are doing that.** There are many organisations that are keen to be associated with us because in one sense it forces [the issue of] their own diversity credentials if you like. (Interview B1, AFBE-UK)

As indicated in the quote above, AFBE-UK adopted an apolitical approach to voice aimed at changing and rewarding behaviour of employers. Advocacy for skilled migrants was subsumed within social regulation promoting equality and diversity on behalf of BAME workers. The findings suggest that rather than adopt confrontational approaches focusing on 'bad' employers, some migrant CSOs may seek to regulate employer behaviour through awards and recognition of 'good' employers. By using a 'carrot' rather than a 'stick' in socially regulating organisational behaviour, employers are encouraged to participate in a 'race to the top' to improve equality and diversity practices and outcomes.

The lack of coercive sanctions means that recalcitrant employers cannot be penalised and the standards of good practice are merely role models rather than enforceable improvements. However the voluntary nature of this approach may imply that employers who are not interested in changing their behaviour can opt out of this specific 'regulatory arena' (Hancher and Moran, 1989) within the regulatory space in which the awards and recognition framework seeks to influence behaviour. Without coercive power (such as the power to strike) and mandatory application, skilled migrant CSOs are limited in their regulation of employer behaviour and employment relations.

8.4.2 Semi-Formal and Formal Workplace Representation

Despite the constraints of existing regulatory structures, one migrant CSO was able to innovatively develop more formal and quasi-formal methods of representing skilled migrants in the workplace. Rather than operating totally 'under the radar' BAPIO wrote to employers, offering their services in resolving individual disciplinary or grievance cases involving their members. In instances where the employers accepted BAPIO's offer of alternative dispute resolution, the migrant worker was represented by BAPIO on a semi-formal basis. The interview respondent below explained this process:

BAPIO is a relatively small organisation and it's basically a social-based organisation, based on social aspects but also challenging the system...**but we have a disproportionately large voice because of the types of topics we take up and the kinds of ways in which we address it. Now one of the things that we do is...** we study the case **and pick up individual cases and we write to various organisations, we write to individual doctors who are facing this issue, we write to their organisation, we negotiate with their organisations to resolve issues.** So that is on the personal level. Now obviously that takes huge time and resources so we are not able to do it for everyone so we do it where we can on an ad hoc basis...so these are all on an individual basis.

(Interview G2, BAPIO)

BAPIO may obtain semi-formal recognition as a voice intermediary in the workplace because of its formal organisational structure, expertise, credibility, and the strong position it occupies in the regulatory space governing equality and diversity in the UK health sector. In contrast, migrant CSOs like NCDN are unlikely to be granted semi-formal recognition by employers in resolving employment disputes in the workplace. This may be due to the fact that they operate as informal networks rather than formally registered organisations and occupy relatively weaker positions in the regulatory spaces within which they operate.

Semi-formal representation is constrained by its dependence on the employer accepting BAPIO's offer of alternative dispute resolution services and by BAPIO's process of selecting which individual cases it chooses to act on as a voice representative. In recognition of these limitations, BAPIO also developed another innovative method of providing individual representation in the workplace to migrant doctors. BAPIO was able to exploit loopholes in the existing regulatory structures to provide formal workplace representation. Doctors who subscribe to the Medical Defence Shield (MDS) set up by BAPIO enjoy contractual arrangements guaranteeing formal representation by MDS. Subscribers also benefit from the enforced recognition of MDS as professional indemnity and medical defence providers on the part of employers, GMC, and the courts. However, while semi-formal representation is open to all members of BAPIO, only paid subscribers to MDS may benefit from formal representation. The quote below shows the gaps in the regulatory spaces which served as opportunities for BAPIO to launch the MDS:

Five years ago, BAPIO started a separate company called **Medical Defence Shield which is like an Indemnity Company**. It's not strictly financial indemnity but it's like a professional association for doctors where they provide contract support, where they **provide support for doctors facing investigations and doctors facing court cases**. They don't provide financial compensation but that is covered by the NHS indemnity scheme, ...now the crucial bit is that **there are a couple of**

areas that there are no organisations providing support. One is the current organisations **do not support trainee doctors who run into trouble with their training programmes, there is absolutely no mechanisms to support them at all and the other area is, if you face an investigation by a medical authority like for instance the GMC [General Medical Council] on a non-clinical topic then you don't have support.** So, this organisation created by BAPIO, the Medical Defence Shield, we provide support in those areas. (Interview G2, BAPIO)

Apart from the gap in relation to medical training programs, BAPIO innovatively exploited the separation between trade unions and medical defence organisations within the existing regulatory framework. While trade unions typically represent individual employees in employment disputes, medical defence organisations provide professional indemnity to doctors for incidents arising from their clinical care of patients, and advice and assistance on medico-legal issues arising from clinical practice including support and representation at inquests, inquiries, disciplinary proceedings and at GMC fitness to practice hearings (BMA, 2018). BAPIO identified that the distinction between 'employment' and 'regulatory indemnity' cases and subsequent representation by two separate organisations increases the risk of an adverse outcome against doctors (Medic Law, 2018). MDS as an indemnity provider was able to provide one representative where

trade unions and medical defence organisations would traditionally have provided separate representation for the different aspects of a case. This enabled MDS provide a degree of formally recognised workplace representation for migrant doctors. BAPIO may be viewed as providing 'quasi-union' (Heckscher and Carre, 2006) employment representation services through MDS, although legally still barred from engaging in collective bargaining on behalf of workers and enforcing their advocacy demands through strike action. Nevertheless, the MDS model of 'one representative for both' employment and regulatory-indemnity cases has proved relatively popular among migrant doctors in the UK regulatory space as described by the quotes below:

And the other thing we started is called **Medical Defence Shield**. Now Medical Defence Shield is like MDU [Medical Defence Union] and MPS [Medical Protection Society] and **in certain ways like BMA [trade union] who haven't been very supportive of BME doctors**. These medical defence organisations like MDU and MPS, when BME doctors were in difficulty they were not really providing proper support. So MDS [Medical Defence Shield] was launched in 2011. It is now growing really big, it is doing extremely well. The membership gets much better support because **we understand the cultural differences** which can be responsible for some of the behavior of doctors who are trained overseas. (Interview G1, BAPIO)

It is, because the people who run it, **the medical advisor there, the medical director there and the legal advisors there, they know how and why Indian doctors get into trouble...** You know if you are a BME doctor you get referred to the General Medical Council for an investigation 6 times more often, that is 600% more often...and **interestingly it is not the patients who refer these doctors to the GMC. It is their own employing organisations. So that is where MDS come in,** what they do...as soon as a foreign doctor is in trouble and they contact them, they get in touch with a view to preventing it going to the GMC, providing that kind of support even at the pre-investigation stage within the organisation and of course if it did come to a GMC investigation, they provide a better support. **They are able to understand the culture, the language of the foreign doctor far better than any other organisation so far... the difference between others and this one is that it was designed by foreign doctors and it is run by foreign doctors so we know where the pain is and we are able to address that and it is slightly cheaper of course.** (Interview G2, BAPIO)

The quotes above identify three reasons behind the popularity and effectiveness of the 'holistic' model of representation provided by MDS. First, is its ability to prevent some cases from being referred to the GMC for investigation by intervention at the pre-

investigation stage at the workplace. Second, the dual model of representation is financially less costly for migrant doctors enabling them save economic capital. Third, MDS is able to draw on the expertise of migrant doctors who better understand the issues faced by fellow migrants. Cultural capital thus forms a basis for more effective voice representation at the workplace.

8.4.3 Systemic and Proactive Workplace Regulation

The preceding discus has focused on semi-formal and formal methods of workplace representation undertaken by migrant CSOs. These methods focus on representing individual employees rather than system-wide regulatory intervention at the workplace. Furthermore, these methods are reactive, they occur in response to incidents that may result in disciplinary and grievance cases and are confined to 'after-the-fact-advocacy' (Pollert, 2007, p.35). A more systemic and proactive method of regulating the workplace was developed by BAPIO as explained by the interview respondent below:

So, as I said earlier on, our **doctors get in difficulties a lot more than local white doctors**. One of the reasons is the **cultural differences**. We see the way doctors treat nurses for example is very different, and sometimes it can come across as if they are very rude. And then there is a complaint, and then there is an investigation and then there is a

disciplinary case and so on. So, we come in there and then we are able to deal with the establishment and we're able to explain the cultural differences. How can this change? **We then provide them mentors and support for these doctors** and then they will come back to work... the effect actually of this in the last few years is **that many [NHS] Trusts are now beginning to realise that these unnecessary disciplinary actions are not good for the Trust either because they just discipline the doctors then the legal case goes on for years and they also lose financially.** So what now we are also providing to the Trusts is what we call **conflict resolution service.** And we are saying to the Trusts, these are silly issues which if we are involved these could be nipped in the bud before it becomes a legal case. So this comes in at a very early stage and then assists the Trust as well as doctors in dissolving the conflict. **Currently we have trained 12 of our consultants with the help of ACAS [The Advisory, Conciliation and Arbitration Service] to help in conflict resolution. BAPIO is partnering with the NHS Employers, the organisation representing the local NHS Trusts as their voice, through this partnership BAPIO will assist the local NHS Trusts in training their managers to develop a better approach to these issues and to develop cross-cultural understanding to better deal with these kinds of issues.** (Interview G1, BAPIO)

While semi-formal and formal methods of workplace representation discussed previously were means for migrant CSO's to enhance restorative or curative justice, the systematic and proactive approach to workplace representation emphasised preventive justice. Rather than addressing equality issues solely through a piecemeal approach based on ad hoc individual cases, a strategic and systematic approach was adopted.

As pointed out by the interview respondent above, BAPIO's credibility and cultural expertise enables them to provide a conflict resolution service as a voice intermediary between workers and employers as well as train management in proactive methods of managing these issues. BAPIO's provision of training to NHS Trusts in new management practices regarding diversity and cross-cultural skills may be understood in terms of cultural capital. Erel (2010) and Thondhlana et al. (2016) have criticised the dominant 'rucksack approaches' to theorising migrant cultural capital. These authors have criticised the view that migrant cultural capital can be viewed as a rucksack full of specific cultural attributes which migrants attempt to fit into the 'keyhole' of the cultural system of the receiving country. Their criticism revolves around the static, reified and ethnically bounded views implicit in 'rucksack approaches'.

Research by Erel (2010) shows that cultural capital is better understood as a 'treasure chest' used by migrants in processes of production, reproduction and bargaining. Rather than forcing cultural capital brought from home countries to fit the people and institutions

which constitutes the 'keyhole' of the host country's cultural system, migrants engage in the creation and validation of a 'treasure chest' of new forms of cultural capital within the host cultural system. The findings of this study extend the theoretical perspectives of Erel (2010) and Thondhlana et al. (2016). As indicated in the quote above, skilled migrants do not merely create and validate their 'treasure chest' of cultural capital in host countries, through migrants CSOs like BAPIO, they change the people and institutions constituting the host cultural system, enabling such people and institutions to 'fit', adapt to, and accommodate the new cultural capital brought by the migrants. The managers, practices and systems within NHS Trusts receiving BAPIO's training and conflict resolution services have undergone processes of cultural change. These findings suggest that skilled migrants do not always have to fit into host cultural systems or validate their cultural capital, but that host cultural systems may be transformed to accommodate migrant cultural capital. Rather than view migrant and non-migrant cultural capital as separate and parallel, these findings highlight the contested, contingent and contextual interrelationship and integration between both forms of capital.

8.5 Transnational Regulation

The findings suggest skilled migrant CSOs are involved in regulating state policies and professional practices in migrant sending countries. As diaspora organisations, they

exerted significant regulatory influence using either political or apolitical approaches to voice.

8.5.1 Regulation through Transnational Institutional Obligations

The political opportunity structures (Tilly, 1978) provided by the transnational institutional obligations of the UK government were exploited by BAPIO as a way to regulate the state. BAPIO's advocacy strategy involved lobbying governments, and utilising mechanisms and obligations derived from transnational regulatory frameworks. The quote below is taken from BAPIO's online forum hosting a public discussion on the 2006 judicial review, where a senior member of BAPIO's legal action team comments on their strategy as follows:

Even if the JRs [judicial reviews] are lost, there is still recourse to European courts and the International Organisation for Migration [IOM] dispute resolution mechanisms, ILO [International Labour Organisation], Commonwealth and also WTO [World Trade Organisation] dispute resolution mechanisms. Which specifically allow complaints by individuals as well in certain cases. **We are lobbying other governments as well to initiate action on these multilateral**

platforms. Since UK has signed up to these multilateral treaties, it will be a binding party to their disputes resolution mechanisms. All these avenues are being explored and more as well. Also, there are separate inter-government treaties signed by UK with many governments including India, Sri Lanka, Philippines etc. These avenues are also being explored for enforcing rights of migrant workers. (BAPIO Discussion Forum, 2007)

As indicated in the quote above, BAPIO was able to shift between different levels within the regulatory space on immigration in its attempt to influence the UK state's policy on migrant doctors. BAPIO lobbied governments at the national level, as part of a wider strategy to enforce migrants' rights using multilateral regulatory institutional mechanisms and intergovernmental treaties. Local and global levels of regulation within a regulatory space provide both boundaries and inter-relationships (MacKenzie and Martinez Lucio, 2005). BAPIO's strategy was to transcend boundaries of a legal solution available through national courts, by combining a local legal dispute with the rights and enforcement mechanisms provided by transnational and regulatory frameworks.

