



Josie Appleton, convenor,
Manifesto Club

Foreword

Academic investigation naturally takes scholars around universities of the world, to share insights and seek dispute with peers from other countries. The points-based system threatens to block these valuable relationships of intellectual collaboration and exchange.

Although the points-based system is targeted at non-EU academics and students, it bears the classic features of New Labour state regulation of its own citizens, including: tick-box requirements that make people's lives more difficult, to little obvious end; systems for monitoring and control of people's everyday actions; and a tendency to set up one group as state agents, with the responsibility to keep tabs on another.

The points-based visa system is making life hard for foreign visitors, and leaving them with a very hostile impression of this country. The system is also leading to greater monitoring of UK staff and students - with attendance registers being introduced for all students, and UK staff now subject to passport checks when they give talks at other universities.

At the Manifesto Club, we call for the points-based visa system to be reviewed, and ultimately scrapped. To say this is to celebrate relationships of international collaboration and exchange. It is also to affirm the ideal of civic autonomy, for UK citizens and non-citizens alike, an ideal that universities more than any other public institution are supposed to embody.

A Manifesto Club Report
by Valérie Hartwich

FORTRESS ACADEMY:

**THE POINTS-BASED VISA SYSTEM AND THE POLICING
OF INTERNATIONAL STUDENTS AND ACADEMICS**

Contents

05	Executive Summary
08	Introduction: The Points-Based Visa System
10	The Effect on Students
14	The Effect on Academics
16	Turning Professors into Border Police
20	Costs to UK Academia
21	Academics Against the Points-Based System
23	Conclusion: Scrap the Points-Based Visa System
25	About the Author
25	About the Manifesto Club

Visiting Artists and Academics Campaign
www.manifestoclub.com/visitingartists

EXECUTIVE SUMMARY

1. The points-based visa system was introduced across UK universities on 31 March 2009, and imposed a series of burdensome requirements for non-EU students and academics coming to study or teach in the UK. New requirements include:

- Increase of visa application fees from £99 to £145 for students;
- A demand that students prove maintenance funds (up to £7200 for a one-year masters in London);
- Provision of biometric details, for which students must travel to a biometric centre either in their own or another country in their region. These details are used for issuing an ID card once in the UK;
- A licensing system for all educational institutions that wish to accept international students, leading to the vetting of educational institutions by the UK Border Agency (UKBA) and Home Office;
- Monitoring duties imposed on all higher education institutions, including monitoring foreign student and staff attendance.

2. This has led to an increase in late arrivals and no-shows of international students for the academic year 2009–10. There is a limited appeals system, so some students have lost thousands of pounds in advance fees, plus visa application fees. Problems include:

- A 100% increase in visa refusals for international students, between April–May 2009, from around 25% rejections to around 50% rejections.¹ 35% of visa applications from China, 49% of applications from India, and 21% from the USA were rejected;²
- 14,000 would-be students were still stuck in Pakistan when term started in October 2009;
- Universities including LSE reported an increase in late arrivals. Queen Mary reported that by November 2009 around 25 students, mainly Pakistani, had not yet arrived to start their course. Some universities resorted to videoing lectures and putting them online;
- Students were rejected by the UKBA for a variety of trivial reasons, including having written ‘Malaysian’ instead of ‘Malaysia’ under country, or for the colour of the background used in their photograph.³
- In January, 56 UK colleges had their licences suspended, meaning that they can no longer invite international students. According to Dominic Scott, chief executive of the UK Council for International Student Affairs, this includes ‘state-funded further education colleges, and many other household names’. The colleges when suspended were not told of the evidence or allegations against them.⁴

1 Interview with Dominic Scott, chief executive of the UK Council for International Students (Josie Appleton, 26 January 2010)

2 www.guardian.co.uk/education/2009/jul/21/visa-rules-deterring-overseas-students-to-uk

3 www.ucu.org.uk/media/pdf/k/g/pbs_seminarreport_apr09.pdf

4 Interview with Dominic Scott, chief executive of the UK Council for International Student Affairs (Josie Appleton, 26 January 2010)

- At the end of January 2010, the UK Border Agency completely suspended student visa applications from northern India, Nepal and Bangladesh, leaving thousands of potential students stranded.⁵

3. The system has also lead to difficulties for international academic staff trying to visit the UK. Case studies cited in this report include:

- International academics now unable to attend the UK to teach their regular courses or seminars, including one Israeli visiting lecturer at Exeter University drama department;
- UK universities – including the Glasgow School of Art and Nottingham Trent University – report difficulties putting together international lecture series;
- Some international academics now choose not to visit the UK, in response to what they see as insulting and burdensome procedures;
- Universities – including the London Business School and Imperial College – report large expenditures of staff time and resources on securing visas for their international academics;
- International academics have had to pay thousands of pounds in legal fees to secure a successful visa application, £3000 in the case of one Royal Holloway academic. One Israeli academic described the UK visa system as ‘bureaucratic absurdity raised to the level of art’.⁶

4. Universities must now monitor their international staff and students. Monitoring requirements imposed by the Home Office include:

- Staff must check international student attendance. If a student fails to attend 10 ‘expected interactions’ (seminars, lectures, tutor meetings, etc), the professor is obliged to report them to the UKBA. This can lead to deportation in extreme cases.
- When a student does not enrol on the course at the expected time, the reason for this must be given within 10 working days (for example, a missed flight). If this does not occur, the incident must be reported to the UKBA.
- Academics must inform the UKBA if they have any suspicions that a student is breaching the conditions of his or her leave, or if the student is engaging in ‘suspicious behaviour’.
- Universities must keep records on the whereabouts of international students, for up to two years after the student has finished their studies.

