

FAIR RECRUITMENT OF NURSES THROUGH VOLUNTARY ETHICAL CODES: EVOLUTION AND DISCOURSE

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Abstract

The global migration of nursing professionals has increased significantly in recent years, driven in part by skills shortages in the healthcare sector. Today's migration infrastructure is far more sophisticated than it was in the 1960s. Labor migration intermediaries (LMIs) are playing an expanding role in labor migration processes, not only in Germany but worldwide. Ensuring ethical recruitment has become increasingly important in international discourse, even though initial frameworks and guidelines were first established in the 1970s by organizations such as the World Health Organization (WHO) and International Labor Organization (ILO). This article provides a systematic literature review on the discourse and on the role of voluntary ethical codes as regulatory instruments to ensure the fair recruitment of nurses. It identifies three main strands of research: the development and evaluation of such codes, conceptual ambiguities around "ethical recruitment", and structural and regulatory challenges linked to the role of LMIs. The findings highlight both the historical continuities and the current trends in the migration industry concerning ethical recruitment practices.

Keywords: labor migration, governance, ethical codes, recruitment, healthcare

1 INTRODUCTION AND BACKGROUND

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The globalization of labor markets has led to an increase in the migration of nursing professionals.¹ The shortage of nurses, particularly in the Global North, is addressed by recruiting personnel from abroad. According to migration sociologist Cleovi Mosuela, the "migration of health workers, or the crisis of human resources for health, has transpired into a critical global health challenge, hence encompassing ethical, structural, political, societal, and economic aspects of governance".² According to political scientist James F. Hollifield, high-income liberal democracies are economically dependent on the international recruitment of workers.³ As the recruitment of nurses from countries in the Global South through private labor migration intermediaries (LMIs) continues to increase, various strategies have been developed to facilitate this process. However, the recruitment of nurses from the Global South to the Global North raises ethical concerns, as it often depletes healthcare systems in countries that are already struggling to meet the medical needs of their own populations and suffering from "brain drain".

¹ OECD 2019.

² Mosuela 2020, p. 33.

³ Hollifield 2004.

In order to show that countries of the Global North are not causing harm in the countries of origin through active recruitment, these countries are increasingly committed to *ethical* and *fair* recruitment. Instruments designed to ensure ethical international recruitment pursue different objectives: protecting individuals from unscrupulous recruitment processes and employers, or protecting the countries of origin.⁴ Although there are widespread global standards, there is little specification of what “ethical” or “fair” recruitment means in detail.⁵ Given the fact that structural imbalances arise when high-income countries benefit from an influx of trained nurses, while source countries receive little compensation or systemic support, most voluntary ethical codes do not take sufficient account of this.⁶ This structural imbalance is increasingly analyzed through the lens of neocolonialism, highlighting how high-income countries continue to extract skilled labor from low- and middle-income countries without providing adequate compensation or structural support.⁷

Labor migration and immigration to meet the demand for skilled workers is not a new phenomenon. For example, nurses from non-EU countries have been recruited to work in health and care facilities in Germany since the 1960s.⁸ The first non-binding framework dealing with the role of nurse recruitment appeared in 1977 in the form of the International Labor Organization (ILO) Nursing Personnel Recommendation (No. 157). Even this early document emphasized that international recruitment should only take place under strict conditions – namely, if there is a proven shortage in the destination country and no critical shortage in the country of origin – and called for migration processes to be voluntary, transparent, and aligned with international labor standards.⁹ The ILO later established a binding framework for private employment agencies in Convention 181¹⁰ in 1997. According to Article 7 ff., this convention excludes charging job-seekers recruitment fees, prohibits fraudulent practices and child labor, and prioritizes the protection of workers. The long period of time that elapsed between the first international recruitment activities and the conceptual frameworks for regulating them can be explained by the fact that labor migration at that time was almost exclusively carried out through bilateral agreements.¹¹

Nicola Yeates and Jane Pillinger, both transnational social policy scholars, have observed a notable “rise of ethical recruitment”¹² since the 2000s, underscoring a growing recognition of the imperative for ethical recruitment codes. In 2019, the ILO’s General Principles and Operational Guidelines for Fair Recruitment outlined a comprehensive framework for promoting ethical recruitment, with a particular focus on regulating the global migration industry, understood as the network of private agencies and intermediaries facilitating international labor migration.¹³ The establishment of quality seals and codes of conduct at the national level underscores the growing need to shape migration ethically and fairly, and to regulate the actors involved accordingly.

