

# EDUCATION AT THE BORDER

## A report by The Education Commission

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Over the past twelve months we have watched as universities have been dramatically transformed through tuition fee increases, job cuts and restructuring, privatisation and financialisation. Less attention, though, has been drawn to other insidious changes in the sector: the transformation of the classroom and university into a border checkpoint and university workers into immigration control. These transformations have a long history, but the process was accelerated in August 2012 when the UK Border Agency (UKBA) revoked London Metropolitan University's 'highly trusted' status to sponsor international (non-EU) students. In the aftermath, universities and colleges across the country scrambled to introduce draconian measures, in a race to see which overpaid senior managers could dream up the most intrusive and inhumane policies, all in an attempt 'not to become the next London Met'.

Lecturers and teachers are made to take attendance rolls and to inform when their students are absent. Administrators have to check that passports and papers are in order. Students on various campuses are required to swipe in on electronic card readers. Out of fear of losing their jobs if they refuse, and a distinct lack of collective organisation, most staff have complied. Some even believe that what they are doing is in 'everyone's best interests', relying on notions of pastoral care to cover up the fact that their jobs have been expanded to include the duties of border agents. International students are required to jump through bureaucratic immigration hoops only to be told that they did not jump high enough and that they will need to leave the country immediately or face deportation. Perhaps most frighteningly, all this has occurred without mass outrage, protest or even condemnation from 'our' national representatives in the NUS and UCU.

Those of us that have refused and have not complied have done so in isolated and individual ways - we have found ways

to 'get around the system' without losing our jobs or our visas. Despite clear desires to resist, most of us know that this is not a sufficient or sustainable strategy.

In this, the second report from the Education Commission, we do two things. First, we investigate the current developments of immigration and border policies in higher education. Second, we continue the process of mapping the state of higher education in the UK in relation to current neo-liberal trends and the government's agendas of privatisation and cuts to public services. We are deeply concerned by the fact that universities are being increasingly drawn into partnership with the UKBA (or its successor - as it is soon to be recast in two halves: one dealing with visa processing and the other with 'immigration enforcement' - in other words, a malignant bureaucracy and a party political armed wing)\* and become enforcers of immigration policy. It needs to be pointed out - loudly and repeatedly - that the policing of 'foreigners' on university campuses is occurring at the same time as increased immigration raids

on workplaces and communities are carried across the UK, as detention and deportation becomes ever more violent and - in far too many cases - fatal. We are complicit when we do nothing to speak out against the scapegoating of migrants for an economic crisis that they did not create.

We hope that by circulating this information, by getting the issues debated and discussed in our classrooms, in the hallways, in union meetings, we can find ways to resist compliance with the government's racist policing of 'foreigners'. There is a central contradiction within government policy on higher education which needs to be exploited. At the same moment universities are turning themselves into businesses<sup>[i]</sup>, reliant on international students a key target group for profit maximisation, immigration policies are making it increasingly difficult to get these 'customers' through the door. We are opposed to the criminalisation and subjection of staff and students to restrictive immigration controls by a government fuelled by right-wing populism which blames migrants at times of economic crisis.

### **The international students market**

Higher education institutions in the UK have for a long time depended on international (i.e. non-EU) students as a vital source of income. In 2011/12, international students made up 14% of all full-time undergraduate degree students

in the country, 69% of all full-time taught postgraduates and 48% of full-time research students<sup>[iii]</sup>. They contribute £3bn annually in tuition fees (out of a £27 billion total), and bring an estimated additional £8bn into the economy<sup>[iii]</sup>. This figure has been projected to increase to £16.8bn by 2025 by the Department for Business, Innovation and Skills (BIS).<sup>[iv]</sup> All this translates to higher education being the UK's 7th largest export industry.<sup>[v]</sup>

## Tier 4 student visas

In their last years in power, the New Labour government implemented a major overhaul of visa regulations, based on a new point-based system. For international students, the new 'Tier 4' visas came into effect in April 2009. For prospective international students to acquire a Tier 4 visa, they need to prove they have a confirmed place of study at an educational institution with 'Highly Trusted Status' (HTS) as a Tier 4 sponsor; meet an English language requirement; and have enough money in their bank account to cover their first year of tuition fees and living expenses (this needs to be in the bank 28 days before applying for the visa). They also need to have their exam results from their previous educational institution before applying, and a 'biometric residence permit' (meaning the UKBA has a record of students fingerprints)<sup>[vi]</sup>.