These obligations have led to a growth of surveillance systems within universities:

- Universities including Lancaster, Nottingham and the University of Wales at Lampeter are asking academics for their passports, when they give visiting lectures or act as an external examiner;

⁵ http://news.bbc.co.uk/2/hi/uk_news/8489349.stm

⁶ Email from Professor David Zinder, 17 January 2010

- Universities including Sheffield and Queen Mary have introduced electronic registers for all students, to monitor attendance.

5. There has been a growing protest within UK academia against these new visa systems. Academics from universities including Goldsmiths, SOAS and the University of Brighton have said that they will refuse to comply with monitoring obligations. The Manifesto Club's petition against the new rules now has over 10,000 signatories. Academics quoted in this report argue:

- That monitoring destroys the relationship of trust between academics and students, and threatens the very ethos of academia;
- That the points-based system damages the reputation of the UK overseas, and will put off international students from applying;
- That the points-based system will reduce the attractiveness of the UK as a location for academic conferences and other collaborations.

6. This report calls for the complete review of the points-based system for students and academics - after which we hope the system will be scrapped, before more damage is done to UK academic life. We call for international students to be seen as a source of intellectual and cultural vitality, not as a security threat.

INTRODUCTION: THE POINTS-BASED VISA SYSTEM

UK universities attract 513,570 international students each year,⁷ along with thousands of international lecturers and tutors. In cultural terms this adds much to the intellectual richness of university life, drawing talent and experience from across the world. In financial terms, it translates into a total of £2.5 billion paid by international students in tuition fees alone,⁸ and off-campus expenditures estimated at £2.3 billion.⁹ In total, universities gained an estimated £5.3 billion for fees, research, international conferences and business consulting revenues.¹⁰

This might be about to change, with the introduction of the points-based immigration system (PBIS) across universities on 31 March 2009. The scheme was inspired by Australia's skilled workers' scheme, but unlike the Australian model this system applies to all migrant categories – students, workers or dependants alike – and was designed to protect the UK from would-be terrorists, and the economy from 'excessive' pressure on the labour market and social security system.

The new scheme devotes two sections (known as Tier 4 and 2 workers) to the control of student and academic immigration. Under the new rules, prospective students or staff face higher costs, and tougher and lengthier procedures to obtain visas. Higher education institutions must now be licensed to welcome overseas nationals – and one of the conditions of the licence is that they have procedures in place to monitor overseas staff and students, and to report any suspicions to the UK Border Agency (UKBA). Failure to monitor or to detect problems could result in the loss of an institution's licence.

Complex and lengthy procedures, heightened financial barriers and an image of a protectionist, suspicious Britain, risk deterring prospective students and academics from coming to the UK. The huge backlog of applicants in countries such as Pakistan in early autumn 2009 could mean that coming to study in the UK does not seem such a good idea any more.

Although the system particularly affects students from certain 'risky' countries, its effects are worldwide. A recent report by the UK Council for International Students Affairs (UKCISA) found that 58.7% of all international students surveyed had experienced difficulties with the visa application.¹¹

This new visa system has been chaotically introduced, with many academics only recently finding out about the new rules. By November 2009 many academics were still either unaware or unclear about the new steps required to complete an application, and the new requirements placed on educational institutions and their personnel. Natalie Fenton, reader at Goldsmiths, University of London, said she had met colleagues from Brunel University who had only been informed of the points-based system in mid-November 2009.¹² Some academics – including Professor Luis Aguiar, senior lecturer at the Royal Agricultural College – only found out about the new system from inquiries made for this report.

Professor Wellings, chair of Universities UK international policy committee and vice-chancellor of Lancaster University, complained about the chaotic

7 www.guardian.co.uk/education/2009/may/21/more-overseas-students-than-thought

8 www.guardian.co.uk/education/2009/mar/31/overseas-student-rules

9 www.universitiesuk.ac.uk/Publications/Documents/EconomicImpact4Summary.pdf

10 www.studyuk.learnhub.com/news/548-uk-universities-contribute-99-dollars-billion-a-year-for-economy

11 www.ukcisa.org.uk/files/pdf/about/tier4_student_survey.pdf

12 Interview with Valérie Hartwich, 23 November 2009

implementation of the new rules: 'There is very little time for prospective and current students to understand the changes and the implications for them. Universities are large and complex organisations and three weeks is not sufficient time to enable them to understand and adjust policies and processes and even less time to advise new and current students. It is particularly difficult as these changes will come in halfway through an applications cycle.'¹³

The students applying for the 2010–11 intake could be facing still bigger hurdles. Many academics fear that bright people will be deterred from coming to the UK, especially if they are from what are considered to be 'risky' countries. A substantial loss of income for higher education institutions could ensue, at a time when government funding is steadily decreasing. Beyond the financial aspect, these procedures threaten the very basis of education and research, which is founded on the free exchange of ideas.