Migration rules are often specific to a geographical location (sending, transit or receiving nation). Nevertheless, skilled migrant networks as diaspora organisations connected and

transmitted regulatory influence possessed in one location (e.g. the home country) to another location (e.g. the host country), as indicated below:

We are in touch with our governments. These things might take time but if it works it will definitely be in our favour. After all, **India is one of the biggest stumbling blocks for G8 in WTO GATS [General Agreement on Trade in Services] negotiations in Doha round. By the way, doctors are specifically mentioned as an example in explanations for WTO GATS4 agreements [GATS Mode 4 and migration agreements] signed by more than 100 countries.** Obviously trade and services are interlinked in today's globalisation, no country can have their cake and eat it too. So if anyone wants gains in [the] trade sector there will have to be concessions in [the] services sector, and G8 wants [the] health sector to be opened up in developing countries, but the interesting part begins when conversely, they will have to open up [the] services sector. Hence the deadlock in WTO GATS negotiations. So even if the ongoing JRs are not favourable for us, there are still options open that are being explored now. (BAPIO Discussion Forum, 2007)

BAPIO's approach to transnational voice drew on both legal and political power. BAPIO used its position as a diaspora organisation with strong links to home countries to lobby the government of India in an attempt to put political pressure on the UK government. Although BAPIO is a relatively small player in the transnational regulatory space, it attempted to leverage the position of the Indian government, as an influential actor in the regulatory space within which the negotiation for the General Agreement on Trade in Services (GATS) occurred. BAPIO's effort to lobby the Indian government reveals how otherwise separate regulatory arenas may become intertwined. BAPIO created a link between its voice and advocacy campaign in its legal dispute with the UK government in the UK migration policy regulatory arena and negotiations in the GATS arena. India's strong position in global service provision was used as a source of bargaining power over global trade, as negotiations in both service and trade arenas were intertwined.

Furthermore, BAPIO sought to play a role in monitoring and accountability of voluntary codes of conduct enacted by the UK state as indicated by comments regarding BAPIO's strategy:

Also, regarding doctors, if you see **[the] DOH [Department for Health]**
Code of Recruitment which was bandied about all over the world

and also quoted in [the] WHO [World Health Organisation], the same things are again asserted in 2006 Scottish International Recruitment Code as well. I have copies of those. The UK government is clearly violating its own ethical recruitment code which it released with much fanfare and even gave lectures to the whole world on how to do things ethically. How ironic now it is not following its own code of recruitment in trying to restrict access to employment and training to already recruited workers, things which the code specifically prohibits!!! **And the same code has reference to the inter-government agreements as well, to give us added muscle to take them to the cleaners in international dispute resolution mechanisms if needed.** We might not win but it won't be for lack of . (BAPIO Discussion Forum, 2007)

The Department for Health Code of Recruitment and the 2006 Scottish International Recruitment Code do not specifically provide for CSOs to play a role in monitoring, enforcement or accountability. However, BAPIO ascribed these roles to itself in the absence of alternative modes of accountability and enforcement of both codes. Not only did BAPIO exploit the 'accountability gap' in the regulatory space within which both codes are situated, it also attempted to translate soft regulations (codes of conduct) into enforceable transnational obligations. BAPIO argued that these codes created

international obligations regarding recruitment, employment and training of skilled migrant workers in the UK because they referenced intergovernmental treaties and were held out to the World Health Organisation (WHO) and the rest of the world as codes of 'best practice' in HRM.

8.5.2 Transnational Regulation of Skilled Returnee Migrants

Findings from this study indicate that some CSOs influence the regulation of skilled returnee migrants to home countries. A significant example is TGNF which pursued regulatory changes to improve the proportion of Nigerians working in high-skill and high-value positions in the Nigerian oil and gas sector as explained in the quote below:

It was really an open platform where people just came in and put in their names, and put in their information...**say a completion company [in Nigeria] is looking for a completions engineer [in the diaspora] with certain experience, they just have to search the database** of these guys who have registered interest in doing work with local [Nigerian] companies and then they see the profiles that matches [the kind of professional they are looking for] and the contact details are all in there and they just directly contact the individual. It's really an open-ended

database, sort of, with interested participants listed there and I think 200 to 400 people were registered from the experience profiles... mainly oil and gas professionals...**and on that portal they do advertise projects, work, opportunities, news, they have a hub for participation and so on.** (Interview D3, TGNF)

TGNF combined both political and apolitical approaches to voice. Its political approach focused on its role lobbying for an increase in the number of Nigerians employed in high skill roles within the oil and gas sector, through changes in regulations and business practises. This was combined with an apolitical approach as an intermediary connecting highly skilled migrant professionals to jobs advertised on an online platform, enabling skilled migrants return on a temporary or permanent basis to fill talent gaps. Cultural capital (expert power) and social capital (networks) within TGNF underpinned its dual role in civil regulation (advocacy) and market regulation (demand and supply of skilled labour).

Similarly, Star 100 was involved in socially regulating the ability to access jobs in home countries by returnee and second-generation migrants. The artificial and socially constructed distinction between 'expatriates' and 'migrants' was criticised by an interview respondent in the quote below:

... I think fundamentally behind the issues of equality, diversity and institutional racism lies that definition of what a migrant is...I've spoken about that...**I guess it's a mindset thing and a culture that needs to be worked on... as long as we still see migrants as second class citizens and see everybody who leaves the UK and goes to every other place not as migrants but as expatriates...**and that does not refer back to every other person who are coming to the UK with such skills or even better skills, coming into the UK to do exactly what those expatriates [from the UK] are doing in every other country...**until we continue to have that kind of mind-view then we can't begin to address the various challenges associated with migration...**(Interview E1, FFMF)

The quote above shows that the definition of 'skilled migrant' and its distinction with the concept of 'expatriate' are normative and value-laden. The normalised distinction portrays the 'expatriate' Western manager going to fill a skill gap in a host country, usually with a very lucrative reward package. In contrast, the migrant employee is viewed as taking away jobs from locals and causing a downward pressure on wages and salaries in the host country. This normative distinction may be contested by migrant CSOs from the diaspora. The quote below describes the problem and Star 100's approach to solving it:

I mean [these] people are getting paid for malaria compensation... they pay for you to have malaria [prevention] tablets and then they pay you to compensate you for the risk that you are taking [Laughs]... **and that is just the beginning of the [reward] packages that these people [expatriates] have.** But the moment you go and stand there as an African or second generation African [from the diaspora] the story then changes and then it's not worth your going... but that is actually a problem that has been identified...these people [expatriates] come in, and their mandate is to develop someone to replace you. That's one of their mandates...do they do it? No, they don't do it. Why? Because... it's actually used to make money... it's a boys club in London, **it's a boys club here... it's all run from here [the West]**... "hey we are going to put you in Africa for two years... after two years you come back and then you continue on a stable salary here after making a whole heap of money in Africa"... It's something that has been going on for years and it's not going to stop because it's controlled from here [the West] ... **So, we know the problems and we are finding smarter ways to look at it by bringing in... high skilled professionals from the diaspora...giving these guys a chance to taste African professionals and push the agenda for these guys to come and work in Africa with the right amount of pay. We are not asking for crazy money but I think that you should compensate fairly..** .if you

can afford to pay a non-African a crazy amount of money then at least you should be able to afford to put 5 [African] people there and pay them reasonable amounts...for you to be able to push in more Africans to go work in Africa... (Interview H3, Star 100)

The interview respondent above perceives the exclusion experienced by Africans as emanating from a restricted social network (“boys club”) regarding some managerial positions in companies operating in Africa. This exclusion was reflected in the significant differentials in reward packages between African and non-African employees in such organisations. The advocacy efforts on the part of Star 100 may be understood as collective action to address forms of postcolonial exploitation (Nkomo, 2011; Kamoche and Siebers, 2015; Loomba, 2015). The quote below describes Star 100’s approach to advocacy through emphasising changes in attitudes and organisational practices:

So how do Africans change this? ... you have to create that awareness for the demand. To me that’s the key thing here. We need to show that we are here [in the diaspora] and we want to do it, and we are doing it in our small way... **someone is taking their holiday just to go work [in Ghana], that’s how we are starting because we can’t fund it... but that’s how we are starting.** The benefit is “hey I get to work in Ghana, have an experience”, that’s great on the short term, it’s

sustainable, it can happen. But for it to happen on the **longer-term things have to change**, and for you to present that argument you have to **show real benefits of people that want to go, people that have been and have made changes and that have changed and influenced the environment in the right way... that benefits both the company and Ghanaians... we have to create the demand, we have to create the awareness and that's some of the things that Star 100 is able to do with surfacing the skillset and surfacing the opportunities that [are] in Ghana for people to connect to that**, and then once we start generating a great interest, great feedback, great reputation in doing that, then we can push that to a much higher level **...we can even push that through the immigration system because the immigration system puts that mandate there** - that you have to get someone to replace you [the expatriate] after your 2 year term or your 3 year term - but they don't, because they come up and say... give excuses that indigenous people are not good, they can't do the job, they can't bla--bla--bla...because they don't teach them anything...and that's the truth. (Interview H3, Star 100)

Star 100's approach to advocacy emphasised market regulation. It drew on the value of the cultural capital (qualifications, skills and work experience) of its members in the UK to

'create demand' for such skilled migrants. It used the extensive social capital of members in its online platform to supply organisations in Ghana requiring specific skill sets. Star 100 adopted an apolitical approach to voice. Although the quote above mentions using the immigration system in advocacy, this was approached more in terms of providing successful examples of returnee migrants who trained local Ghanaian workers, during the temporary work assignments organised by Star 100. It did not attempt to lobby to enforce the legislative provision requiring expatriates to train their local replacements at the end of their international assignment in Ghana. Social regulation took the form of changing the perspective of organisations in Ghana towards employing Ghanaians from the diaspora and changing perspectives of skilled migrants towards working in Ghana as indicated in the quote below:

Sometimes what you find is these companies back home, although they need the skills, they don't appreciate the value... If these companies start seeing results we are hoping that changes their perspective to "hey if we are making this kind money from these guys coming to us I think it's worth paying for them to be here permanently" and also to educate the guys from here to have a feel of how things are in Ghana, for example, and for people to know, not to guess, but to know... "look, I can live in Ghana. I actually love

working in Ghana” ...and then basically match those two needs.

(Interview H3, Star 100)

This approach emphasised advocating for change based on the business benefits of employing returnee and second-generation migrants. Although in essence advocating for equality, the message transmitted by Star 100 as the collective voice of its members was that Ghanaians in the diaspora could add value to organisations in Ghana, and their financial bottom line rather than demanding political change and legal solutions.

8.5.3 Transnational Regulation through Policy Advice, Knowledge Transfer and International Mobility

The perceived knowledge and expertise of skilled migrants enabled some migrant CSO's engage in transnational regulation through the institutional transfer of knowledge and acting as policy advisers to home countries. The transfer of knowledge also provided institutional opportunities to socially regulate international mobility in furtherance of processes of “brain gain” and “brain circulation” (Saxienan, 2005; Saxenian and Sabel, 2008). The quote below describes Star 100's emerging strategy to shape policies in Ghana, using the knowledge and skill sets of its members:

I think you know all the areas that we have member's skills. What I mean by that is in technology we have tons of tech guys within the group and **so they have a clear understanding of how things operate in the UK and can influence such policies...**We have teachers, so education, we have lawyers who can help structure certain things in the Ghanaian legal system...you know what I mean...**so it's all about the skillset and we have a very vast spread of skill-sets within Star 100...** doctors, dentists, the finance guys are the craziest...those of them in the group. **So that's how we do it...that's how we pick an area and focus on. When the members are there, willing to embrace the agenda and push it forward, we will influence that area and that's how we plan to move forward...** You might have a passionate doctor who wants to drive certain agendas within the Ghanaian health service... (Interview H3, Star 100)

Cultural capital in the form of education, qualifications and expertise provided diaspora CSO's legitimacy in shaping policy. Social capital within migrant CSO's enabled them connect with policy makers and access key institutional actors in home countries. One respondent described how BAPIO socially regulated government policies and work practices in India through the transfer of 'best practices' and expert knowledge:

We have lot of work going on at the moment in India because [the] majority of our membership are from India and these people want to give something back to their mother country. **So we are doing a lot of work on skills training [for doctors], education,** as well as providing voluntary support like camps in various parts of India...**especially in India currently we have a very good network with the government departments at the centre as well as state [level] because health is a state matter in India. So we are supporting health policy change and especially we are promoting leadership development, ethics and professionalism amongst Indian medical workforce...**we are partnering with Skills Council of India and just to give you an example a team of doctors, nurses and therapists from Birmingham will be going to...South India to train their therapists in looking after children with behaviour problems like autistic spectrum and ADHD. **So, you see because we have developed these skills quite a lot in UK, while in India these skills are in a very nascent stage.** So, we are hoping that we will have similar projects in different [medical] specialties as well. We are doing another project...in South India on risk training. So, we have some projects going on like that. (Interview G1, BAPIO)