The aim of this systematic literature review (SLR) is to examine the extent to which voluntary ethical codes are discussed and evaluated in the scientific literature as regulatory instruments for governing the expanding market of international healthcare recruitment, with a particular focus on the role of private LMIs.

⁴ Martineau/Willets 2006.

⁵ Hanrieder/Janauschk 2025.

⁶ Angenendt et al. 2014.

⁷ Mosuela 2018; Hanrieder/Janauschk 2025.

⁸ Arend/Klie 2016.

⁹ ILO 1977.

¹⁰ Private Employment Agencies Convention.

¹¹ Mosuela 2018.

¹² Yeates/Pillinger 2019, p. 85.

¹³ ILO 2019.

2 REVIEW DESIGN AND LITERATURE SELECTION PROCESS

To capture the state of research on voluntary ethical codes designed to regulate recruitment of health-care personnel, an SLR was conducted. This approach aims to minimize researcher bias in the selection of literature and increase the reliability of the selection.¹⁴ To identify relevant literature on the topic of voluntary ethical codes as an appropriate regulatory instrument for health sector labor migration, a search was conducted across a number of databases: Google Scholar, EBSCOhost, JSTOR, BASE, and the Social Science Open Access Repository (SSOAR). PubMed was not searched separately, as the results from the aforementioned databases already included relevant PubMed content. The search strategy was based on context-specific keywords such as “regulation”, “recruitment”, “nurse”, “self-commitment”, combined into search strings with cross-cutting keywords like “labor migration”, “governance” and “healthcare”. The results of the searches were systematically set out in an Excel spreadsheet. The search strings were adjusted in an iterative process. Included in the research are both English and German-language articles and publications published after 2004, as they should not be older than 20 years old. The review and documentation followed the method proposed by Mark Petticrew and Helen Roberts.¹⁵

The initial search based on title screening yielded 134 results. Following an abstract review and relevance rating, 64 publications were deemed suitable for further analysis regarding the research topic of voluntary ethical codes to ensure ethical recruitment of healthcare personnel, with an additional 29 labeled as “unsure”. All 93 publications were examined based on key messages, methods, and findings. Ultimately, 38 were selected for in-depth analysis (28 from the “sure” and 10 from the “unsure” category). A detailed overview of the selection process is provided in Table 1 in the appendix.

3 VOLUNTARY ETHICAL CODES IN THE SCIENTIFIC DISCOURSE: GOVERNANCE INSTRUMENTS FOR REGULATING INTERNATIONAL NURSE RECRUITMENT

The discourse on migration of healthcare personnel is approached from an interdisciplinary perspective, drawing on migration studies, global health, social policy, and governance research. Even if there is a broad scientific discourse on the separate aspects of labor migration, the review indicates that there is limited scientific literature focusing specifically on voluntary ethical codes as a regulatory instrument for private-sector recruitment of nurses. It is striking that the literature on regulation of migration processes considers both regulation of the profession itself and of LMIs. Scholarly discussions on the individual aspects of the research question (migration policy, nurse migration research, and governance of international organizations) continue to evolve, accompanied by a notable rise in studies and reports on migrant recruitment in recent years.¹⁶ Particularly prominent is the observation that most of the publications fall into the category of gray literature.

¹⁴ Tranfield/Denyer et al. 2003.

¹⁵ Petticrew/Roberts 2006.

¹⁶ Agunias 2013; Pittman 2016.