Should non-Europeans students and academics start to turn away from UK universities, the diversity and dynamism of UK intellectual life would be severely affected. Michael Farthing, vice chancellor of Sussex University, declared: 'Shut the door to this potential, and all the opportunities that the 21st-century global village has to offer will be denied to our students, the education sector and the wider economy. Never mind ivory towers – we are now in danger of creating "Fortress Britain", where bona fide students are excluded by suspicion and bureaucracy.'¹⁴

New requirements under the points-based visa system

- Increase of visa application fees from £99 to £145 for students;
- A demand that students prove maintenance funds (up to £7200 for a one-year masters in London);
- Provision of biometric details, for which students must travel to a biometric centre either in their own or another country in their region. These details are used for issuing an ID card once in the UK;
- A licensing system for all educational institutions that wish to accept international students, leading to the vetting of educational institutions by the UK Border Agency (UKBA) and Home Office;
- Monitoring duties imposed on all higher education institutions, including monitoring foreign student and staff attendance.

¹³ www.universitiesuk.ac.uk/Newsroom/Media-Releases/Pages/immigrationChanges.aspx

¹⁴ www.independent.co.uk/news/education/higher/michael-farthing-new-student-visa-rules-risk-creating-fortress-britain-1837050.html

EXPERIENCES OF A CHINESE PHD STUDENT

A professor at a top business university reported the experiences of a Chinese postgraduate student whose PhD research he supervises. The case is still unresolved and must therefore remain anonymous.²⁹

'She applied to the Home Office in January 2009 for a student visa-card to complete the PhD and attend her viva examination. It arrived in April but was not issued until 30 September 2009 (the formal date for submission of her thesis), not allowing any time for her to attend the essential viva examination. So she returned it to request they correct the date to cover the examination period, enclosing a letter from the university authorities requesting her visa be extended to 30 June 2010 to cover the examination and the time required for any corrections to the thesis.

The UKBA kept the visa-card from April until December. During this period the student telephoned UKBA on many occasions, but (a) the telephone number they provided in their correspondence was incorrect; (b) every call would take 15–30 minutes to reach a human being, and (c) on every occasion she was told, eventually, that they could not tell her anything about her case. On one occasion she was asked to re-send the letters and details via registered mail. She wrote a further three times to the Border Agency, including letters of support from the university. During this time her grandmother died in China, but the student could not return home for the funeral as she had no UK visa and effectively could not leave the UK in the 9 months April–December. So during that period, she had to cope with the constant worry about the visa, having no income (without a visa one is not allowed to work), being unable to travel outside the UK, and with the inevitable stress of writing-up her PhD thesis – the culmination of 4 years' work.

The complications continue. The current position is that her visa finally arrived on 15 December but expires on 30 January 2010 – her PhD viva examination is now scheduled for mid-February. She will now have to apply for a completely new visa, at a cost of £500, to cover the examination period and the time for any corrections to the thesis. And who knows how long it will take to get a new visa?

She cannot obtain her doctorate qualification without attending the viva exam, so she needs a new visa-card – but she runs the serious risk it will take another 9 months to obtain, during which time she will be without a passport or visa or income, and unable to leave the UK. Needless to say she has formed the opinion that the UK does not want Chinese students, and the Border Agency rules and processes make studying here extremely difficult, and they are designed to extract more fees. She also has contact with other students who have had similar experience.'

others were stranded abroad, since not all countries possess centres equipped to collect biometric data, so they had to travel to another country in their region to submit their application.

Some universities decided to tape lectures and post them online, in an attempt to minimise disadvantages for delayed students.²³ This has its limits as a stop-gap, as only so much can be adequately taught or learned at a distance. Kent academics observed that many of these backlogged students had 'paid thousands of pounds in advance payments of fees, not to mention the hefty non-refundable visa application fees and deposits in UK accounts required under the new immigration regulations.'²⁴

It appears that disruption will continue for the 2010–11 intake of international students. At the end of January 2010, the UK Border Agency completely suspended student visa applications from northern India, Nepal and Bangladesh, leaving thousands of potential students stranded.²⁵

A bureaucratic nightmare

New visa application forms are tricky to fill in, even more so for individuals whose first language is not English. The UK Council for International Students Affairs (UKCISA) surveyed 2777 new international students in UK universities, 58.7% of whom experienced minor or major difficulties with the visa application (45.1% had minor problems; 13.6% had major difficulties).²⁶ The UKCISA suggests that part of the problem was the multiplication of bodies involved in the application process, resulting in contradictory information being given by different official bodies.