The quote above indicates that BAPIO's apolitical approach to voice involved the flow of information, ideas, knowledge and persuasion based on professional values and standards. BAPIO worked with government institutions at the national and sub-national level in a non-partisan manner. This suggests that advocacy to change policy and practices in the Indian health sector took the form of normative institutional isomorphic pressures driven by professional knowledge, norms and social networks (DiMaggio and Powell, 1983) rather than coercive pressures or legislative changes. The perceived differences in knowledge and effective practices between locations in regulatory spaces (UK and India) created gaps which were filled by transnational regulation emanating from migrant CSOs. Social capital within migrant CSOs linked professional networks in home and host countries. The development and transfer of cultural capital was also achieved through formal structures in host countries. The quote below explains how BAPIO supported healthcare institutions in a formalised knowledge transfer programme occurring within the UK:

We have developed a scheme...to train the Consultants in emergency medicine in UK. So, they come here for 2 years and go back...This is under ITI [International Training Initiative]... and at the end of 2 years these people return [to their home country] with hopefully the knowledge and experience they have gained and then they develop departments of emergency medicine in different parts

of India... This is also aimed at solving the problem of brain drain. So, the predominant objective is to ensure that everybody benefits. So first of all, the doctor benefits because they get training and that will help their career progression. The NHS will benefit because they are a bit short of such doctors here at the moment. And the country of origin will benefit because these doctors will go back and then hopefully improve the quality of service provided there. (Interview G1, BAPIO)

This would suggest that knowledge transferred acted as a form of social regulation through the diffusion, homogenisation and standardisation of medical practices. BAPIO's programme to change medical practices in India may be viewed as a form of apolitical voice. The institutional legitimacy derived by BAPIO in improving the Indian health sector may have served as a basis for political influence in their more political approaches to voice discussed in earlier sections. This formalised knowledge transfer programme was aimed at mitigating the 'brain drain' syndrome (Castles and Miller, 2009), and thus constituted a strategic approach to regulating transnational migration. This contrasts with the social regulation undertaken by migrant CSOs when providing informational resources in support of skilled migrant mobility on an ad hoc and individual basis discussed in chapter 7.

8.6 Relationships with Other Regulatory Actors

8.6.1 Conflict and Cooperation

The evidence from the interview data reveals that a range of modes of collective voice were deployed by migrant CSOs such as petitions, consultations, working on joint committees, employer awards and recognition, court cases and the use of social media. These modes of voice indicate the nature of the relationships between migrant CSOs and other regulatory actors. Patterns of conflicts, cooperation and indifference characterise the relationships between CSOs and other regulatory actors (Heery et al., 2012b). The relationship between CSOs and trade unions is particularly important in the context of declining trade unions as CSOs may contribute to union revitalisation or replacement (Heery, 2011a). This study seeks to explore the relationships between skilled migrants CSOs and trade unions as well as investigate their relationships with other regulatory actors. The quote below describes the evolution of BAPIO's relationship with the BMA (medical trade union) and the Royal College of General Practitioners:

We have a very professional relationship with all these other bodies...key bodies. **We do not hesitate to challenge**, we are very very **keen to engage**...we do not refuse to engage with anyone who wants to engage and more recently we have engaged very well with the BMA...**historically BMA and BAPIO had very adversarial**

relationship, but recently with the MRCGP court case we had, again due to BAPIO seniors, we had a changed relationship, in fact BMA provided a little bit of funding even for that judicial review... now ideally we would have wanted to take our case to the BMA and they should have done it but they missed the boat, we had already started it and then...you know...they did provide support after that. And the same with the Royal College... for instance, one of the most recent reports I personally wrote in this area was what's called the Joint Committee for Higher Surgical Training, we were reviewing the curriculum and they wanted to ensure that the equality and diversity inclusion issue was well addressed. So I did a report for them on this, so we [BAPIO] engage...based on the knowledge gathered over the past 10 years we engage with various bodies, it's a struggle for these various bodies to even understand what we say, because there is an inherent denial and that is a problem, so we don't hesitate to challenge that, but we don't want to challenge it in a way that they refuse to engage with us. That is a very tricky balance...I think BAPIO has got the balance more or less correctly. (Interview G2, BAPIO)

As pointed out by the interview respondent above, BAPIO evolved from an adversarial to a more cooperative orientation towards the BMA. This change relationship with the BMA coincided with BAPIO's transition from cooperative consultations with the RCGP with a

more confrontational legal challenge. This would suggest that BAPIO's orientation towards other regulatory actors is fluid, enabling it change 'political bedfellows', as the situation required. These findings suggest that the *tone of voice* emanating from migrant CSOs such as BAPIO is more complex and dynamic than the static and distinct categorisation of conflict, cooperation and indifference. The quote below shows how BAPIO simultaneously combined a conflictual and cooperative tone in its voice relationships:

The BAPIO approach has been both diplomatic, consultations, discussions with the establishment, supporting our doctors in training by running various conferences, workshops, symposiums, **but at the same time when the crunch comes we challenge the establishment in the court...** it seems that sometimes this is necessary because the establishment sometimes really need that challenge....**And they know it because they see us doing it [confronting and challenging] so actually in a way they are also scared of us [laughter]. So if we raise an issue they're very sincere in ensuring that they meet, they discuss,** they are also able to express their inability in doing certain things. So the latest for example is **the GMC has now accepted that there is discrimination...** Well they have said that discrimination is one

of the reasons for differential attainment of BME doctors. Although they are saying it is indirect discrimination. (Interview G1, BAPIO)

This study shows that a cooperative tone of voice adopts methods such as consultations, knowledge sharing workshops and working in joint committees. However, a conflictual tone of voice utilises methods such as judicial reviews, petitions and criticisms published via social and news media. As indicated in the quote above, a conflictual tone of voice was used by BAPIO to make them “scared of us”, propelling other regulatory actors to take cooperative discussions with BAPIO more seriously. By raising the spectre of a resort to conflict, BAPIO strengthened its bargaining power and position in the regulatory space, enabling it advance its agenda through concomitant cooperative voice processes.

Nevertheless, some migrant CSOs adopted a solely cooperative tone of voice in relationships with other regulatory actors. AFBE-UK adopted a ‘win-win’ approach in its relationship with employers, this involved utilising cooperative methods such as awards, recognition and discussions with employers and regulatory institutions. However, in some cases, adopting a cooperative tone of voice arose out constraints within the regulatory space rather than choosing a ‘win-win’ strategy. The quote below shows how the fear of perceived negative consequences may constrain the adoption of a conflictual tone of voice:

...so the best thing to do is to find a way to do that in a **diplomatic way**... no matter how angered [about the issue]... if you look at the letter it was kind of structured diplomatically...**trying to be strategic about it in terms of knowing how to send our message across really helped us**... if not that probably meant it will be popping up whenever you bring up our [police] records you understand... it may obstruct certain things we could do ordinarily... **so whatever we are doing here we need to be very careful**... if we had gone... in full force... **taken to the streets**... it might... have raised some bitterness. So, we try as much as possible to resolve the issues... because if we had done otherwise maybe... it would have resulted to certain things and then.. .whatever you do here is...you know...**it stays on your police record, and that affects your future application of visas and later on your application to become a British citizen**. It might also affect you further down the line even if you become a citizen **that's why you need to tread with caution**... (Interview E2, FFMF)

As pointed out by the interview respondent above, the uncertainty surrounding migrant status discouraged their adoption of a more conflictual tone of voice. The state has discretionary power by law for granting or refusing applications for visa renewals or naturalisation to become British citizens by skilled migrants. The state also exercises

control through surveillance and coercive powers to deport migrants for perceived breaches of law and order. The way in which FFMF related with the state as a policy regulator was influenced by an awareness that the state also encompasses a range of regulatory apparatus with powers of coercion and surveillance. These findings suggest that the imbalance of power among actors within a regulatory space stifles the adoption of street protests and other conflictual modes of voice.

Increase in union membership was a form of union revitalisation resulting from cooperative relationships between skilled migrant CSOs and trade unions:

We listen to them, we support them, we tell them who can help them, and **we also tell them the importance of becoming a member of BMA or trade unions**, because BIDA is not a trade union, BAPIO is not a trade union, but **we tell them the importance of joining BMA**, we also tell them the importance of joining Medical Defense Union. But the most important, we listen to doctors and offer them pastoral support. (Interview F1, BIDA)

This occurred through the role of 'bridge-builders' (Rose, 2000) i.e individual boundary spanning agents as well as formal organisational policies by CSOs encouraging their members and constituencies to join trade unions.

8.6.2 Incorporation and Sources of Funding

The research on the relationships between unions and CSOs has progressed beyond a dominant emphasis on conflict and cooperation to include the concept of indifference (Heery et al., 2012b). By inhabiting distinct and discrete institutional fields, relationships between both regulatory actors may be characterised by neutrality and very little contact (Heery et al., 2012b). An example of this is found in the relationship between MDNS and trade unions such as the BMA which was characterised by indifference rather than cooperation or conflict:

I mean, I do not know how... I cannot speak for them, because like I said, **we never really approached the BMA so I can't say that this is what they would have done or what they wouldn't do.** Do you get what I mean? I believe that the BMA pursues the interests of doctors generally, whether they would have been interested in that particular crusade of ours is something which I can't really comment on. (Interview C2, MDNS)

These findings extend the analytical framework of conflict, cooperation and indifference by providing evidence of relationships between regulatory actors characterised by *incorporation*. The degree to which TGNF could act as an independent and autonomous

regulatory actor is called into question by its close relationship with EnergyCo, a powerful multinational company occupying an influential position in the Nigerian regulatory space and globally:

When you talk about **autonomy and independence** I think what you have to put that in context with is... when you have an initiative like this you have to drive it... you have to give it as much traction and as much firepower as you can, **so who's sponsoring this? It's a 100% EnergyCo initiative** and like I said they are not doing it for immediate gain and they are not getting any compensation for it, **so they have an idea, they have an initiative, they understand what they want to achieve and they put a lot of firepower behind making it work... they are only in the picture to build the tool, to build the medium, to build the platform**, and then during the engagement they are not so involved, so I don't think there is a problem of autonomy or having an overbearing presence on what goes on. **To the best of my knowledge, EnergyCo funds these events for the activities of Global Nigeria, the conferences and things like that 100%** and everyone who participates in it volunteers to participate in it. (Interview D3, TGNF)

TGNF may be viewed as an initiative of EnergyCo which provided the original idea, drive and resources to start TGNF as a CSO. EnergyCo was the major or sole source of funding for TGNF's activities, enabling EnergyCo exercise significant power over the objectives, strategic direction and activities of TGNF. Although specific collaborations and employment relationships were negotiated directly between indigenous Nigerian oil companies and members of TGNF's diaspora network, EnergyCo provided the funding and technical support to setup and run TGNF's online platform which connected the various parties. The nature of the relationship between TGNF and EnergyCo goes beyond cooperation, it may be better viewed as a form of *incorporation* because the major regulatory activities of TGNF were heavily influenced by the relationship with EnergyCo. Rather than being totally independent, TGNF's approach to advocacy over the lack of recruitment of skilled Nigerian migrants in the Nigerian oil sector was a reflection of EnergyCo's strategy to place the responsibility for the problem on indigenous Nigerian oil companies rather than acknowledge the responsibility of multinational oil companies (like EnergyCo). Although, MNCs outsource and sub-contract some of their operations to indigenous oil companies, TGNF did not seek to hold EnergyCo and other MNCs accountable for the seeming preference for non-Nigerian expatriates over skilled Nigerian workers in their organisations and supply chains. Despite the growing significance of CSO influencing MNCs to adopt codes of practice and labour standards regulating their value chains (Kuruvilla and Verma, 2006; Egels-Zanden, 2009; Reinecke and Donaghey, 2015), the message from TGNF as a voice institution was focused on campaigning for a change in the way indigenous Nigerian oil companies operated. TGNF's *silence* regarding

the responsibility of EnergyCo and other MNC's to change the way they governed and operated their organisations and supply chains was remarkable.

Apart from TGNF, all other migrant CSOs in the study sample relied on subscriptions and donations from members as their major source of funding. The fear of incorporation and external control was evident in the cautious approach of AFBE-UK when it considered moving from a 'social enterprise model' based on internally generated funds, to a 'charity model' funded by external donors:

We are in the process of... trying to better understand what the pros and cons are of us becoming a charity. If we become a charity **one of the main differences is the fact that... we're donor driven. There is a lot more accountability [to donors]. Our main fear is that loss of creativity which is so key to what we have been able to achieve...** there is that **fear that we may become... a lot less flexible... a lot more curtailed than what we do, and potentially less effective.** However, that's just a consideration... I'm sure there are charities that operate very effectively with that level of accountability. (Interview B1, AFBE-UK)

The effectiveness, credibility and strategic orientation of CSOs may be constrained and shaped by external sources of funding as shown in the quote above and this constituted a major debate within AFBE-UK regarding their funding model.

8.7 Discussion and Conclusion

This chapter focused on the role of migrant CSOs in articulating the voices of skilled migrant workers within the public sphere. The findings suggested that *voice* was not only an issue of articulating and promoting migrant interests, but also involved occupying, or even dominating *regulatory spaces*. Social capital in terms of the size of the social network and its prominence enable migrant CSOs occupy a regulatory space as a 'major player'. Economic capital in the form of financial resources was identified as an important source of power in social regulation by migrant CSOs. The findings indicate that the economic power exercised by skilled migrant CSOs is nuanced and complex. There was a subtle distinction between economic power derived from the availability of financial resources and economic power obtained from the economic value of skilled migrants in the labour market.