The justification for the new regulations was to prevent 'illegal immigrants' (directly related in public discourse to the threat of terrorism) from entering the country on student visas. The government argued that new more stringent measures were necessary in order to crack down on 'bogus colleges' masquerading as private language schools and further education colleges. The regulations also shifted the onus of policing international students (once in the country) onto educational institutions. Education providers had to apply for Tier 4 sponsorship status, which is predicated on an agreement that they will report to the UKBA if their international students fail to enrol, turn up to classes regularly, leave their course earlier than expected or are expelled from the university<sup>[vii]</sup>.

The Tier 4 regulations are, not surprisingly, affecting the UK's reputation as an international educational provider. While the overall numbers of international students are still increasing, this is not happening at the rate predicted by BIS. Soon after the new regulations were implemented The Guardian reported 'lengthy delays and inconsistencies in visa decisions', with a culture of suspicion leading Border Agency staff to reject many applications by 'genuine' students<sup>[viii]</sup>. Prospective students are understandably becoming frustrated and increasingly beginning to look to other countries to go to for their education. In the autumn of 2009, large backlogs in visa processing (14,000 applications in Pakistan for example) meant many international students were not able to travel to the UK in time to begin their studies<sup>[ix]</sup>. In 2011/12

student numbers from both India and Pakistan, both among the top ten sending countries, had gone down 23.5% and 13.4% (respectively) from the previous year<sup>[x]</sup>. Migration figures released by the Office for National Statistics in November 2012 also noted a fall of 20,000 overseas students in the year leading to March 2012.<sup>[xi]</sup>

In 2011, the coalition government made another controversial change to the regulations, closing the Tier 1 (post Study Work) visa route. This had previously allowed international students to work in the UK for 2 years following their graduation. The decision was heavily criticised by UK higher education providers, as the ability to work post-graduation was a major selling point when marketing expensive degrees to international students (as students could recover (some of) the costs of their education through subsequent employment in the UK).<sup>[xii]</sup>

## London Met and the UKBA

London Metropolitan University was the first public university to have its HTS status removed, alongside a series of HTS revocations from language schools and private colleges. The UKBA claimed the decision was based on London Met's failure to keep accurate records of its international students. According to the UKBA, an audit had found 25% of sampled records without up-to-date visas for students, 40% of sampled records lacked English-language proficiency documentation, and more than half of the sampled records were missing up-to-date attendance records<sup>[xiii]</sup>. It should be noted that the decision was based on supposed missing documentation, not any evidence of 'bogus' students. The university was punished for its perceived failure to adequately monitor its international students with no regard for the devastating effects this would have on 2,600 current international students, who were told they had 60 days to find an alternative institution (with one month to go before the start of the new term), leave the country, or face deportation.

The London Met administration rejected the claims, and took legal action to challenge the decision. In its press statement, it noted that the UKBA had substantially changed its requirements as to how universities are required to monitor their international students 14 times in the last three years<sup>[xiv]</sup>. The high court granted the university the right to a judicial review, the date of which has now been set for 17- 18 October 2013. In the meantime, current

London Met international students were eventually allowed to continue their studies for the 2012/13 academic year only. In March 2013, London Met put in a new application for Tier 4 sponsorship status, which was granted on a probationary basis at the beginning of April.

Although London Met now has its license back, the UKBA decision has already had devastating effects on London Met.