One dimension of the scientific discourse concerns the development, regulatory design, and implementation of national codes, as well as their critical evaluation. National-level codes first began to take shape in the early 2000s. Examples specific to the regulation of LMIs in the healthcare sector are the codes produced by the Department of Health and Social Services, UK (Code of Practice for the International Recruitment of Health and Social Care Personnel in England) and by the Alliance for Ethical International Recruitment Practices, USA (Health Care Code for Ethical International Recruitment and Employment Practices). Franklin Shaffer, Mukul Bakshi, Julia To Dukta, and Janice Phillips, all affiliated to CGFNS International (Commission on Graduates of Foreign Nursing Schools, now: TruMerit), emphasize that voluntary codes can serve as important instruments to address ethical challenges in global healthcare recruitment. According to their analysis, such codes help increase transparency, shape professional conduct, raise awareness, and mitigate harm to internationally educated health professionals.¹⁷ The Fair Recruitment Healthcare Germany quality mark introduced in Germany in 2021 has not yet been the subject of scientific discourse.

Another stream of literature focuses on the absence of clear definitions of ethical recruitment, as the concept itself has rarely been explicitly defined in the academic discourse. Vivien Runnels, Ronald Labonté, and Carolin Packer explore the tension between market logic and global health ethics in the context of international health worker recruitment. Along with other scholars, they have pointed out that ethical recruitment is understood to mean different things, and is often only measured by the impact on countries of origin (as per the WHO Code¹⁸).¹⁹ According to the WHO's latest statement, "[e]thical international recruitment should result in direct benefits to health systems of both source and destination countries and should ensure the rights and welfare of migrant health workers".²⁰ The ILO made an initial attempt to standardize ethical recruitment with its Fair Recruitment Initiative, but the debate on what constitutes ethical practices continues. Recently, for example, Tine Hanrieder and Leon Janauschek critically assessed the proliferation of "ethical recruitment" schemes, revealing how these ostensibly protective frameworks often serve as instruments of liberal health worker extractivism, privileging individual labor safeguards while perpetuating structural inequities in global care labor flows.²¹

Building on this conceptual critique, another part of the scientific discourse offers a more practice-oriented and institutional perspective, particularly regarding the enforceability of voluntary ethical codes. Labor migration scholars such as Clémence Merçay, Steffen Angenendt, and Ivy L. Bourgeault emphasize the lack of binding enforcement mechanisms, the inconsistent implementation of ethical codes, and their tendency to prioritize normative recruitment principles rather than addressing the root causes of migration, such as poor working conditions and underfunded healthcare systems in source countries.²² Critical reflections on the WHO Code dominate the literature, particularly with regard to its limited ability to safeguard the interests of countries of origin.²³ This critique is further reinforced by the lack of standardized data collection on nurse migration, which hinders any systematic evaluation of the effectiveness and long-term sustainability of such voluntary codes.²⁴

The gap that has to be bridged when translating normative frameworks for ethical recruitment into enforceable and measurable policy reflects a broader challenge in the regulation of labor migration. As Dovelyn R. Agunias, a policy analyst at the International Organization for Migration (IOM), argues,

¹⁷ Shaffer et al. 2016.

¹⁸ The WHO Code, introduced in 2010, became one of the central international codes in this area and is therefore the subject of research in many publications.

¹⁹ Runnels et al. 2011.

²⁰ WHO 2024.

²¹ Hanrieder/Janauschek 2025.

²² Merçay 2014; Angenendt et al. 2014; Bourgeault et al. 2023.

²³ Bourgeault et al. 2016; Yeates/Pillinger 2019.

²⁴ Buchan et al. 2009; Angenendt et al. 2014; Schneider 2023.

current regulatory efforts often target the wrong issues, neglect agency-to-agency dynamics, and fail to address deeper root causes such as information asymmetries or systemic job shortages. Although consensus on the need to regulate LMIs is increasing, the ideal form that such regulation should take remains a subject for debate. Moreover, enforcing accountability across multiple jurisdictions with divergent legal frameworks proves difficult, enabling unethical LMIs to exploit existing regulatory loopholes.²⁵

The findings indicate that voluntary ethical codes, while normatively significant, cannot be assessed in isolation. Their effectiveness is embedded within a broader migration infrastructure, which increasingly relies on private actors.²⁶ The following section therefore widens the analytical lens to examine the structural dynamics and governance challenges associated with the regulation of LMIs.