Once overseas students have made it to the UK, changing educational institution (for example, to do an MA at a different university, or to follow a PhD supervisor) means the process must be restarted, and new fees repaid.

Matthew Fuller, reader at Goldsmiths, University of London, said that international students tend to hope that there will be some understanding regarding minor mistakes in their applications. But increased bureaucracy and formalism leaves little room for clemency and error. Forms with the smallest of mistakes are discarded; individuals recede behind numbers, boxes and references. Students have been rejected by the UKBA for having written 'Malaysian' instead of 'Malaysia' under country, or for the colour of the background used in their photographs.²⁷ Professor Julian Birkinshaw, London Business School deputy dean for programmes, reported that one student had been rejected because a copy of a degree certificate had been submitted rather than the original.²⁸

Another applicant was refused for supposedly not having supplied A-levels results, when those were contained in the very same envelope enclosing the refusal. This student said: 'the Embassy was not helpful and rejected my application the second time based on their claim that I have not provided them with my Bachelors transcript as on the visa letter. Ironically, when they returned the package to me, my transcript was in it.'³⁰ The UKCISA survey found that 10% of respondents had to apply more than once to obtain a visa, and felt that the first refusal had been 'unreasonable'.

23 www.guardian.co.uk/global/2009/oct/14/overseas-students-fees-visas

24 www.kent.ac.uk/nslsa/content/view/58/255/

25 http://news.bbc.co.uk/2/hi/uk_news/8489349.stm

26 www.ukcisa.org.uk/files/pdf/about/tier4_student_survey.pdf

27 www.ucu.org.uk/media/pdf/k/g/pbs_seminarreport_apr09.pdf

28 Email to Valérie Hartwich, 10 December 2009

29 Email to Valérie Hartwich, 16 December 2009

30 www.ukcisa.org.uk/files/pdf/about/tier4_student_survey.pdf

One US student who started a Finance Masters at LSE in October 2009 almost lost her chance to do so when, although she had submitted all the necessary documentation in June 2009, she was informed that proof of sufficient funds now needed to be held in a bank account under her own name (rather than her parents' account, as before).³¹ Having complied, by August 2009 she still had no news and, unable to obtain a response over the phone, she flew from San Francisco to the centre in Los Angeles now holding her visa application. Having talked her way into a personnel-only building, she was told her bank statements had been received but that they were now waiting for the rest of her application. She pointed out that her application had by then been sitting in a file for some months. Only after such concerted efforts was she eventually granted a visa.

For some students, the application process can result in substantial strain. Dr Richard Povall, from the arts and performance department of Falmouth university, Devon, reported the consequences of the process of the visa application for one US student: 'The stress of going through the visa process triggered an onset of an illness that he had not had a problem with since childhood.'³²

Students often bear the costs of administrative errors. A student from New Zealand, who had applied to Goldsmiths from within the UK, said she had been the victim of a mistake by the university administration, and will shortly have to fly back to her country to prove her identity. 'In late August I received my visa letter from Goldsmiths with a "typo" saying I was from Japan. I repeatedly called and emailed the administration in the course of the month, but never obtained a reply. I then sent my application, fearing I might otherwise miss the semester. Late September I was refused by the UKBA.'³³ Goldsmiths' administration has since then agreed to refund her tuition fees, and has also offered to refund the visa application fees. It apologised for the clerical error, but maintains that it is her fault since she came under a tourist visa, instead of a Tier 4 Visa.

The student comments: 'Currently, the price of a flight is a great concern to me, as a one-way flight to New Zealand is around \$1000. The fact that I was to study post-colonial studies only makes my case the more ironic.'³⁴ She has thankfully secured the support of the university's Students' Union.

When visas are refused, the new visa system has an internal rather than external review system, with questionable impartiality. Universities UK (the largest representative body for the higher education sector) had attempted to retain the previous appeal system for the first two years of the points-based system, because it feared teething problems, and knew the old system worked efficiently.³⁵ Given the low chances for a rejected student gaining a successful review, and the average waiting period of 28 days, a second application (complete with fee repayment) often seems like a better option than appealing.

Penalising poorer students

As the name indicates, the visa system is based on gaining a required number of points. For students who have gone through this process, it is obvious that the major criterion is financial (this accounts for 10 out of 40 points).