International student fees normally contribute £22.5million of the university's annual revenue of £150million<sup>[xv]</sup>. Following the UKBA's decision, only 45% of its existing international students stayed at the institution. Other London-based universities, including private providers 'led aggressive marketing campaigns', according to The Guardian, to snap up London Met students.<sup>[xvi]</sup> However, it is likely that many of the students also failed to find a suitable alternative and ended their study altogether. Home and EU student numbers were also drastically affected, due to the reputational damage caused, with the BBC reporting that new home and EU student numbers were down by almost 50%<sup>[xvii]</sup>.

There are several factors to consider in looking at why the UKBA felt able to target London Met for visa revocation. As a post-1992 university formed from a merger of two polytechnics, London Met is the largest university in London, with a troubled history of incompetent management. It suffered a major financial blow in 2009, when the Higher Education Funding Council for England (HEFCE) discovered that it had been overpaying London Met for several years on the basis of incorrect reporting of student completion rates. The then-Vice Chancellor and the whole Board of Governors ended up resigning over this gross failure, but the university was still required to pay back £36m (which it is still doing)<sup>[xviii]</sup>. Massive redundancies and course closures followed, under the leadership of the current Vice Chancellor, Malcolm Gillies. To put it simply, London Met has a troubled reputation in the sector, and it is fair to assume that UKBA targeted it precisely for this reason: another scandal at London Met would not surprise anyone.

It should also be noted that Gillies has been enthusiastically pursuing an agenda of privatisation for the last few years, as a way out of the institution's financial difficulties. In the month prior to the UKBA revocation, the university had put out to tender for a 'shared services' contract worth £74million, which would effectively privatise all services within the university except for teaching and the Vice Chancellor's office. As Andrew McGettigan put it, London Met was in fact 'experimenting with an approach that had the full backing of the Department for Business, Innovation and Skills'<sup>[xix]</sup>. In contrast to most other universities, London Met have chosen to keep its fees relatively low following the changes to tuition fee regulations in 2010, with an aim of marketing itself as 'affordable, quality education', made possible through partnering with various private providers.

Significantly, London Met announced a partnership with the private London School of Business and Finance in April 2012<sup>[xx]</sup>. McGettigan reports that the deal was rumoured to be worth £5million, and allowed the LSBF access to London Met's degree awarding powers and HTS status, which the UKBA approved in April. A

month later, McGettigan reports, it was precisely this new partnership which the UKBA suddenly questioned, ordering a fresh audit of London Met's paperwork, leading to the subsequent revocation of sponsorship status<sup>[xxi]</sup>. In other words, it was London Met's partnership with the LSBF that led to the UKBA revoking its HTS status. The partnership between London Met and LSBF was subsequently ended in December 2012<sup>[xxii]</sup>.

As London's largest higher education provider, the majority of its students are local (the university has campuses in North and East London). Over half of its students are from black and minority ethnic backgrounds, and over half are from working class backgrounds. The selling off or bankruptcy of London Met will have serious effects in terms of access to education for local people from ethnic minority and working class communities.

On a positive note, the UKBA's decision to revoke London Met's sponsorship license reverberated relatively badly for the government in both the press and across the higher education sector. It reportedly deepened already existing rifts within government, as it pitted the BIS's reliance on higher education as a vital export industry against the Home Office's agenda of reducing immigration<sup>[xxiii]</sup>. It showed up the continued contradiction between the marketisation of higher education and the coalition government's 'promise' to reduce immigration to the 'tens of

thousands' by 2015 (BIS, along with most of the higher education sector, argues that overseas students should be excluded from immigration statistics, as they do not generally stay on as permanent residents). The story was front-page news in several of the top student-sending countries, such as India and Pakistan, and has damaged the UK's reputation further as a country that welcomes international students.

### Monitoring of international students

We believe that the revocation of London Met's license was a political decision by the UKBA aimed at causing fear throughout the higher education sector, as a way of disciplining institutions into monitoring their international students more heavily. It is an open secret that the monitoring of international students is in fact resisted by many academic staff across different institutions and that reporting to the UKBA is therefore fudged. Had the UKBA chosen to audit a different institution it would likely have found inconsistent paper work there also; London Met was chosen as an easy and highly political target. Anecdotally, it is known that the London Met revocation has had the desired effect across the sector, with university administrations coming down harder on their academic staff to monitor the whereabouts of their students. In this way, university administrations are increasingly and willingly adopting the racist policing of international students.