The findings suggest that migrant CSOs may express voice in two broad ways; through *political* forms of voice which utilise means such as public campaigns and lobbying

political institutions, as well as quieter and more subtle *apolitical* forms of vocal persuasion such as knowledge transfer, diffusion of 'best practices', advice, recommendations and suggestions. Migrant CSOs were identified as acting as agents of collective voice and social regulators in three major ways; in relations with the host state, employers and home countries.

Migrant CSOs acted as institutions of collective representation, voicing opposition to state regulation viewed as detrimental to the interests of skilled migrants. They attempted to influence and socially regulate state policies and institutional practices on high-skilled migration through the existing political opportunity structures (Tilly, 1978) of the UK democratic system. Migrant voice was not radical or revolutionary but conformed to existing political processes and structures.

On the one hand, skilled migrant CSOs were relatively effective in influencing the state through change to 'hard' regulations such as legislation, professional licensing practices and immigration rules. On the other hand, effective voice also included 'soft' regulatory changes to state regulatory behaviour such as modifications to state practices, greater openness by state agencies to address issues, collaboration and consultation with migrant CSOs in addressing existing challenges in the regulatory rules and practices governing skilled migrant workers. These findings depart from the view that 'hard' and 'soft' regulation are separate and alternate forms of regulation (Stuart et al., 2011) by emphasising their complex and intertwined relationship.

Regarding regulating employers, the findings reveal that some migrant CSOs focused on using 'carrots' to reward and recognise 'good' employers rather than utilising 'sticks' to discipline or coerce 'bad' employers. This was aimed at encouraging employers to participate in a 'race to the top' to improve equality and diversity practices and outcomes. However, the standards of good practice merely served as role models rather than enforceable improvements.

Skilled migrant CSOs drew on the cultural capital (knowledge and expertise) and social capital (network of people) to provide support to skilled migrants on individual disciplinary and grievance cases at the workplace. This took the form of semi-formal and formal support depending on the extent of formal recognition accorded by employers to the CSO as representatives or intermediaries involved in dispute resolution at the workplace.

The findings also indicated that migrant CSOs may provide systemic and proactive forms of workplace regulation. This involved training managers within organisations employing skilled migrant workers in proactive methods of managing the challenges stemming from cross-cultural differences. These findings suggest that skilled migrants may transform host cultural systems to accommodate migrant cultural capital. This contrasts with the view that migrant cultural capital must fit into existing host cultural systems. The findings highlighted the contested, contingent and contextual interrelationship and integration

between migrant and non-migrant capital, in contrast to the view that both forms of cultural capital are separate and parallel.

Skilled migrant CSOs also engaged in various forms of transnational regulation. First, they drew on legal and political power in an attempt to exercise transnational voice. This was done by lobbying the governments of their home countries and utilising mechanisms, rights and responsibilities enshrined in multilateral regulatory frameworks and intergovernmental treaties. Second, migrant CSOs as diaspora organisations were involved in the transnational regulation of skilled returnee migrants. This was done through political approaches to voice such as lobbying the country of origin to change its policies and apolitical approaches such as acting as a market intermediaries connecting skilled migrants to organisations and jobs in home countries. Social regulation took the form of changing the perspective of organisations in a home country towards nationals in the diaspora and vice versa.

Transnational regulation also occurred as migrant CSOs engaged in policy advice, knowledge transfer and international mobility. Policies and practises in home countries were socially regulated through the transfer of 'best practices' and expert knowledge. The knowledge transferred acted as a form of social regulation through the diffusion, homogenisation and standardisation of work practices.

This study shows that a cooperative tone of voice employs methods such as consultations, knowledge sharing workshops and working in joint committees. However, a conflictual tone of voice utilises methods such as judicial reviews, petitions and criticisms published via social and news media. Migrant CSOs may adopt a cooperative tone of voice as a result of constraints within the regulatory space such as the fear of the states' powers of coercion and surveillance. These findings suggest that the imbalance of power among actors within a regulatory space stifles the adoption of street protests and other conflictual modes of voice.

This study contributes to the literature on relationships between regulatory actors. The collaboration between unions and CSOs served to reinforce and revitalise trade unions by mobilising new union membership. This thesis extends our understanding of relationships between 'new' actors in ER and other regulatory actors by providing evidence of relationships characterised by *incorporation*. The degree to which a CSO acts as an independent and autonomous regulatory actor may be influenced by its relationship with other actors, particularly financial donors. This may shape the message articulated by CSOs as voice institutions and may even result in *silences* in relation to campaigning for change in the behaviour of regulatory actors who happen to be external funders of the migrant CSO.

CHAPTER 9: Discussion and Conclusion

9.1 Introduction

This thesis aims to develop an understanding of the nature and role of skilled migrant CSOs as regulatory actors in relation to work and employment. It adopts a pluralistic theoretical perspective by drawing on, and synthesising, an eclectic range of theoretical resources from the fields of migration studies, sociology of work, political science, IHRM and ER. The key theories which underpin this research are regulatory space, migrant capital, civil society, equality and diversity, and the concept of 'new' actors in ER. The preceding three chapters presented findings from the analysis of data collected from nine skilled migrants CSOs in the UK through 38 semi-structured key respondent interviews. These findings focused on the nature and role of skilled migrant CSOs as regulatory actors and were organised around the three sensitising concepts of forms, norms and spaces of civil society actors. This chapter sets out to answer the question: '*what original contributions does this study make to knowledge?*'. To elaborate these contributions the next section will revisit the research objectives and questions. This will be followed by a discussion positioning the main contributions within the relevant bodies of knowledge. The fourth section will highlight the implications of this study to theory, policy and practice. This will be followed by a discussion of the theoretical and practical limitations of this study. The sixth section will proffer some concluding reflections highlighting suggestions for future research.

9.2 Revisiting the Research Objectives and Questions

Martinez Lucio and Connolly (2010) describe migration, equality, diversity and voice as intimately intertwined in the employment context. Issues of equality, discrimination and the inclusion of migrant workers are often underscored by migration processes involving ethnic minorities. The regulation of international migration raises important questions around the collective representation of migrants with respect to work-related issues and how their 'voice' is articulated in the regulation of work and employment (Fedyuk and Stewart, 2018b). Research on skilled migrant workers in IHRM and ER has some significant limitations. First, there is very little attention paid to high-skilled migrant workers in the field of ER because much of the research is focused on low-skilled and low-paid jobs (De Lima and Wright, 2009) often characterised as 'dirty, dangerous and demeaning' (3D) work (Dench et al., 2006). Second, within the field of ER, highly skilled migrant workers are primarily viewed through a dominant, but blinkered, analytical lens of trade unions. There has been a call for greater sensitivity to the role of 'new' actors representing migrant workers, such calls have been driven by a 'crisis in representation' of migrant workers in ER (Martinez Lucio and Perrett, 2009, p.329) and a 'gap in the voice and representation' of migrant workers (Martinez Lucio and Connolly, 2010, p.21). However, the analytical tools and theories used to research CSOs in ER were developed to compare 'new' actors with trade unions on the basis of size, density, membership, bureaucratic structure, rule-making outcomes etc (see for instance Bellemare, 2000; Legault and Bellemare, 2008; Heery et al., 2012a, 2014a) rather than evaluate the 'new'

actors in their own right. These ER tools and theories miss the subtle nuances and complexities of the role of 'new' actors in work and employment. Therefore, despite the expansion of the field beyond the old and traditional actors in ER by paying increasing attention to 'new' actors, the research agenda is limited by 'old' and 'traditional' concepts and theories that operate through a 'trade union lens'.

Third, migrant workers, including highly skilled migrants, have been mostly ignored in the IHRM literature, the few exceptions have been studies characterised by a managerialist, individualist and performative approach to studying migrant workers (Dietz et al., 2015; Guo and Al Ariss, 2015; Zikic, 2015; Crowley-Henry and Al Ariss, 2018) which ignore the collective agency of skilled migrant workers. Fourth, this new and emerging research agenda in IHRM ignores the 'societal embeddedness' (Paauwe and Boselie, 2007) of skilled migrant networks and their regulatory context. Williams et al. (2011c) apply the societal embeddedness approach in their analysis of CSOs as 'new' actors in work and employment, thereby emphasising the importance of the regulatory and institutional context.

Research on 'new' actors has highlighted the important role of CSOs in the regulation of work and employment (Williams et al., 2011, 2015). It was against this backdrop that the central problematic of this thesis, to explain the nature and role of high-skilled migrant CSOs in the regulation of work and employment, was developed. Following on from this

problematic a set of research objectives were generated to guide the course of this thesis and outlined in chapter 1, the research objectives are:

- To elaborate on the conceptualisation of skilled migrant CSOs as ‘new’ actors involved in the regulation of work and employment
- To examine the role of skilled migrant CSOs in the regulation of work and employment and their relationships with other actors in the regulatory spaces within which they operate
- To examine the nature and role of migrant CSOs as ‘equality and diversity actors’ in the employment system.

This thesis marks a point of departure from the narrow ‘trade union lens’ and analysis of organisational structural forms which underpins most of the research on CSOs in work and employment (Heery et al., 2012a; Williams et al., 2011a). Drawing on the wider literature on civil society beyond the boundaries of IHRM and ER, this thesis develops a pluralistic theoretical framework to conceptualise skilled migrant CSOs as regulatory actors. Michael Edwards (2011a) argues that debates about civil society are largely fragmented along three dimensions – the forms, norms and spaces of civil society. He argues that research on civil society needs to begin to recognise the interrelationship between all three dimensions in order to provide adequate explanatory power in

conceptualising the complexities of civil society. Forms refer to the organisational characteristics of civil society institutions, while norms involve routinised and expected behaviours, social conventions and values. CSOs are conceptualised as regulating skilled migrants as well as other regulatory actors within regulatory spaces. CSOs seek to articulate the voices of their constituencies and promote equality and diversity within these regulatory spaces. A key *conceptual contribution* of this thesis is the synthesis of regulatory space, migrant capital, civil society, equality and diversity, and the concept of 'new' actors in ER as theoretical resources in developing a conceptual framework to guide the analysis of the forms, norms and spaces of skilled migrant CSOs as regulatory actors.

This study focused on skilled professional workers whose country of origin lies outside the EEA in order to analyse inequalities arising from ethnic and migrant status. Despite the emerging research agenda on 'new' actors in work and employment, the organisations representing skilled non-EEA migrant workers remain under-researched. Most studies of alternative actors operating within the regulatory space of the labour market have focused on civil society organisations (Williams et al., 2011a), professional associations (Marchington, 2015), anti-union lawyers and consultants (Logan, 2006), arbitrators (Seeber and Lipsky, 2006), management consultants (Heery and Frege, 2006), community organisations (Milkman, 2006), employment agencies and other labour market actors (Purcell et al., 2004). This thesis makes an *empirical contribution* by studying the under-researched but significant role of skilled migrant CSOs originating from outside the EEA as alternate regulatory actors in the UK regulatory space. Although

migrant CSOs are well researched within migration studies, nevertheless the research has tended to focus on how individual migrants access the benefits and resources from membership in social networks (White, 2002). This paper departs from this approach by emphasising the strategic role of migrant CSOs in providing socio-economic and work-related benefits, therefore, the regulatory role of migrant networks as organisational entities (Pries and Sezgin, 2012) formed the focus of the empirical investigation rather than how individuals utilised social capital within a network.

The conceptual framework, centred around the organising concepts of forms, norms and spaces of civil society, assisted in structuring the research questions, empirical fieldwork and analysis of data collected. Data was collected from nine skilled migrants CSOs in the UK through 38 semi-structured key respondent interviews as discussed in chapter 5. The research questions were first posed in chapter 4 and are revisited below:

- How do the socio-structural **forms** and internal characteristics of skilled migrant CSOs influence the process of social regulation of migrants and other actors within the regulatory space?
- What social **norms** and normative values underpin the activities of skilled migrant CSOs in promoting equality and diversity as regulatory actors?

- What role do skilled migrant CSOs play in the regulatory **spaces** governing work and employment and how do they articulate the **voices** of their constituencies as they relate with other actors within these spaces?

The next section proceeds to abstract some key findings and original *theoretical contributions* from the preceding chapters, these are discussed in relation to existing literature in order to highlight advances in knowledge engendered by this thesis and demonstrate that the research objectives have been met and the research questions have been answered.

9.3 Main Contributions of the Research

9.3.1 Positioning Contributions within the Literature on Migrant Capital and Civil Society Organisations

Pierre Bourdieu (1986) extended the well-known Marxist concept of ‘capital’ beyond the economic domain by emphasising the social and cultural dimensions of capital. For Bourdieu, social, cultural and economic capital are interconvertible forms of power and sources of social distinction. Bourdieu’s theory of capital has proved influential in migration studies (Bauder, 2006), and the various forms of migrant capital underpin research on migrant networks, identities and strategies (Ryan et al., 2015). This thesis contributes both to the understanding of the nature of migrant capital as a theoretical

construct, and to the way migrant capital shapes the organisational characteristics of migrant CSOs.