31 Interview with Valérie Hartwich, 19 November 2009
32 Email to Valérie Hartwich, 11 December 2009

33 Speech at Goldsmiths, 2 December 2009

34 Speech at Goldsmiths, 2 December 2009

35 Interview with Valérie Hartwich, 8 December 2009

THE EFFECT ON STUDENTS

The students who didn't start term

By October 2009 the new system was under severe strain, with 14,000 applications still waiting to be processed in Pakistan alone. The UK home secretary reportedly flew in to assuage the Pakistani government, concerned that thousands of its nationals would lose university places they had been offered or face difficulties reclaiming advance fees.¹⁵

Simeon Underwood, academic registrar at LSE, reported an increase of late arrivals in autumn 2009, and in some cases the university agreed to defer offers to 2010 because of students' difficulties obtaining visas in time.¹⁶ At Queen Mary, University of London, head of international office Pat Power reported that by early November 2009 about 25 students, mostly Pakistani, had not been able to start their studies because of visa delays.¹⁷

Dominic Scott, chief executive of the UK Council for International Student Affairs, says that between April and June 2009, '35% of [student] visa applications from China were refused. Some 49% of applications from India and 21% from the United States were rejected.'¹⁸ Overall, he told us, there was an initial 100% increase in the rate of visa rejections in spring 2009, rising from around 25% to around 50% of applications rejected. How many of those were bogus students? Dominic Scott highlights the fact that 'there were 23,000 students who only got their visa on a second or third application', and suggests that 'these were genuine students who were tripped up on minor technicalities.'¹⁹

Education agents in Asia are increasingly advising students to apply in Australia, where delays for issuing visas can take as little as two weeks²⁰ – a speedy handling compared to the six to eight weeks with the UKBA. Acceptance at British educational institutions depends on providing certified educational qualifications, but these aren't normally issued before early summer. With the prospect of an average six weeks waiting time, and university courses generally starting in September or October, this leaves little time.

Problems are heightened by the fact that international students often start courses earlier than other students. Dominic Scott says that his organisation received reports that 'significant numbers of students arrived late for preliminary language courses and some were not able to arrive and start their studies at all, in October, because of delays in processing.'²¹

The Kent Socio-legal Newsletter reported that in November 2009 a successful applicant for a PhD was still waiting in Islamabad for her passport, submitted in June 2009, to be returned from the British High Commission.²² She was told that she might have to wait another 45–60 days. It is standard procedure to submit one's passport for the duration of the visa application process, so most individuals make the necessary arrangements to ensure they will not need to travel in the meantime. But with the difficulties experienced in processing applications, this has effectively restricted the movement of tens of thousands of individuals. Individuals stuck in their own countries are lucky, however:

15 www.guardian.co.uk/world/2009/oct/04/visa-pakistan-uk-students-university

16 www.guardian.co.uk/world/2009/oct/04/visa-pakistan-uk-students-university

17 www.london-student.net/2009/11/02/new-visa-rules-prevent-international-student-taking-up-places/

18 www.guardian.co.uk/education/2009/jul/21/visa-rules-deterring-overseas-students-to-uk

19 Interview with Josie Appleton, 26 January 2010

20 www.guardian.co.uk/education/2009/jul/21/visa-rules-deterring-overseas-students-to-uk

21 Interview with Josie Appleton, 26 January 2010

22 www.kent.ac.uk/nslsa/content/view/58/255/

The new system introduces more stringent financial requirements for students. First, there are higher visa application fees, increased from £99 to £145 (65% of the UKCISA's survey respondents found these costs unreasonable).³⁶ In addition, the UKCISA survey found that '43% had to pay up to £50 in additional costs such as attending biometrics appointments or arranging translation of documents, etc; 20% up to an additional £99, 15% up to additional £200 and 16% £200 or more'.³⁷

Not all countries are equipped with centres to take candidates' biometric details, meaning that applicants may face additional travelling costs. Countries without visa application centres include: Afghanistan, Antigua and Barbados, Benin, Bhutan, Burundi, Eritrea, El Salvador, Laos, Lesotho, Madagascar, Mauritania, Tajikistan, Togo. It appears that applicants from the poorest countries are bearing the heaviest burden.

Even when biometric centres do exist in one's country, there generally is only one centre, meaning internal travelling costs if one lives far from the major city where it tends to be located. Brazil has only one centre in Rio de Janeiro, which, if you are from Manaus, is not a small distance. Australians from Sidney need apply in Canberra. It is not surprising that 38% of the respondents to the UKCISA survey said they had 'encountered difficulties in the cost and/or time of travel for biometrics'.³⁸

In addition, students are now required to show that they hold thousands of pounds in funds – for example, £7200 is now the minimum required for applicants for a one-year masters in London. These funds must be held in a bank account for 28 days prior to arrival. The matter is confused by the fact that the currency used by most applicants is not pounds sterling, and UK authorities apply different exchange rates to the market level, which can lead to the applicant ending up short of the required sum by as little as £10.