4 THE MIGRATION INDUSTRY AND STRUCTURAL CHALLENGES IN REGULATING LMIs

While earlier sections have focused on normative frameworks and voluntary ethical codes, the following section shifts the analytical lens toward the structural conditions under which international nurse recruitment takes place. At the center of this shift is the concept of the “migration industry”,²⁷ a networked system of state and non-state actors who mediate, profit from, and increasingly shape labor migration flows. It is essential to analyze the role of LMIs in governance frameworks addressing ethical recruitment, extending beyond the scope of voluntary codes.

According to the political scientist Beate Andrees, the migration industry is understood as an economic structure comprising a large number of actors who benefit from migration and/or are involved in the management of migration flows. The term refers to the commercialization of migration, where a wide range of actors – both state and non-state – are involved in regulating, facilitating, or financially benefiting from migration processes.²⁸ Traditional state-led migration control mechanisms have been replaced or supplemented by a mix of private recruitment agencies, consulting firms, and other intermediary actors.²⁹ Answers to policy questions – such as: What are the most effective vehicles for government intervention in recruiters’ operations? – have begun to take shape. Beate Andrees, Alix Nasri, and Peter Swiniarski identify several mechanisms for regulation, such as legislation, licensing, registration, voluntary regulation through codes of conduct, and certification.³⁰ The political and social scientist Davide Calenda highlights the challenge posed by the fact that, while policies are not perfect, the biggest issue is generally getting the Global North on board.³¹ Patricia Pittman, a professor of health policy and management, analyzes the importance of including multiple stakeholders in labor migration regulation and envisages several options for regulating LMIs.³²

Migration scholars Dimitria Groutsis, Diane van den Broek, and William S. Harvey argue that the shift from state-centered governance to network governance has led to an increasing reliance on private intermediaries, many of whom operate without adequate regulation and are, in some cases, involved in malpractice. This transformation has produced a fragmented regulatory landscape, marked by in-

²⁵ Agunias 2013.

²⁶ Mosuela 2020.

²⁷ Groutsis et al. 2015.

²⁸ Andrees et al. 2015; Andrees 2021.

²⁹ van den Broek et al. 2016; Khan 2019.

³⁰ Andrees et al. 2015.

³¹ Calenda 2016.

³² Pittman 2016.

consistent and overlapping mechanisms of regulation and self-regulation. Nevertheless, there is limited empirical research on the complex roles and operational practices of these LMIs.³³ In general, policy and governance analysis often focus on labor migration as a whole, without specific attention to nurses.

Research on the role and significance of LMIs has intensified in recent years, reflecting a broader shift in governance approaches. It is argued that the shift to network governance has granted considerable autonomy to migration intermediaries, a role that was previously overlooked. The lack of research into the evolving role of LMIs highlights this transformation. Literature now increasingly examines the governance and regulation of these intermediaries, emphasizing the growing need for oversight. Earlier reviews of existing codes of conduct had already pointed to significant shortcomings in their implementation and monitoring. Scholars such as Catherine Pagett and Ashnie Padarath highlighted these weaknesses in regulatory practice.³⁴ At the same time, researchers like Maddy Thompson and Margaret Walton-Roberts have drawn attention to the structural limitations of national policy systems in addressing global migration processes. One key challenge is the economic dependence of many source countries on remittances from migrant healthcare workers, which makes it politically difficult to curb the outflow of nurses, even when such migration undermines the resilience of domestic healthcare systems.³⁵

Taken together, the reviewed literature reveals a growing awareness of the need to go beyond voluntary codes and to develop more coherent governance frameworks that take account of the structural role of LMIs in global nurse migration. The increasing scholarly attention on the migration industry and the call for multi-stakeholder regulation highlight the necessity of embedding ethical recruitment in broader systems of transnational labor governance. Despite these advancements, challenges remain, particularly in ensuring coherent and consistent application of regulations across different jurisdictions.

5 LIMITATIONS

The literature presented here represents only a fraction of the research on fair migration discourse in general, as the deliberate focus on ethical recruitment of nurses through voluntary ethical codes shaped the selection criteria. The method may also have been limited at the stage of deciding which publications continued to be relevant after reading the abstracts. This decision may differ from one researcher to another. Also, the matrix for the search could vary from one researcher to another and produce different search strings and, in consequence, different hits in the database. To address this, the selection process has been well documented. Although SLR is a common instrument in medicine and psychology and when reviewing quantitative studies, the method is a helpful tool in social science research to reduce researcher bias.³⁶

³³ Groutsis et al. 2015.