This study highlights two ways in which the understanding of migrant capital, in particular cultural capital, may be extended. First, in addition to social capital, cultural capital is also shown to form the basis of the norms of support, trust and reciprocity within migrant networks. The pioneering work of Coleman (1998) showed the importance of social norms and obligations regarding mutual reciprocity and trust in enabling members of social networks 'get by' and 'get ahead'. These social norms are an important and intrinsic part of bonding and bridging capital, through which individuals support each other within migrant networks (Putnam, 2000; Ryan, 2011). These social norms may constitute a form of social regulation (Peck, 1996). Migrant networks originating from countries with strong collectivist cultures may have deeply held cultural values and expectations regarding giving and receiving support. This was underscored by the cultural concept of 'kparakpo' among Nigerian-based migrant networks in the research sample. Thus, norms of mutual support may be based on cultural capital carried by migrants from their countries of origin rather than merely based on social capital occurring within migrant and non-migrant networks. These normative behaviors may have a deeper degree of network embeddedness in migrant networks compared to non-migrant networks because they are based on social *and* cultural capital.

Second, the relationship between migrant cultural capital and the cultural system of the host country is shown to be more nuanced than existing theories of 'fit' prevalent in the literature. Research by Erel (2010) and Thondhlana et al. (2016) criticise the dominant 'rucksack approaches' to theorising migrant capital. They disagree with the view that migrant cultural capital is like a rucksack full of specific cultural attributes which migrants attempt to fit into the cultural system of the host country which acts like 'keyhole' determining the 'fit' between the migrant and the host country. A lack of 'fit' is held to account for the inability of some migrants in accessing jobs and career opportunities within the host country. However, these critics argue that 'rucksack approaches', are based on a static, reified and ethnically bounded view of migrant cultural capital. Cultural capital is better understood as a 'treasure chest' used by migrants in processes of production, reproduction and bargaining (Erel, 2010). Migrants engage in the creation and validation of a 'treasure chest' of new forms of cultural capital within the host cultural system. This provides a more expansive view of the ways migrants use cultural capital to access labour market opportunities in the host country by transforming their cultural capital rather than forcing a 'fit' with the 'keyhole' of the host cultural system. The findings of this study extends the theoretical perspectives of Erel (2010) and Thondhlana et al. (2016) by arguing that not only do migrants transform their cultural capital, they are also capable of transforming people and institutions within the cultural system of the host country. Migrant CSOs are engaged in such cultural transformations when they provide systematic interventions within organisations such as training managers in cross cultural communication and developing new conflict resolution processes. Migrant CSOs,

drawing on their cultural capital, transform aspects of the host cultural system to accommodate migrant workers who do not necessarily have to 'fit' into such systems. Rather than view migrant and non-migrant cultural capital as separate and parallel, these findings highlight the contested, contingent and contextual interrelationship and integration between both forms of capital.

This thesis also contributes to literature on the organisational characteristics of CSOs and migrant capital. CSOs may take a broad range of forms such as formal non-governmental organisations (Smith, 2011), informal grassroots, community and volunteer associations (Kunreuther, 2011), social movements (Della Porta and Diani, 2006, 2011), social enterprises (Nicholls, 2011) and transnational organisations and networks (Jordan, 2011). A defining feature of civil society is that it is regarded as distinct and independent from the state and private sector, enabling CSOs mediate public policy and market practices (Edwards, 2011). However, the origins, objectives and activities of some CSOs are closely tied to state or market actors. In respect of migrant CSOs, Bosma and Alferink (2012) have shown that although many migrant CSOs originate as a result of the internal mobilisation of migrants, some migrant CSOs originate as a result of strategic efforts by the state to facilitate their formation through multicultural policies and financial sponsorship. While Bosma and Alferink (2012) highlight the state's role in migrant CSO formation, this thesis provides evidence that private sector actors, such as MNCs, facilitate migrant CSO formation. MNC's may provide financial and other resources to initiate and support the ongoing activities of migrant CSOs, such CSOs provide market

benefits such as a 'global talent pipeline' of returnee skilled migrants required by the MNC and other organisations in their value chain within the returnee migrants' country of origin.

According to Williams et al. (2011a), CSOs focus either exclusively on 'work' or 'non-work' issues. 'Work' related issues such as campaigning for better pay (e.g. living wage coalitions) and provision of services such as workers' centres and community unions are seen as distinct from 'non-work' issues (e.g. socio-economic development and socio-cultural activities). This thesis departs from such a rigid binary categorisation by showing that the lines between the 'work' and 'non-work' spheres are blurred and interconnected. Some skilled migrant CSOs adopt a holistic approach to supporting their members 'get by' and 'get ahead' by providing religious and socio-cultural leisure activities, which also double as career networking opportunities. These socio-cultural activities are important means by which social and cultural capital are utilised to support an individual's progress in the world of work, making it hard to categorically distinguish between 'work' and 'non-work' activities of migrant CSOs. Although Williams et al. (2011a) argue that CSOs focused on non-work issues have only limited engagement with work issues, the findings from this study indicates that socio-cultural activities and the provision of non-work support (such as welfare and residential accommodation) may be just as important as campaigning over work related discrimination in a specific CSO. This provides a more nuanced and complex relationship between the orientations towards 'work' and 'non-work' as organisational characteristics of CSOs than the binary categorisation proffered by Williams et al. (2011a).

One important organisational characteristic of some migrant CSOs, as highlighted by postcolonial studies, is that they are Diasporic organisations. Kalra et al. (2005) maintains that Diasporas form part of a complex triadisation involving the host country, home country and migrant network. Diasporic consciousness expressed by such migrant networks are a form of *transnationalism from below* (Portes et al., 1999) because they are in essence grassroots initiatives by migrants to develop transnational relationships and ties. The literature on diasporas and triadic relationships has emphasised the role of economic remittances transferred by individual migrants from host countries as a form of 'giving back' to home countries (Taylor, 1999). This thesis points to 'giving back', motivated by diasporic consciousness, as a broader and more collective phenomenon. Supplementing individual remittances, skilled migrant CSOs undertake strategic and collective forms of 'giving back' to home countries which include work-related knowledge transfer programmes, career mentoring schemes and socio-economic development projects. This agrees with the views of Faist (2008) and Markova and McKay (2015) that migrant CSOs are important development agents and 'collective actors' whose contributions as diasporic organisations extend well beyond economic remittances. Indeed, the findings of this thesis indicate that diasporic consciousness not only involves remittances of economic capital, it includes return migration of skilled labour as well as 'remittances' of social and cultural capital. Furthermore, diasporic consciousness is not only about 'giving back', it also involves socio-cultural learning about home countries by migrants (especially second-generation migrants) as important activities carried out by

skilled migrant CSOs. This further blur the boundaries between 'work' and 'non-work' spheres in attempts to categorise CSOs involved in work and employment.

The findings highlight how social and cultural capital play a key role in shaping the organisational characteristics of migrant CSOs. The objectives and *formation* of the CSOs studied centred around counteracting exclusion arising from differences between the social and cultural capital of migrants and non-migrant workers. Simultaneously, migrant CSOs adopted organisational *forms* based on socio-cultural identities and similarities such as national and ethnic-based professional networks. The structural forms of social networks are typically classified as either 'open' or 'closed' networks (Granovetter, 1973; Barnes, 1954; Bott, 1955). The literature portrays network structures as fixed and static with rigid boundaries. 'Open' networks comprise relatively heterogeneous membership where members do not all know each other while 'closed' networks have a homogenous and exclusive membership structure and members usually know everyone else in the network. Bonding capital is associated with inward looking 'closed' networks that tend to reinforce exclusive identities and homogeneous groups, while bridging capital characterises relations in 'open' and outward looking networks that encompass people across diverse social cleavages (Putnam, 2000; Nannestad et al., 2008). In contrast, findings from this study suggest that migrant networks are dynamic, permeable and evolving and such evolution is mediated by social capital (bonding and bridging capital).

The fluidity and evolution of CSO organisational forms was highlighted by 'closed' networks becoming more 'open' to a larger and more heterogeneous membership beyond the initial homogeneous ethnic group and narrow clique of pioneering members. The evolution towards more open structures may arise as a result of the strategic intention of the CSO leadership to develop greater power and influence by mobilising new members. Such network evolution occurs through, and may be constrained by, the bridging capital of existing members. Network evolution also results from the permeability of network structures and the unintended effects of social interactions between overlapping networks. The findings highlight the reciprocal nature of bridging capital between social networks, not merely in connecting members of a network to 'outsiders' but also connecting 'outsiders' (some of whom may be non-migrants) to the relationships, activities and services provided by the migrant network.

In HRM and ER, the literature predominantly views the internal forms of CSOs as rigid and static. The literature has focused on classifying CSOs into fixed categories such as advocacy-based or service-based CSOs, and internal changes within CSOs are evaluated in terms of scale and size (Heery et al., 2012a; Williams et al., 2011a). This thesis offers an alternative perspective that highlights the fluidity and evolution of skilled migrant CSOs. The findings reveal migrant CSOs evolve to incorporate second generation migrants in order to address exclusion stemming from both citizenship and ethnicity. It is not always easy to classify skilled migrant CSOs as either predominantly

advocacy-based or service-based organisations. There was evidence of predominantly service-based organisations evolving to become mainly advocacy-based and vice versa.

9.3.2 Positioning Contributions within the Literature on Migrants in Work and Employment

This thesis makes two major contributions to the literature on migrant workers. First, in respect of the IHRM literature on skilled migrant workers, it provides evidence of migrant collective action within and outside the boundaries of organisational workplaces. Studies in IHRM are characterised by their managerialist orientations and workplace-centric approach which de-emphasise the agency of skilled migrants as regulatory actors. Skilled migrants are portrayed as individualised and passive, thereby ignoring their agency and collective action (Dietz et al., 2015; Guo and Al Ariss, 2015; Zikic, 2015; Crowley-Henry and Al Ariss, 2018). In contrast, this study shows how skilled migrants collectivise to form CSOs which exercise agency by challenging exclusion and promoting the interests of their constituencies. Although migrant collective agency was primarily exercised in the labour market outside specific workplaces, there was some evidence of limited CSO influence within specific organisations and workplaces.

Second, this thesis extends debates about migrant workers as 'good workers'. The rhetoric of migrants as 'good workers' is a pervasive topic amongst employers, migrants and researchers. The stereotype of migrants portrays them as 'good workers' who exhibit greater levels of effort, productivity and performance when compared to non-migrant

workers. As such, migrant labour is preferred by some employers because they are regarded as possessing superior work ethic, attitudes and dispositions (Rodriguez, 2004; CIPD, 2005; Dench et al., 2006; MacKenzie and Forde, 2009). The current debate in the literature has centred around the extent to which (low-skilled) migrant workers embrace the 'good worker' identity and rhetoric. On the one hand, migrant workers are perceived to be '*good when they want to be*', emphasising the individual agency of migrants in embracing the 'good worker' image when the context suits them (Thompson et al., 2013). Migrants reinforce stereotypical 'hardworking' identities and employer's positive orientations when compared to non-migrant workers in order to secure initial or temporary employment. They discard the 'good worker' identity as they become more settled in the labour market of the host country and less willing to 'go the extra mile' in relation to effort exerted at work compared to non-migrant workers.

On the other hand, it has been argued that migrants are '*as good as they need to be*' and migrant workers do not fully buy into the good worker rhetoric (Baxter-Reid, 2016). This view questions the choice and degree of agency possessed by migrant workers regarding the 'good worker' identity due to the one-sided nature of the effort bargain and the dominance of employment power in the employment relationship. Issues such as high levels of education, personal aspirations, employers' strategies, bullying, discrimination, and the segmentation of migrant workers at work are argued to result in only a partial, and reluctant, self-identification as 'good workers' on the part of migrant workers.

This thesis extends the debate in the literature to high-skilled migrants and provides evidence that skilled migrants are '*good because migrant networks tell them to be*'. The stereotype of migrants as 'good workers' is not limited to employers and low-skilled migrants, it is internalised by high-skilled migrants and socially reproduced by migrant CSOs as part of a collective strategy to respond to perceived discrimination. A common theme among the high-skilled migrants interviewed was the internalised belief they needed to 'go the extra mile' and 'work twice as hard' as non-migrants workers to advance their careers. Skilled migrant CSOs engage in a collective programming of the mind of skilled workers by strategically disseminating the 'good worker' identity among new members of migrant networks, especially new arrivals to the UK, using informal and formal means of communication. The 'good worker' identity was presented by CSOs to their members as a personal strategy to access jobs and enhance careers in a bid to cope with perceived discrimination in the UK labour market.