Other changes to the system have also created problems. Many international organisations financially vouch for the daughters and sons of their employees - but under the new system, the official documents they provided were not accepted as proof that the applicants had sufficient funds to support themselves. The son of a UN employee in Vienna was originally refused a UK visa on these grounds.³⁹

Overall, it appears to be genuine applicants from modest backgrounds who suffer the most from the changes introduced by the points-based visa system. This equates to an unreasonable selection on the basis of money, rather than talent. Dr Povall from Falmouth university, Devon, reported the case of a Zimbabwean student unable to come to the UK: 'The Zimbabwean student, who was desperate to come and had been trying for three years, in the end gave up. She simply was not able to raise the funds necessary to meet the new regulations, even though she had spent the previous year finding enough money for her to qualify under the old rules.'⁴⁰

One South Korean fine arts undergraduate student at Goldsmiths recounted the difficulties securing the sums required.⁴¹ She had to ask her parents for help, who despite being home-owners did not have sufficient available funds. The family then turned to an uncle for additional support. As the funds must

36 www.ukcisa.org.uk/files/pdf/about/tier4_student_survey.pdf

37 www.ukcisa.org.uk/files/pdf/about/tier4_student_survey.pdf

38 www.ukcisa.org.uk/files/pdf/about/tier4_student_survey.pdf

39 [www.timeshighereducation.co.uk/story.](http://www.timeshighereducation.co.uk/story.asp?storycode=408832)

40 Email to Valérie Hartwich, 11 December 2009

41 Speech at Goldsmiths, 2 December 2009

remain in a bank account for three months prior to arrival in the UK, the financial requirements of the points-based system could mean that families lack funds in case of emergency.

Kent academics also report that changes in financial requirements are impacting on international students already in the UK system. 'Administrative staff at one institution have told us ... that students here whose families have been affected by the recent earthquake in Pakistan are suddenly finding their financial situation dramatically altered – many have no family income to help support them now. In the past, the students could have negotiated a payment plan for their fees, but no longer – they are required to have funds in the bank.'⁴²

These financial tests have little rationale in terms of preventing terrorist threats. It is likely that members of terrorist organisations would have no difficulty coming up with money to travel to collection centres, apply and show a well-stocked bank account. Furthermore, as a University and College Union (UCU) interviewee observed, '9/11 and the 7/7 attacks have both shown that terrorist threats can come from well-to-do, educated backgrounds and home-grown groups'.⁴³ The failed attack on a Detroit-bound jet in December 2009 – attempted by the son of a major Nigerian businessman, who had studied at UCL – comes as further evidence for this.

The result of financial tests is likely to be counterproductive. According to Matthew Fuller, reader at Goldsmiths, 'the increased financial selection induced by the [points-based system] will make individuals more dependent on loan agencies and financial manipulations.'⁴⁴ Indeed, one Indian undergraduate reported the growth of loan companies who would transfer the required sum into a students' bank account for the required period, to pass the UK visa test, after which the sum must be returned 'plus a cool cut for the loan company'.⁴⁵

Academics from developing countries often have more difficulties gaining a visa, and experience this as a form of economic discrimination. Visiting Artists petition signatory Dr Nhamo Mhiripiri testified: 'I was personally a victim of the visa system when Oxford University invited me to a conference where they were paying for my accommodation and transport. The poverty of my country [Zimbabwe] was the major reason I was denied a visa.'⁴⁶ In a St Andrews University survey, 66% of current overseas students said that they would be unwilling or financially unable to study in the UK, had they applied under the new regulations.⁴⁷

42 www.kent.ac.uk/nslsa/content/view/58/255/

43 Interview with Valérie Hartwich, 20 November 2009

44 Interview with Valérie Hartwich, 18 November 2009

45 Interview with Josie Appleton, October 2009, Warwick University

46 Testimony, Visiting Artists petition: <http://www.manifestoclub.com/visitingartists>

47 www.st-andrews.ac.uk/~ucu/pdf/pbi/pbi_booklet.pdf

THE EFFECT ON ACADEMICS

Overseas scholars are also facing logistical difficulties taking up UK academic posts. Kent academics cite the case of a young academic offered a lectureship after completion of his doctoral studies in Britain. The authorities first lost his passport, so he had to resort to using a 'premium service' visa application, costing £800, to secure the permit in time for the new term. Unfortunately,

EXPERIENCES OF AN ISRAELI ACADEMIC⁵²

David Zinder, professor emeritus in theatre arts at Tel Aviv University for nearly 30 years.

'For a number of years I have been a regular visiting teacher at the drama department of Exeter University, and until two years ago my course had become a regular part of the curriculum – a two week intensive workshop for which the students were graded by me.

Last year I was invited to come in March to do my scheduled course and as a result of the strictures of the new UK Border Agency regulations I had to cancel my visit and my course, causing havoc to the year's curriculum. The reason I couldn't get to the UK was because I had to fill out reams of questions, provide notarised, fully translated documentation of my bank statements from three months prior to my entry into the UK, as well as fully translated, notarised copies of three months of my pension slips. Even if I had managed to complete all of that, and pass the scrutiny of Consulate officials, then this material plus my actual passport – not a photocopy – were to be sent to Istanbul, which is apparently the Middle East "visa centre" and then it was supposed to take, according to the UK Consulate in Israel, anywhere between "two weeks to two months" to get the visa – if all went well. No explanation was provided about what I would do if I needed my passport during that time (except for a Consulate official who told me that in that case I should go to Istanbul to try and expedite the matter – not realising that without a passport I could not get to Istanbul!).