³⁴ Pagett/Padarath 2007.

³⁵ Thompson/Walton-Roberts 2018.

³⁶ Tranfield/Dreyer 2003.

6 CONCLUSION

This SLR explores the scientific discourse on voluntary ethical codes as a regulatory instrument for international nurse recruitment. The evolution of the discourse on the migration of nurses reveals a gradual shift in focus from general labor migration to more specific concerns about ethical recruitment and the regulation of private LMIs as the migration industry changes. It reveals that voluntary ethical codes are often not adequate when it comes to addressing the structural imbalances of international nurse recruitment, particularly due to vague definitions, fragmented implementation, and the lack of political will in the Global North. At the same time, the growing influence of private, often unregulated, LMIs highlights the governance vacuum in current international recruitment practices.

The review underscores the need for more precise definitions of ethical recruitment, stronger oversight mechanisms, and a rethink of voluntary governance instruments within the broader frameworks of transnational labor regulation. In particular, empirical research is needed to assess the concrete effects of voluntary ethical codes on intermediary practices and migrant nurses outcomes. Without such evidence, ethical recruitment risks remaining a rhetorical commitment rather than a transformative governance tool.

	ID	Author(s)	Title	Year of publ.	Type of publication
1	GS8	Buchan, James; McPake Barabara; Mensah, Kwadwo; Rae, George	Does a Code Make a Difference – Assessing the English Code of Practice on International Recruitment	2009	journal article
2	GS10	Angenendt, Stefen; Clemens, Michael; Merda, Meiko	The WHO Global Code of Practice: A Useful Guide for Recruiting Health Care Professionals? Lessons from Germany and Beyond	2014	comment
3	GS13	Shaffer, Franklin A.; Bakhshi, Mukul; To Duktta, Julia; Phillips, Janice	Code for Ethical International Recruitment Practices: The CGFNS Alliance Case Study	2016	journal article
4	GS15	Martineau, Tim; Willetts, Annie	The Health Workforce: Managing the Crisis Ethical International Recruitment of Health Professionals: Will Codes of Practice Protect Developing Country Health Systems?	2006	journal article
5	GS16	Kordes, Jan; Pütz, Robert; Rand, Sigrid	Migrationsmanagement als migrationspolitisches Paradigma: das Beispiel der Anwerbung von Pflegefachkräften	2021	journal article
6	GS18	Angenendt, Steffen; Knapp, Nadine; Kipp, David	Germany is Looking for Foreign Labour: How to Make Recruitment Development-orientated, Sustainable and Fair	2023	research paper
7	GS21	Mosuela, Cleovi C.	Migrating Nursing Skills: Governmentality and Ethics of Care	2020	book chapter
8	GS24	Thompson, Maddy; Walton-Roberts, Margaret	International Nurse Migration from India and the Philippines: The Challenge of Meeting the Sustainable Development Goals in Training, Orderly Migration and Healthcare Worker Retention	2018	journal article
9	GS29	Merkur, Sherry	Policy Responses Facilitating Mobility or Mitigating Its Negative Effects: National, EU and International Instruments	2014	book chapter
10	GS34	Dia, Ibrahima Amadou	The International Health Labor Migration to Switzerland: Key Challenges for Its Governance	2018	journal article
11	GS47	Yeates, Nicole; Pillinger, Jane	The International Health Labor Migration to Switzerland: Key Challenges for Its Governance	2019	monography
12	GS70	Pagett, Catherine; Padarath, Ashnie	A Review of Codes and Protocols for the Migration of Health Workers	2007	research report
13	GS72	Runnels, Vivien; Labonté, Ronald; Packer, Corinne	Reflections on the Ethics of Recruiting Foreign-trained Human Resources for Health	2011	journal article