Findings from our research suggests that different universities are implementing the UKBA guidance in different ways, with some taking much more drastic measures than others. Anecdotal evidence tells of stories of 'mission creep', where university administrators are influenced by what they see and hear other universities doing, and 'upping their game' in order to not make themselves vulnerable to UKBA inspection. Others tell stories of UKBA officers on campus and in classrooms, and an increasing number of universities are recruiting UKBA Compliance workers, who are often ex-UKBA staff. Of particular concern is the increasing use of electronic card systems, where staff members' abilities to resist the monitoring process is taken out of their hands entirely, and students are required to 'swipe in' to every class or face the consequences. Monitoring policies are also adversely affecting student/ staff relations, illustrated by a report from a supervisor of an international PhD student who had reported to the appropriate committee some concern that the student's progress was slow, unaware that this information had then been passed to a central administration office, which then threatened to have the student's visa renewal blocked. A last-minute intervention by the department prevented this, but supervisors are now concerned about reporting honestly on their students' progress to their colleagues.

### Anecdotal reports

Below we have outlined anecdotal information collected by workers and students. This is not a definitive view of exact processes across institutions, but an initial mapping of the climate of checks and policing. Processes may in some cases vary between different departments at the same institution. University administrations often reference the UKBA's increasing stringency as justification for ever-more draconian monitoring processes. But what the below shows is that most universities are going 'above and beyond' the requirements which the UKBA have set.

LONDON MET, currently under intense scrutiny by the UKBA, requires its teaching staff to take registers of all students at lectures and seminars. UKBA staff have been visiting the campus and making regular checks of administrative records.

Other universities where we are aware that staff have been asked to log attendance registers are SOAS, NOTTINGHAM, SHEFFIELD, HULL, CHESTER, ROYAL HOLLOWAY, LEICESTER, and GOLDSMITHS.

SHEFFIELD also require their Tier 2 sponsored academic staff to complete an annual "right-to-work" check with HR, even if they already have a current visa record on their files.

GOLDSMITHS has tried to implement a series of three 'checkpoints' throughout the year where international students have to be present to confirm attendance. The Goldsmiths UCU is currently challenging this process.

At COVENTRY, international students are required to sign in at a desk at the student union three times a week. This is a reduction of a previous requirement to do so five days a week.

QUEEN MARY have been checking people's visas when they come to do their PhD viva.

At WARWICK UNIVERSITY, the current system requires academic staff to log attendance of their students via a central information portal. International students are then warned if they have failed to attend three sessions. PhD supervisors are also required to log their contacts with their PhD students on the central system. Warwick recently attempted to introduce a much more draconian system of checks for their international staff. All international staff were emailed and asked to provide a record of their whereabouts for the entirety of their employment (including back-tracked diaries of several years if necessary). It also instructed these workers to "state your physical location on each day" in their Outlook calendars and give HR staff access to these for future checking, as a condition

of their continued sponsorship. Luckily, union pressure led to the university back-tracking on these intrusive measures.<sup>[xxiv]</sup>

At the UNIVERSITY OF CENTRAL LANCASHIRE (UCLAN), a swipe card/ card reader system has been implemented on a voluntary basis - i.e. staff can choose whether to collect the information manually or do it using the swipe card reader.

At LONDON SOUTH BANK UNIVERSITY, there is an electronic 'touching in' system in each room, and all students (home and international students) are asked to touch in for classes. This was implemented to replace paper registers in 2011/12.

UNIVERSITY OF EAST LONDON also has electronic 'touching in' systems - all students must swipe in between 15 minutes before the start and 15 minutes after the start of all compulsory sessions, otherwise they will be marked as absent. If a student is absent from three compulsory sessions of a single module, a report is logged with the administration with the possible consequences of deregistration.

At the LONDON SCHOOL OF ECONOMICS, it has been reported that some departments are requiring all international staff and students to report weekly on their whereabouts and activities.