Since indeed I was in need of my passport for professional and personal needs and could not relinquish it for two weeks to two months, I had no choice but to cancel my trip.

This year I was invited again, and despite a tight schedule of trips prior to my trip to Exeter I thought it might be possible. I was pleased to hear from Exeter that in fact I don't require a visa but that I do need to get a Certificate of Sponsorship from Exeter which requires a "letter from an A-rated sponsor" confirming that they will maintain and accommodate me for the time I will be there. This requirement threw the university into a tailspin because – bureaucracy being what it is – they are an A-rated sponsor but cannot issue a letter confirming that they will maintain and accommodate me unless they give me a loan – which they cannot do because I am not staying long enough (ten days) in the UK for them to give me a loan. This is bureaucratic absurdity raised to the level of art!

I am being paid by the university for my trip, my accommodations and a fee, all of which is more than what the UK Border Agency requires me to prove that I have in my account for the three months prior to my arrival, and yet they can't get it together to provide me with the letter.

What I am now required to do, apparently, is arrive in the UK with some sort of documentation of my bank balance and my salaries, etc. and show them on entry to the UK. I can only assume that the complexities of these arrangements are such that the passport control people will have no idea what I am talking about and ask me to turn around and return to Israel.'

despite the additional cost, no 'premium service' appointments were available at that time in London. UKBA suggested he travel to their Liverpool or Scotland offices. The affair was solved by paying another £1400 to a private immigration agent who ensured the application was processed in time.⁴⁸

Indeed, money appears able to solve all kinds of bureaucratic situations. One Royal Holloway academic spent around £3000 in fees to the UKBA and a solicitor, to have his visa application approved. The time consequently lost was time not devoted to a major research project, funded by the British Council. Furthermore, he was unable to attend two international conferences since his papers were being held for processing. He had this to say: 'The British tax payer (including myself) did not get value for money for what they paid me these past ten months as an academic because I was preoccupied trying not to get deported rather than doing my job. Is it too much to ask that the UKBA be able to do its job competently and that one branch of government not implement policies without considering their impact on the goals of other branches of government, not to mention the people themselves?'⁴⁹

The system also appears to lack regard for academics' home situation. Academics taking up posts in the UK frequently come with their family, and relocating a partner and children takes time, but they are required to start working only a short period after having received their permits.

Financial criteria can also be quite demanding, even for high earning individuals, and more so for scholars at the beginning of their career. Academics must show that a total sum of £2800 for the academic, and £1600 for each accompanying dependant, have been held in a personal bank account for three months prior to arrival. For a lecturer with a husband and two children, this means a total of £7600.

Professor Julian Birkinshaw, London Business School's (LBS) deputy dean for programmes, said that his institution was concerned that the rules were causing delays in the recruitment of international academics. 'We're very worried. We're hearing different stories from the Home Office and agencies around the world about how they interpret the rules.'⁵⁰ According to him, 90% of LBS academics are non-British, the vast majority coming from outside the European Union (EU), and represent the most highly educated and sought-after staff. He said most staff visa applications had been resolved only thanks to substantial efforts of the whole school, including the dean.

An arts academic at Goldsmiths, University of London, reported the case of a young US artist travelling for leisure to UK, who had accepted to do some tutorials at Goldsmiths for free. 'When passing border control and answering questions on the purpose of his visit, he mentioned this [the tutorials]. As he then couldn't provide the adequate visa, he was strip searched, locked in a cell overnight and deported the next day. This shows how short-term projects or one-off collaborations are made impossible because of the complexity of the processes and the costs involved. Universities are cosmopolitan institutions; these extreme bureaucratic measures will homogenise them.'⁵¹

48 www.kent.ac.uk/nlsa/content/view/58/255/

49 UCU survey, 7 September 2009: www.ucu.org.uk/media/docs/5/p/ucu_pbguidance_oct09.doc

50 Email to Valérie Hartwich, 10 December 2009

51 Speech at Goldsmiths, 2 December 2009

Dr Matthew Fuller reported the case of an Eastern European academic hired by Goldsmiths, who had experienced difficulties getting his visa since the banking documents available in his country were not recognised by the UKBA. The academic's official, authentic documentation simply did not fit the requirements of the agency, which are based on UK documentation formats. Such inflexibility creates problems for a scheme dealing with individuals from all parts of the world, with diverse bureaucratic cultures. For Dr Fuller, the points-based system runs contrary to the UK government's push for more creativity and exchange in research.