	ID	Author(s)	Title	Year of publ.	Type of publication
14	GS75	Andrees, Beate; Nasri, Alix; Swiniarski, Peter	Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, Challenges and Opportunities	2015	journal article
15	GS76	Agunias, Doreen Rannveig	What We Know About Regulating the Recruitment of Migrant Workers	2013	comment
16	GS78	Khan, Maina	Contested Ground: Network Governance in Australia's Migration Industry	2019	journal article
17	GS79	Mieres, Fabiola	Migrant Labour Recruitment in a Globalizing World	2024	journal article
18	GS82	Maybud, Susan; Wiskow, Christiane	"Care Trade": The International Brokering of Health Care Professionals	2006	journal article
19	GS84	Van den Broek, Di; Harvey, William; Groutsis, Dimitria	Commercial Migration Intermediaries and the Segmentation of Skilled Migrant Employment	2016	research paper
20	JS3	Pittman, Patricia	Alternative Approaches to the Governance of Transnational Labor Recruitment	2016	book chapter
21	BA1	Underhill, Elsa; Groutsis, Dimitria; van Den Broek, Di; Rimmer, Malcom	Migration Intermediaries and Codes of Conduct: Temporary Migrant Workers in Australian Horticulture	2018	journal article
22	BA8	Schmitz-Pranghe, Clara; Oruč, Nermin; Mielke, Katja; Ibričević, Aida	Making Sure that the Emigration of Healthcare Personnel from Albania and BiH Works for All: What Germany Can Do	2020	book chapter
23	EB4	Axelsson, Linn; Hedberg, Charlotta; Petersson, Nils; Zhang, Qia	Re-visiting the 'Black Box' of Migration: State-intermediary Co-production of Regulatory Spaces of Labour Migration	2022	journal article
24	EB6	Farbenblum, Bassin	Governance of Migrant Worker Recruitment: A Rights-based Framework for Countries of Origin	2017	monography
25	EB7	Jones, Katherine	A 'North Star' in Governing Global Labour Migration? The ILO and the Fair Recruitment Initiative	2022	research report
26	EB10	Battistella, Graziano	Multi-level Policy Approach in the Governance of Labour Migration: Considerations From the Philippine Experience	2012	journal article
27	EB12	Xiang, Biao	Predatory Princes and Princely Peddlers: The State and International Labour Migration Intermediaries in China	2012	journal article
28	EB13	Kushnirovich, Nonna; Rajman, Rebeca; Barak-Bianco, Anda	The Impact of Government Regulation on Recruitment Process, Rights, Wages and Working Conditions of Labor Migrants in the Israeli Construction Sector	2019	journal article

unsure after abstract analysis - suitable for further analysis					
	ID	Author(s)	Title	Year of publ.	Type of publication
29	GS7	Brugha, Ruairi; Crowe, Sophie	Relevance and Effectiveness of the WHO Global Code Practice on the International Recruitment of Health Personnel – Ethical and Systems Perspectives	2015	journal article
30	GS9	McIntosh, Tom; Torgerson, Renée; Klassen, Nathan	The Ethical Recruitment of Internationally Educated Health Professionals: Lessons from Abroad and Options for Canada	2007	research report
31	GS26	Ford, Michele; Kawashima, Kumiko	Regulatory Approaches to Managing Skilled Migration: Indonesian Nurses in Japan	2016	journal article
32	GS35	Chang, Andy Scott	Producing the Self-Regulating Subject: Liberal Protection in Indonesia's Migration Infrastructure	2018	journal article
33	GS40	Bach, Stephen	Going Global? The Regulation of Nurse Migration in the UK	2007	working paper
34	GS58	Connell, John; Stilwell, Barbara	Merchants of Medical Care: Recruiting Agencies in the Global Health Care Chain	2006	book chapter
35	GS69	Garcia-Dia, Mary J.	The Ethical Recruitment of Internationally Educated Nurses: A Leadership Perspective on Labor Migration	2022	journal article
36	GS92	Sha, Heila	Intermediaries and Inequalities: A Literature Review	2021	working paper
37	GS93	MacKenzie, R.; Lucio, M. M.	Regulation, Migration and the Implications for Industrial Relations	2019	journal article
38	EB14	Yakubu, Kenneth; Durbach, Andrea; van Waes, Alexandra; Mabunda, Sikhumbuzo; Peiris, David; Shanthosh, Janani; Joshi, Rohina	Governance Systems for Skilled Health Worker Migration, Their Public Value and Competing Priorities: An Interpretive Scoping Review	2022	journal article

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