# Resistance

A process of normalisation of ‘policing foreigners’ is taking place within the higher education sector, where the intrusive monitoring of international students and staff is ramping up, as universities compare themselves to each other, scared of falling behind or leaving themselves vulnerable to be targeted by the UKBA or its successor. Although many individual academic and administrative staff, as well as a number of local campus unions have already been resisting this process<sup>[xxv]</sup> – through refusing to take registers, fudging data, or calling for collective action against these measures – resistance to these processes is currently too isolated.

The UKBA was on many occasions exposed as incompetent and negligent in their handling of ‘cases’ which amounts

to nothing less than causing harm and neglect in people’s lives<sup>[xxvi]</sup>. University administrations need to be forced to realise that cooperating with its successor (which is likely to be exactly the same) means cooperating with an institutionally racist, violent and negligent organisation.

We call for all university academic and administrative staff who are asked to participate in this racist process to stop doing so immediately, and for university managements to resist the Home Office’s anti-immigrant agenda at the most senior level. We need to call their bluff. The UKBA’s revocation of London Met’s HTS status was incredibly controversial, and turned into a fiasco for the Home Office. With the latest report condemning the UKBA as not being ‘fit for purpose’ and Theresa May’s

subsequent announcement in March 2013 that it was to be abolished and replaced with two separate ‘commands’, it is clear that the Home Office is currently on the defensive. It is unlikely, and in many ways unable to revoke other institutions’ HTS status at any time soon, so now is the time for the sector to take a firm stand.

## References

\*See <http://www.bbc.co.uk/news/uk-politics-21941395>

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[iv] <http://www.guardian.co.uk/education/2013/jan/11/fall-students-india-pakistan-immigration>

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[viii] <http://www.guardian.co.uk/education/2009/may/18/overseas-students-denied-entry>

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[xii] <http://www.immigrationmatters.co.uk/tier-1-post-study-work-visa-to-be-abolished.html>

[xiii] <http://www.bbc.co.uk/news/uk-19425955>

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[xvi] <http://www.guardian.co.uk/education/2012/oct/18/less-than-half-of-london-metropolitan-universitys-students-choose-to-stay-on>

[xvii] <http://www.bbc.co.uk/news/education-20256192>

[xviii] <http://www.timeshighereducation.co.uk/story.asp?storycode=406364>

[xix] <http://www.redpepper.org.uk/degrees-of-profit-at-london-met/>

[xx] <http://www.londonmet.ac.uk/news/news-releases/2012-press-releases/lbsf-and-london-met-agree-new-strategic-partnership.cfm>

[xxi] <http://www.redpepper.org.uk/degrees-of-profit-at-london-met/>

[xxii] <http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=422185&c=1>

[xxiii] <http://davidhencke.wordpress.com/2012/10/19/exclusive-how-teflon-theresa-dismembered-two-brains-over-london-met-university/>

[xxiv] <http://www.timeshighereducation.co.uk/news/warwicks-foreign-staff-may-now-see-london-without-telling-big-brother/2001199-article>

[xxv] <http://www.guardian.co.uk/education/2009/apr/14/student-immigration-rules-boycott>

[xxvi] E.g. <http://www.guardian.co.uk/uk/2012/nov/22/border-agency-asylum-claims-backlog> and <http://www.guardian.co.uk/uk/2013/jan/23/inspector-uk-border-agency-backlog>

## About the Education Commission

Students, lecturers, admin workers, teachers, parents and anybody else interested in education are invited to join The Education Commission. We aim to research and take action around the current conditions in the education sector. In the wake of the UK Border Agency’s revocation of London Met’s Highly Trusted Sponsor Status and consequent plans to deport potentially thousands of international students along with further plans for privatisation across the sector, we propose to investigate and take action around the changing nature of the education in the UK since the abolition of the EMA and mass increase of university tuition fees in 2010. We aim to draw together student, parent, and education workers’ experiences as well as available data in order to produce and disseminate as accurate a picture as possible of the current state and trends in higher education in the UK. We do so in support of and solidarity with current and future struggles in education.

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