The stereotyping of migrants as 'good workers' has been linked to greater levels of control and exploitation by employers. This reflects the level of dependence migrants have on their employers for jobs and 'sponsored' visas as required by UK immigration regulation (Anderson, 2010). This research shows that skilled migrant CSOs may therefore be complicit in making their members more amenable to employer control and exploitation. Furthermore, migrant work ethics and dispositions to work are shown to stem from self-policing and control *within* migrant networks through the social construction and reproduction of the 'good worker' identity. By perpetuating the stereotype of the 'good

worker' through subtle pressure, and by shaping the attitudes and work orientations of members, migrant CSOs are implicated in the normative control of skilled migrants. Neoliberal capitalism constantly seeks new and more effective ways to control labour including new forms of normative control (Sturdy et al., 2010) and migrant labour is considered more compliant and amenable to such forms of control (Anderson, 2010). Therefore, the collective agency of migrant CSOs may constitute a form of social regulation — the social production and reproduction of mental and behavioural norms embedded within the stereotype of a 'good worker'. Migrant self-identity as 'good workers' is complex and contradictory, on the one hand it may be used to promote and support the careers of migrant workers and combat exclusion in a host country. On the other hand, the 'good worker' identity may constitute processes of self-disciplining that 'manufacture' consent and compliance (Burawoy, 1979) to employer control which may potentially result in economic exploitation.

9.3.3 Positioning Contributions within the Literature on Equality and Diversity in Work and Employment

There is a dual focus on migrant CSOs in terms of equality and diversity. First, there is a focus on the internal diversity of migrant networks, or lack thereof. Second, is an attempt to provide an empirically based conceptualization of the mechanisms utilized by skilled migrant CSOs in attempting to socially regulate the external environment as equality and diversity actors. As regards internal diversity, CSOs are regarded as organisations constructed around a 'social' identity. According to Piore and Safford (2006), recent

changes to employment regulation emanate from a shift in the 'axis of social mobilisation' from economic identities (e.g. based on class and occupation) represented by trade unions, to social identities (e.g. based on sex, race and ethnicity) represented by CSOs. Many CSOs are noted for being single-identity organisations, migrant networks in particular are typically considered to be homogenous networks comprising members of the same ethnicity or nationality (Wimmer, 2004). In contrast to Piore and Safford (2006), this thesis argues that skilled migrant CSOs are more appropriately understood as organising based on the *intersection of identities* rather than a 'shift' solely to social identities. The findings indicate that economic identities in relation to skilled occupations and professions ('class') intersect with social identities such as ethnicity or nationality and constitute the *raison d'être* of skilled migrant CSOs. This agrees with authors who argue that discrimination is experienced at the intersection of more than one identity/dimension and therefore more complex, contingent and exclusionary than simplistic dualities of ethnic or class-based discrimination (Anthias, 2012; Alberti et al., 2013; Erel, 2015).

Not only is intersectionality the 'axis' for migrant mobilisation and self-organisation, it may also act as a basis to access socio-economic benefits within migrant networks. The findings of this study show how ethnically 'homogenous' migrant networks may nevertheless contain 'difference' in the form of occupational status differentials, enabling migrants 'get ahead' through the support of more powerful and influential members of their network. As pointed out by Ryan (2011) and Cederberg (2012), hierarchies, power differentials and an individual's social location within migrant networks can be a source

of bridging capital enabling migrants access socio-economic benefits in order to 'get ahead'. Studies that view migrant networks as homogenous entities have highlighted how they are characterised by bonding capital enabling members 'get by' through mutual sharing of resources but lack the bridging capital required for members to 'get ahead' by obtaining jobs and career progression (Nannestad et al., 2008). Patulny (2015) suggests that individual high-skilled migrants utilise bonding and bridging capital by virtue of membership in different networks. However, the findings of this study suggest that a singular migrant network can provide both bonding and bridging capital because of the intersectional nature of the network's membership and identity.

The findings of this study show that although intersectional differences may enable migrants 'get ahead' and overcome exclusion emanating from the wider labour market, paradoxically, such hierarchical differences may also serve to exclude members lacking sufficient social capital from accessing network patronage and the concomitant socio-economic benefits. These findings agree with the literature which views intersectional identities as sites of oppressions as well as power relations (Erel et al., 2011; Carbado et al., 2013; Erel, 2015).

In addition to an analysis of the *internal* diversity of alternative regulatory actors, this thesis provides an empirically based understanding of the methods utilized by 'new' actors in their efforts to promote *external* equality and diversity within the wider institutional and regulatory context. Migrant CSOs have been labelled 'equality and

diversity actors' (Healy and Oikelome, 2007) because their central focus involves promoting equality and diversity in relation to migrant workers. However, this raises the question: what methods do migrant CSOs utilize in promoting equality and diversity within the wider regulatory space? The findings of this study provide evidence that skilled migrant CSOs are self-empowered equality and diversity actors that are at once agents and beneficiaries of efforts to promote equality and diversity. Providing mutual support in relation to international mobility, recruitment and selection, individual pay and reward negotiations, career mentoring, training, and skills development are some of the means by which skilled migrant CSOs exercise collective agency as equality and diversity actors.

9.3.4 Positioning Contributions within the Literature on Regulation and 'New' Actors in Employment Relations

9.3.4.1 Regulatory Space

Debates around changes to the regulation of employment have been criticised for their narrow focus on the quantitative absence (deregulation) or presence (re-regulation) of rules governing work and employment (MacKenzie and Martinez Lucio, 2005). Critics have pointed out that debates about the regulation of labour do not pay sufficient attention to the levels and sites at which regulatory processes takes place (Boyer, 1990; Jessop, 1990). The concept of 'regulatory space' (Crouch, 1986; Hancher and Moran, 1989; Martinez Lucio and Mackenzie, 2004) provides better explanatory and analytical power

in understanding changes to employment regulation than theories of deregulation and reregulation. The literature on regulatory space widens the range of actors recognised as exercising regulatory influence in work and employment beyond traditional actors (the state, trade unions and employers) to include 'new' or alternate actors. Regulatory space shifts the analysis of regulation from formal rule-making to a focus on power relations, the wider 'rules of the game' and complex political processes. These processes occur within contested spaces which actors seek to 'occupy' or dominate (Hancher and Moran, 1989). Regulatory space provides richer insight into the multiplicity of actors, levels, sites, locations and forms of regulation which may occur formally or informally (MacKenzie and Martinez Lucio, 2005, 2014a).

This thesis extends research on regulatory space by using it as a lens to conceptualise skilled migrant CSOs as regulatory actors. The findings show that the sites of contestation within which skilled migrant CSOs attempted to influence other actors are demarcated by geographical or occupational boundaries which intersect with issues of migrant-based discrimination. The size of the CSO and number of members reflect the CSOs power, influence and legitimacy in relation to specific sites of contestation. Numeric size, political prominence and financial strength enable migrant CSOs to 'occupy' regulatory spaces as important regulatory actors. There is a subtle distinction between the economic power skilled migrant CSOs derive from *economic wealth* (availability of financial resources) and economic power obtained from the rarity and *economic value* of skilled migrants in the labour process.

Building on the work of authors who highlight the complex interrelationships between civil (private) regulation and state (public) regulation (Williams et al., 2011b), this thesis shows that civil regulation by skilled migrant CSOs mediates *market* regulation. Civil regulation emanating from migrant CSOs modify state regulation underpinning the market forces of demand and supply of skilled migrant labour. Furthermore, migrant CSOs use informational power to influence the international mobility of skilled migrants by shaping their perceptions of host and destination countries as ‘welcoming’ or ‘not welcoming’. Rather than supplant or operate in isolation from market regulation, civil regulation reinforces it. The findings also show how state regulation acts as a stimulus for civil regulation emanating from skilled migrant CSOs. These findings contrast with the view that civil regulation merely fills a ‘regulatory vacuum’ and constitutes a separate and alternative regulatory process with little or no relationship to other forms of regulation (Vogel, 2008; 2010).

Skilled migrant CSOs drew on economic and moral power to influence both ‘hard’ and ‘soft’ regulatory changes through complex and interrelated regulatory processes. The credibility of migrant CSOs as ethical guardians, as perceived by other regulatory actors, was enhanced by their moral power. These findings depart from the view that ‘hard’ and ‘soft’ regulation are separate and alternate forms of regulation (Stuart et al., 2011) by emphasising their complex and intertwined relationship. ‘Hard’ regulation was shown to facilitate the emergence of ‘soft’ regulation such as collaboration and consultation among regulatory actors. ‘Soft’ regulation, such as media pressure, consultation and

collaboration in the regulatory space, may also serve as the basis for successful changes to 'hard' regulation (e.g. state and institutional policies on migrant workers). The regulatory influence of skilled migrant CSOs may *radiate* across a regulatory space as other regulatory actors take pre-emptive measures to avoid migrant networks 'naming and shaming' them.

Another contribution of this thesis to our understanding of regulatory space relates to the ways in which skilled migrant CSOs 'occupy' regulatory spaces by exploiting loopholes and occupying gaps within such spaces. Although constrained by existing regulatory structures prohibiting the provision of formal support in disciplinary cases, migrant CSOs provide semi-formal dispute resolution services in instances where employers accept the CSOs offer of support. Similarly, where rules stipulating the recognition of employee representative organisations are ambiguous, skilled migrant CSOs may exploit such loopholes. This was evident where a migrant CSO set up a formal representative body to exploit a loophole in the regulatory framework, enabling it provide official representation for (migrant) medical doctors in some individual disciplinary cases that combined 'employment' and 'regulatory indemnity' issues. This agreed with the literature that alternate regulatory actors may in some instances act as 'quasi-unions' (Heckscher and Carre, 2006). Furthermore, when state agencies create IHRM 'best practice' codes without specifying mechanisms for enforcement and accountability, skilled migrant CSOs may 'occupy' such regulatory gaps. They do so by seeking to hold such state agencies

accountable and attempting to enforce such codes through international regulatory institutional mechanisms.

This study shows how national and transnational levels may be bridged in attempts to combine different regulatory issues and link different sites of contestation. Skilled migrant CSOs link contests over migration within national boundaries to transnational regulatory processes and mechanisms. They attempt to influence intergovernmental negotiations by juxtapositioning the interests of receiving countries in regulating migratory flows in terms of a 'trade-off' against other interests sought by receiving countries during negotiations with sending countries over global trade and services. Migrant CSOs do so by lobbying governments at the national level (especially with their influence as Diaspora organisations), using multilateral institutional mechanisms, and relying on obligations contained within intergovernmental treaties.

9.3.4.2 Migrant Voice and Relationships with Other Regulatory Actors

Studies on changes to work and employment in the European Union (EU) underscore the increase in precarious forms of work (ILO, 2012; McKay et al., 2012) especially among migrant workers (Anderson, 2010; Potter and Hamilton, 2014; Fedyuk and Stewart, 2018b). However, precariousness has traditionally been conceptualised as affecting migrants in low-skill, low-status and low-wage jobs (Ahmad, 2008; De Lima and Wright, 2009) and undocumented migrants (Bloch, 2013). The absence of effective worker

representation has been identified as an important dimension of precarious work (ILO, 2012; Ejiogu, 2018). In the field of ER, the literature has highlighted the lack of effective representation of low-skilled and low-paid migrant workers by trade unions, the traditional actor that promotes the interests of workers. This has been portrayed as a 'crisis in representation' of migrant workers in ER (Martinez Lucio and Perrett, 2009, p.329) and a 'gap in the voice and representation' of migrant workers (Martinez Lucio and Connolly, 2010, p.21). This thesis extends our understanding of the gap in representing migrant workers to include skilled migrants and the role migrant CSOs play as voice actors.

According to Dundon et al. (2004), worker voice is best understood as a complex and contested concept encompassing a range of meanings, purposes and practices. They argue that voice is shaped by both external regulation and internal management choice. Worker voice may be expressed by an individual or collective organisation, it may be articulated through formal or informal channels and may involve direct (non-representative) or indirect (representative) communication (Marchington, 2015; Marchington and Wilkinson, 2008; Wilkinson and Fay, 2011). Much of the research on worker voice has focused on trade unions (Freeman and Medoff, 1984; Kaine, 2014), employee involvement and participation within organisations (Upchurch et al., 2006; Marchington and Cox, 2007), works councils (Freeman and Lazear, 1995; Martinez Lucio and Weston, 2000; Nienhuser, 2014) and joint consultation committees (Danford et al., 2005; Pyman, 2014). However, according to Marchington (2015) employee voice does not operate in an institutional void, he argues that greater attention needs to be paid to

'intermediary voice actors' such as employers' organisations, professional associations and other specialist organisations which seek to 'occupy' the regulatory space between the state and individual employers. As intermediary regulatory actors, CSOs play an important role in articulating worker voice within workplaces and in the wider labour market (Heery et al., 2014a).

This thesis contributes to our understanding of migrant CSOs as regulatory actors articulating the voices of skilled migrant workers. Skilled migrant CSOs are important, yet constrained, voice actors within UK regulatory spaces. The political processes and institutional structures within specific regulatory sites simultaneously empower and constrain the regulatory influence of skilled migrant CSOs. These institutional structures and processes may act as 'political opportunity structures' (Tilly, 1978) as well as 'political constraining structures'. Migrant CSOs lack legal recognition to undertake formal workplace representation and collective bargaining like trade unions, underscoring the continued importance of trade unions as worker representatives. Informal migrant networks are constrained in their choice of advocacy methods such as their lack of legal status to sue or be sued in legal proceedings. Nevertheless, informal skilled migrant networks successfully changed formal rules regarding the sponsorship of migrant visas, through political processes open to them such as petitions and lobbying. Migrant voice, as articulated by CSOs, was not radical or revolutionary, but conformed to existing political processes and structures. While skilled migrant CSOs may challenge specific rules, they are nevertheless constrained by the overarching 'rules of the game' and

institutional structures. Their mode of articulating worker voice is channelled by the UK legal and democratic system of governance and they do not try to overhaul the system of democratic participation which sets limits to, and defines accepted methods of, worker representation.

The findings suggest that skilled migrant CSOs express migrant worker voice in two broad ways; through political engagement such as public campaigns and lobbying, as well as quieter and more subtle apolitical forms of communication and influence such as knowledge transfer, diffusion of 'best practices', advice, recommendations and suggestions. Although the distinction between *political* and *apolitical* approaches to voice is not clear cut, they may have the same goal of socially regulating state policy and institutional practices, albeit operating through different means. The political approach to articulating migrant worker voice involves significant engagement with political agendas, groups, processes and institutions as well as the deployment of political power in support of, or opposition to, partisan political actors. An apolitical approach to voice utilises professional and technical knowledge to influence public policy, service delivery and professional practice in a non-partisan manner. Apolitical voice focuses on technical, industrial and professional processes aimed at improving the design and delivery of public or professional services rather than engaging with political processes.

Both political and apolitical approaches to voice were found to be relatively durable. Some skilled migrant CSOs have the organisational capability and economic capital required to

undertake specific advocacy campaigns and legal proceedings for the duration required to accomplish their goals. The effectiveness of political approaches to migrant voice is partly dependent on the *volume of voice* the CSO is capable of articulating. The louder the voice, the more likely other regulatory actors are to listen and be influenced by skilled migrant CSOs. Volume comes through the power obtained from the size of the migrant network and their social capital such as their ability to obtain the required number of signatories for official petitions to require an official response from the UK government or debate by parliament. Skilled migrant CSOs also undertake strategic processes to *amplify their voice* such as broadening the constituencies which they seek to represent to include other categories of migrant workers or attempting to represent (non-migrant) ethnic minorities more generally. Amplification of voice also occurs as migrant CSOs extend the range of issues over which they articulate voice and seek to influence other regulatory actors. The measures used to amplify their voice enables skilled migrant CSOs 'occupy' a more prominent position in the regulatory spaces within which they operate.

Perceived gaps in professional and technical knowledge between locations in a regulatory space (home and host countries) provided opportunities for apolitical approaches to migrant voice by CSOs to flourish. Skilled migrant CSOs are able to influence *state regulation*, most notably, public policy and models of public service delivery. They use their cultural capital (expertise) and social capital (networks) to connect professionals, transfer knowledge and recommend technical improvements in the way specific occupations, professions and public services operate. This agrees with DiMaggio and

Powell's (1983) findings that professional knowledge, norms and networks act as normative institutional isomorphic pressures capable of bringing about changes to institutional processes and rules. In addition to influencing state regulation, apolitical approaches to voice were used by skilled migrant CSOs to mediate *market regulation* by enhancing the supply of skilled migrants returning to home countries on a temporary or permanent basis. Apolitical voice also involved *social regulation* of skilled migrants by CSOs, this took the form of changing the perspective of organisations in home countries towards recruiting returnee migrants while simultaneously changing the perspectives of skilled migrants as regards returning to work in their home countries. Skilled migrant CSOs are involved in the regulation of transnational flows of migrant workers through strategic interventions aimed at countering processes of 'brain drain' such as running formal knowledge transfer programmes where migrants work and train in the host country for a specified duration, then return with new skills and competencies to their home countries. The institutional legitimacy derived from apolitical approaches to voice may be converted to greater political influence as other regulatory actors recognise their power, status and influence.

Furthermore, these findings suggest that the *tone of voice* emanating from skilled migrant CSOs is more complex and dynamic than the static and rigid categorisation into patterns of conflict, cooperation and indifference suggested by studies on the relationships between CSOs and other actors in work and employment (Heery et al., 2012b). This thesis argues that such relationships are fluid, dynamic and complex as some skilled

migrant CSOs simultaneously combine or switch between a conflictual and cooperative tone in their 'voice relationships' with other regulatory actors. The findings show that a cooperative tone of voice adopts methods such as consultations, knowledge sharing and partnerships in joint committees. Whereas, judicial reviews, petitions and criticisms published via social and news media are methods reflecting a conflictual tone of voice. By raising the spectre of a resort to a conflictual tone of voice, skilled migrant CSOs strengthen their bargaining power and position within a regulatory space and propel other actors to take cooperative voice processes more seriously.

The fear of negative consequences may constrain the adoption of a conflictual tone of voice by skilled migrant CSOs. This perception of negative repercussions is linked to the uncertainty surrounding migrant status and the discretionary power of state agencies in granting or refusing applications for visa renewals or naturalisation. The state as regulator encompasses surveillance and coercive apparatus which control law and order, deport unwanted migrants and monitor threats to security. This reflects an imbalance of power in the regulatory space governing immigration and stifles the adoption of street protests and some other conflictual modes of voice by migrant CSOs. The findings of this study reveal that some migrant CSOs are indifferent to, and largely ignore, the activities of trade unions. Furthermore, this study agrees with Rose (2000) that CSOs may reinforce trade unions through the activities of 'bridge builders' who span the boundaries of both entities and encourage members of CSOs to join unions.

This thesis extends the analytical framework of conflict, cooperation and indifference (Heery et al., 2012b) to include relationships with other regulatory actors characterised by *incorporation*. The autonomy and independence of a skilled migrant CSO may be compromised by the influence of other actors which play a dominant role in providing financial resources and technical support to such a migrant CSO. Incorporation may result in *silence* on the part of CSOs in relation to their major donors rather than seeking to change the policies and practices of such donor organisations. This fear of incorporation and external control is an important consideration by skilled migrant CSOs in relation to their sources of funding, effectiveness, credibility and strategic orientation as voice actors.

9.4 Implications of the Research

9.4.1 Implications for Policy

The findings from this study have implications for UK migration policy, and the processes by which such policies are formulated. The migration policies of the UK government, especially policies regarding migrant work visas, were perceived by migrant CSOs as unjust, and exploitative, contributing to greater levels of employer control over skilled migrant workers. The prohibitive cost as well as frequent and unwarranted increases in visa fees paid by skilled migrant workers were highlighted as significant factors increasing the precarious conditions of skilled migrant workers in the UK. Skilled migrant workers

interviewed perceived the UK as losing its 'welcoming' appeal in comparison to other skilled migrant destination countries like Canada and Australia. Skilled migrant CSOs are actively involved in influencing decisions by skilled workers to migrate and support the international mobility of migrant workers. In some instances this was directed away from the UK to other destination countries. The implication here is that there is need for a UK government review of policies towards skilled migrant workers, to ensure they are fair, equitable and just. Furthermore, the UK government should identify the factors which skilled migrants consider as important in forming a perception of the country as 'welcoming'. These could be used to inform changes to UK immigration policies in order to gain a competitive advantage in the 'global war for talent'.

This study also has implications for the way the processes of review or change to UK immigration policies could be undertaken. The findings suggest that many changes to the UK immigration policies are unilaterally undertaken by the state and neither skilled migrants nor their representative CSOs are consulted in these processes. In some instances, skilled migrant CSOs resorted to conflictual modes of voices to challenge changes to UK state regulation perceived as unjust. Skilled migrants CSOs were viewed by their constituents as credible and important channels of voice capable of playing an important role in consultations regarding regulatory change. The UK government should open up the process of regulatory change to consultations with key stakeholders such as skilled migrant CSOs, and their views should taken seriously in shaping the content of UK immigration policies. This will enable the voices of skilled migrants to be articulated in

policy discussions, and more importantly listened to. In addition, there is scope for greater recognition and partnership between diaspora migrant organisations and their countries of origin in the areas of policy development and knowledge transfer.

9.4.2 Implications for Practice

There are important implications for the practice of IHRM and ER emanating from this study. Managing internationally mobile workers and developing cross-cultural communication within organisations are important aspects of IHRM. The findings reveal the potential for skilled migrant CSOs to play a greater role in supporting disciplinary and grievance processes involving migrants and other BAME employees within organisations. This study also shows that skilled migrants CSOs can draw on their wealth of cultural capital to train managers and improve cross-cultural understanding within organisations, thereby reducing potential sources of conflict and discrimination in interactions involving migrant workers. In addition, the major norms of mutual support practiced within skilled migrant CSOs include support regarding important aspects of IHRM such as international mobility, recruitment and selection, pay and reward negotiation, career mentoring, training and skills development. The implication for IHRM practitioners is in the area of greater recognition of migrant CSOs as important stakeholders and the potential for mutually beneficial partnerships in formulating and implementing IHRM strategy and practice.

The implications for worker activists are focused on the effective representation of the interests of skilled migrant workers. The findings indicate that skilled migrant CSOs utilise political and apolitical approaches to articulating migrant voice and deploy a range of strategies and methods to advance the interests of their constituencies. This has implications for knowledge sharing. CSO leaders and activists will benefit from the creation of strategic networks and fora to encourage the sharing of such information, strategies and practices. This will enhance the effectiveness of individual CSOs and promote collaboration and common agendas among skilled migrant CSOs. Such collaboration may provide for a stronger and more unified articulation of the voices of skilled migrant workers in the UK. Furthermore, this study points to the continued importance of trade unions as institutions of worker representation at the workplace with the right to strike and participate in collective bargaining processes. Skilled migrant CSOs have the potential to revitalise trade unions by providing a source of new membership and energy to unions experiencing a decline in membership size and density. This implies that trade union and civil society activists and organisations can profit from developing stronger coalitions, networks and collaborations in pursuit of common or complementary agendas. Such partnerships may be mutually reinforcing and enhance the sharing of knowledge and strategies regarding worker activism.

9.5 Limitations of the Study

As is the case with most social science research, the limitations of this study need to be set alongside its findings to present a balanced view of the contributions of the study. One major theoretical limitation of this study is that by highlighting issues pertaining to regulatory space, migrant capital and the normative aspects of civil society, it de-emphasises traditional ER concepts such as rule-making outcomes, membership size and density, internal democracy and leadership, and formal bureaucratic structures. This reduces the utility of the study in making direct comparisons with trade unions. Indeed, this choice was deliberate in order to move away from the dominant 'trade union lens' used in researching CSOs in work and employment, enabling the development of a new perspective which studies migrant CSOs 'in their own right' as migrant networks and civil society associations by drawing on the theoretical resources from the literature on migration and civil society.

A second limitation of the research design stems from the choice facing social science researchers of either adopting an extensive or intensive research design because each choice comes with its antecedent limitations (Sayer, 1992). An extensive approach focuses on a few patterns and themes that are common to a population and this enables comparison. However, an intensive approach studies fewer organisational entities in more depth, focusing on richness and diversity rather than comparisons and commonalities to the wider population. This thesis does not attempt to compare the

migrant CSOs sampled with the wider population or with themselves. The study does not focus on a few unique 'cases' to be compared with each other nor does it aim to generalise its findings to the wider population, rather the research design aims to contribute to theory development within a set of 'cases' to account for their richness and diversity (Eisenhardt and Graebner, 2007). The intensive approach adopted is designed to provide a rich and nuanced view of diverse skilled migrant CSOs as regulatory actors, however, this limits the comparability and generalisability of the study

Following on from this, are limitations regarding the generalisability and representativeness of the findings, stemming from the use of a purposive sampling technique in this study. The use of this technique to select theoretically 'rich' migrant CSOs for empirical investigation prevents any wider conclusions from being drawn. In selecting 'leading' migrant networks engaged in the regulation of work and employment, there is a possibility that they may be outliers rather than representative of a broader class. However, selecting a sample of 'leading' organisations provides rich insight for future theoretical development (Williams et al., 2011b).

Another important limitation relates to the perspectives foregrounded by this thesis. By limiting the research participants and data collection to skilled migrants involved in CSOs, the perspectives of other regulatory actors are missing. Nevertheless, this approach provides insights into an otherwise overlooked regulatory actor in IHRM and ER, enabling

the articulation of the voices of skilled migrants and their critical views (Stewart and Martinez Lucio, 2011).

9.6 Suggestions for Future Research

This study identifies three broad areas for the development of future research. First, it would be important for future research to identify and map out the total population of migrant CSOs involved in work and employment issues in the UK. This can be done by undertaking a quantitative study that investigates the size, membership density, aims, activities and regulatory outputs of migrant CSOs. This can be complemented by a statistical survey of migrant workers in the UK to measure how many migrants are members of CSOs or trade unions and their reasons for joining or not joining such representative organisations, as well as factors affecting the collective mobilisation and organisation of migrant workers. Such quantitative studies will provide much needed insight into the prevalence, scope and effectiveness of migrant CSOs and provide a basis for comparing them with trade unions. Investigating the motivations and behaviours of migrant workers will provide insight into their choice of voice institutions, exit to other countries or preference for 'loyalty' to the UK (Hirschman, 1970) and silence regarding their interests.

Second, further research is required to investigate the perspectives of other regulatory actors in relation to skilled migrant CSOs. The perspectives of sending and receiving

states, local and multinational employers, and trade unions will provide a more nuanced and contextualised view of the role skilled migrant CSOs play in the regulation of work and employment. Third, future research needs to take a comparative turn, a comparison of skilled migrants CSOs in different national employment systems will fill the gap in the literature in relation to how national employment systems influence, and are influenced by, skilled migrant CSOs. Research on this topic will benefit from subsequent studies that compare the efficacy of trade unions and CSOs as regulatory actors and explore their relationships with each other in greater depth.

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APPENDICES

Appendix 1: Timeline of Migration Policy and Legislative Milestones in the UK Government, 1998 to 2007

Timeline of Migration Policy and Legislative Milestones in the UK Government, 1998 to 2007			
Policy/Legislation	Type	Year	Overview
Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum	White Paper	1998	Instituted new controls but also a "covenant" with asylum seekers; emphasized "joined up" government and the need for administrative overhaul.
Human Rights Act	Parliamentary Act	1998	Incorporated the European Convention on Human Rights into UK law, giving human rights the status of "higher law."
Immigration and Asylum Act	Parliamentary Act	1999	Created a "covenant" with asylum seekers but generally restrictive; made provisions for a new welfare support system (the National Asylum Support Service).
Race Relations (Amendment) Act	Parliamentary Act	2000	Broadened anti-discrimination legislation to police and immigration service and created "positive duty" for race equality on public authorities.
Anti-terrorism, Crime and Security Act	Parliamentary Act	2001	Part 4 of the act legislated that suspected terrorists who were immigrants could be interned (potentially on a permanent basis). The Special Immigration Appeals Commission (SIAC) reviews decisions, but the act does not permit judicial review of the SIAC.

Secure Borders, Safe Havens: Integration with Diversity in Modern Britain	White Paper	2002	Set out comprehensive reform, including the goal of "managed migration."
The Nationality, Immigration and Asylum Act	Parliamentary Act	2002	Increased restrictions on asylum (breaking the previous "covenant") and new enforcement powers, but noted support of economic migration.
Highly Skilled Migrant Program (HSMP)	Change to regulations	2002	Created an immigration scheme based on points that aims to attract high-skilled migrants.
Asylum and Immigration (Treatment of Claimants, etc.) Act	Parliamentary Act	2004	Further reduced asylum appeal rights and other restrictive measures.
Controlling our Borders: Making Migration Work for Britain	Five-Year Departmental Plan	2005	Published three months before the 2005 election, the plan set out a strong set of measures on gaining control of borders and managing migration through a new points system.
Improving Opportunity, Strengthening Society: The Government's Strategy to Increase Race Equality and Community Cohesion	Policy Strategy	2005	A race-equality strategy designed to cut across government, complemented by a cross-cutting, race-equality target, and overseen by a board of senior public figures.
Integration Matters: The National Integration Strategy for Refugees	Policy Strategy	2005	Strategy meant to integrate refugees, including new "integration loans" and the piloting of a one-to-one caseworker model. Built on strategy formulated in 2000.
A Points-Based System: Making Migration Work for Britain	Policy Strategy	2006	Proposed a five-tier economic migration system. Tiers equate to categories: (1) high skilled, (2) skilled with job offer, (3) low skilled, (4) students, and (5) miscellaneous.

Immigration, Asylum, and Nationality (IAN) Act	Parliamentary Act	2006	Mainly focused on immigration (rather than asylum), it included restrictions on appeal rights, sanctions on employers of unauthorized labor, and a tightening of citizenship rules.
Fair, Effective, Transparent and Trusted: Rebuilding Confidence in Our Immigration System	Reform Strategy	2006	Created the arm's-length Border and Immigration Agency, which replaced the Immigration and Nationality Directorate on April 2, 2007.
Enforcing the Rules: A Strategy to Ensure and Enforce Compliance with Our Immigration Laws	Policy Strategy	2007	Called for secure border control built on biometric visas and greater checks.
UK Borders Bill	Parliamentary Bill	2007	Proposes police powers for immigration officers and a requirement that foreign nationals must have a Biometric Immigration Document (BID).

Source: International Passenger Survey (quoted in Somerville, 2007)

Appendix 2: Entry clearance visas issued for main applicants, 2005–12

	2005	2006	2007	2008	2009	2010	2011	2012
Tier 1 (Entrepreneurs, Investors and Exceptional talent) and pre-PBS equivalent	7,486	8,946	11,551	17,427	18,851	16,003	8,656	6,272
<i>Annual change</i>		19.5%	29.1%	50.9%	8.2%	-15.1%	-45.9%	-27.5%
Tier 2 (Highly skilled) and pre-PBS equivalent	66,214	72,921	65,419	55,837	36,287	39,922	38,088	39,172
<i>Annual change</i>		10.1%	-10.3%	-14.6%	-35.0%	10.0%	-4.6%	2.8%
Tier 4 (Student) and pre-PBS equivalent	175,576	190,219	193,775	207,774	273,205	253,786	237,471	193,083
<i>Annual change</i>		8.3%	1.9%	7.2%	31.5%	-7.1%	-6.4%	-18.7%
Tier 5 (Temporary Worker and Youth Mobility Scheme) and pre-PBS equivalent	64,651	53,260	45,121	40,998	36,318	36,539	36,627	36,926
<i>Annual change</i>		-17.6%	-15.3%	-9.1%	-11.4%	0.6%	0.2%	0.8%

Source: Home Office (quoted in Devlin et al., 2014)

Appendix 3: Historical migration policy changes for non-European Economic Area nationals

Historical migration policy changes for non-European Economic Area nationals		
Route	Type of immigration	Key changes (since 2010)
Tier 1	<p>Work (high-value migrants) <i>Investors, entrepreneurs and exceptionally talented people can apply to enter or stay in the UK without a job offer if they meet the relevant criteria.</i></p>	<ul style="list-style-type: none"> • Closure of Tier 1 General. • Closure of Tier 1 Post-Study Work Route (PSWR) for most graduates, replaced by more selective arrangements for switching into Tier 2, a Tier 1 Graduate Entrepreneur route and a Tier 4 Doctorate Extension Scheme for successful PhD students. • Introduction of accelerated settlement for Investors and Entrepreneurs, and a new route for Exceptional Talent.
Tier 2	<p>Work (skilled workers) <i>Migrants will need to have been offered a skilled job in the UK, with a prospective employer willing to sponsor them.</i></p>	<ul style="list-style-type: none"> • Introduced an annual limit of 20,700 for Tier 2 General (but no limit on intra-company transfers). • Cooling off period after leave expires for all Tier 2 migrants except the highest earners. • Removed Resident Labour Market Test for jobs paying in excess of £71,000. • Minimum required salary for information communications technology (ICT) workers, which varies depending on length of leave to remain. <p>Minimum skills level increased from NQF 3 to NQF 6.</p>

Tier 3	<p>Work (low skilled) <i>Intended to cater for limited numbers of low-skilled workers in particular sectors.</i></p>	<p>Suspended (as it has been since the introduction of the PBS).</p>
Tier 4	<p>Study <i>For students who wish to come and study in the UK.</i></p>	<ul style="list-style-type: none"> • Requiring degree-level students to achieve English at level B2. • Revised permissions to work. • Revised entitlements to sponsor dependants to post-graduate level. • All education providers to have achieved Highly Trusted Sponsor status and meet new accreditation arrangements. • Introduced time limits on study. • Introduced a genuine student test.
Tier 5	<p>Work (Temporary Workers and Youth Mobility) <i>If an employer in the UK is willing to sponsor the migrant, or if the migrant is a national of a country that participates in the Youth Mobility Scheme, they may be eligible to come and work in the UK for a short period.</i></p>	<ul style="list-style-type: none"> • Extended to include Taiwan (from January 2012), South Korea (from July 2012), Hong Kong (from January 2014), and increased allocation of places for Australia (from January 2014). • Restricted leave for Government Authorised Exchange (GAE) work experience schemes to 12 months. • Introducing clearer provision and restricting leave to six months for contractual service suppliers and independent professionals working under international agreements. • Restrictions on the right to bring overseas domestic workers to the UK.

Family	<p>Family <i>For family members of British citizens and settled persons.</i></p>	<p>Introducing a new minimum income threshold of £18,600 for sponsoring the settlement in the UK of a partner.</p>
		<ul style="list-style-type: none"> • Abolishing immediate settlement for migrant partners where a couple have lived together overseas for four or more years and requiring five years probation, and extending presettlement probation from two to five years for all partners. • Requiring English language at B1 level for all applicants for settlement from October 2013. • For adult/elderly dependants, closing the route to in-country switching and requiring all overseas applicants to demonstrate that they require long-term personal care that can only be provided by a relative in the UK. • Publishing a list of factors associated with genuine/non-genuine relationships, and tackling abuse of the family route, including measures to tackle sham marriages. • Restricting the full right of appeal for family visitors.

Source: Devlin et al. (2014)

Appendix 4: Key Respondents Interviews - Demographic Data

	Skilled Migrant CSO	Acronym	Respondent	Gender	Ethnic Origin	Professional Occupation	Role in CSO
1.	Association of Black Engineers UK (Aberdeen Chapter)	AFBE-UK	B1	Male	Nigerian Origin	Engineer	National/Branch Leadership team
2.	Association of Black Engineers UK (Aberdeen Chapter)	AFBE-UK	B2	Male	Nigerian Origin	Engineer	Branch Leadership team
3.	Association of Black Engineers UK (Aberdeen Chapter)	AFBE-UK	B3	Male	Nigerian Origin	Engineer	Branch Leadership team
4.	Association of Black Engineers UK (Aberdeen Chapter)	AFBE-UK	B4	Female	Nigerian Origin	Legal, compliance & contract Management	Branch Leadership team
5.	British Association of Physicians of Indian Origin	BAPIO	G1	Male	Indian Origin	Doctor	National leadership team
6.	British Association of Physicians of Indian Origin	BAPIO	G2	Male	Indian Origin	Doctor	National leadership team
7.	British International Doctors Association	BIDA	F1	Male	Indian Origin	Doctor	National leadership team
8.	British International Doctors Association	BIDA	F2	Male	Indian Origin	Doctor	National leadership team
9.	British International Doctors Association	BIDA	F3	Female	Arabian Origin	Doctor	National leadership team

10.	British International Doctors Association	BIDA	F4	Male	Indian Origin	Doctor	National leadership team
11.	Fair Fees for Migrant Families	FFMF	E1	Male	Nigerian Origin	Management consultant/Entrepreneur	National leadership team
12.	Fair Fees for Migrant Families	FFMF	E2	Male	Nigerian Origin	Information technology consultant	National leadership team
13.	Migrant Doctors Network in Scotland	MDNS	C1	Male	Nigerian Origin	Doctor	National leadership team
14.	Migrant Doctors Network in Scotland	MDNS	C2	Male	Nigerian Origin	Doctor	National leadership team
15.	Migrant Doctors Network in Scotland	MDNS	C3	Male	Nigerian Origin	Doctor	National leadership team
16.	Migrant Doctors Network in Scotland	MDNS	C4	Male	Nigerian Origin	Doctor	National leadership team
17.	Migrant Doctors Network in Scotland	MDNS	C5	Male	Nigerian Origin	Doctor	National leadership team
18.	Nigerian Community in Diaspora Network	NCDN	A1	Male	Nigerian Origin	Accountant & lecturer	National leadership
19.	Nigerian Community in Diaspora Network	NCDN	A2	Male	Nigerian Origin	Doctor	National leadership team
20.	Nigerian Community in Diaspora Network	NCDN	A3	Female	Nigerian Origin	Social worker	National leadership team
21.	Nigerian Community in Diaspora Network	NCDN	A4	Male	Nigerian Origin	Doctor	National leadership team

22.	Nigerian Community in Diaspora Network	NCDN	A5	Male	Nigerian Origin	Lecturer	National leadership team
23.	Nigerian Community in Diaspora Network	NCDN	A6	Female	Nigerian Origin	Health & safety professional	National leadership team
24.	Nigerian Community in Diaspora Network	NCDN	A7	Female	Nigerian Origin	Doctor	National leadership team
25.	Nigerian Community in Diaspora Network	NCDN	A8	Female	Nigerian Origin	Doctor	National leadership team
26.	Nigerian Community in Diaspora Network	NCDN	A9	Female	Nigerian Origin	Lawyer	Member
27.	Nigerian Community in Diaspora Network	NCDN	A10	Male	Nigerian Origin	Information technology consultant	Member
28.	Nigerian Community in Diaspora Network	NCDN	A11	Male	Nigerian Origin	Lawyer	Member
29.	Nigerian Community in Diaspora Network	NCDN	A12	Female	Nigerian Origin	Human resource professional	National leadership team
30.	Star 100	Star 100	H1	Male	Ghanaian Origin	Information technology consultant	National leadership team
31.	Star 100	Star 100	H2	Female	Ghanaian Origin	Information technology consultant	National leadership team
32.	Star 100	Star 100	H3	Male	Ghanaian Origin	Entrepreneur	Member
33.	The Global Nigeria Forum	TGNF	D1	Female	Nigerian Origin	Engineer	National leadership team

34.	The Global Nigeria Forum	TGNF	D2	Male	Nigerian Origin	Engineer	Member
35.	The Global Nigeria Forum	TGNF	D3	Male	Nigerian Origin	Engineer	National leadership team
36.	The Global Nigeria Forum	TGNF	D4	Male	Nigerian Origin	Engineer	Member
37.	XN Foundation	XN Foundati on	I1	Male	Nigerian Origin	Lawyer	National leadership team
38.	XN Foundation	XN Foundati on	I2	Male	Nigerian Origin	Business consultant & entrepreneur	National leadership team