Some universities are experiencing problems putting together international lecture series. Frank Abbott, programme leader of Visual Arts Masters, Nottingham Trent University, says: 'This is already affecting our ability to maintain the teaching of an international curriculum to our international student body. Part of the reputation of UK art education is its awareness of international contexts, through its ability to introduce students to visiting international artists.'⁵³ Sam Ainsley, senior lecturer in fine art at Glasgow School of Art, also reported difficulties: 'We are currently engaged in organising radio interviews with visiting artists, a symposium with visiting artists and a major retrospective exhibition of art from Glasgow involving artists who now live abroad. All of this is put at risk by this astonishingly short sighted and ill conceived piece of unnecessary bureaucracy'.⁵⁴

Time will tell how many individuals facing difficulties will be prepared to pay the costs required to sort out their visa. Academics might prefer to take their knowledge elsewhere, and UK higher education institutions might reduce their hiring of international staff. UK academics worry that international scholars will favour offers from other countries, rather than going through the bureaucratic hassle. Matthew Fuller says that 'much money, time and goodwill will be lost, especially for shorter-scale research projects'.⁵⁵

Indeed, one non-EU scientist said that he had decided now to not visit the UK for conferences: 'After the introduction of the new regulations, I've cancelled one trip to the UK where I was supposed to attend a meeting related to an international, EU-funded project. Since all my scientific work at the time was related to that project, it was rather stupid that I wasn't there. This year I chose not to attend the European Conference on Eye Movements in Southampton, even though I was approached to give a presentation there.'⁵⁶

TURNING PROFESSORS INTO BORDER POLICE

New monitoring requirements

The new points-based system places onerous requirements on universities to monitor international students and staff – and subjects international students to a high level of policing.

All overseas students studying in the UK must have identity cards, which must be presented at specific times, for example, when returning to the UK

52 Email, 17 January 2010

53 Testimony, Visiting Artists

petition: <http://www.manifestoclub.com/visitingartists>

54 Testimony, Visiting Artists

petition: <http://www.manifestoclub.com/visitingartists>

55 Interview with Valérie

Hartwich, 18 November 2009

56 Testimony, Visiting Artists

Petition: <http://www.manifestoclub.com/visitingartists>

57 Testimony, Visiting Artists

Petition: <http://www.manifestoclub.com/visitingartists>

58 Testimony, Visiting Artists

from a trip abroad. In addition, the UKBA must approve the scientific and technological research projects of overseas students in subjects such as medicine, physics, chemistry, computer science and veterinary science. Which raises the question: would Iranian or Korean PhD students would be allowed to conduct research in physics or chemistry, without raising immediate suspicion from the authorities?

Within seven days of arrival, international students must apply to a police station with an 'immigration certification' service, where their bags are searched on arrival, and they are scanned by a machine resembling airport metal detectors. James Hayward, head of Goldsmiths NUS, who accompanied students on one such visit, said that 'the slightest incident during the visit is motive enough for deportation, and the set-up is intimidating. It is bound to make you nervous.'⁵⁷

*Universities' duties to monitor international students*⁵⁸

- Staff must monitor international student attendance. If a student fails to attend 10 'expected interactions' (seminars, lectures, tutor meetings, etc), the professor is obliged to report them to the UKBA. This can lead to deportation in extreme cases.
- When a student does not enroll on the course at the expected time, the reason for this must be given within 10 working days (for example, a missed flight). If this does not occur, the incident must be reported to the UKBA.
- Academics must inform the UKBA if they have any suspicions that a student is breaching the conditions of his or her leave, or engaging in 'suspicious behaviour'.
- Universities must keep records on the whereabouts of international students, for up to two years after the student has finished their studies.

The Home Office has not devised a specific monitoring system, leaving each university, and in some cases each department, to devise its own. Universities' responses range from doing nothing at all, to general sign-up sheets that are collated in a central system (as at Queen Mary, University of London), to implementing an electronic tag system called 'Uni-Nanny' (developed at the University of Glamorgan). Sign-up sheets are generally applied to all students, so as not to violate race equality laws. 'Uni-Nanny' uses personal electronic tags that must be swiped when going to lectures or classes. Matthew Fuller points out that such a system is of dubious value anyway, since an individual could give their tag to someone else to swipe for them.

Some universities have introduced measures for the inspection of attendance registers. The Department of Electronic and Electrical Engineering at Sheffield University reports that: 'We plan to make the [attendance] spreadsheet available electronically to staff so that they can indicate attendance by ticking the appropriate cells. The spreadsheet will be inspected at regular intervals to

⁵⁷ Speech at Goldsmiths, 2 December 2009

⁵⁸ www.ucu.org.uk/media/pdf/k/g/pbs_seminarreport_apr09.pdf

PASSPORT CHECKS ON CAMPUS

Elizabeth Capewell, UK academic: 'I was invited to be an external examiner for a Lancaster PhD submitted by an Edge Hill University student. When I sent in my invoice for the small honorarium after I had completed the work, I received an email from Lancaster HR department to say they could not pay me until I had sent them my passport which they would copy and keep on file I was incensed by this request and I do not believe promises about secure files I will never be able to take on the role of examiner again as I refuse to hand over my passport. I found others do so against their principles because of a sense of loyalty to PhD students. Lancaster did pay me in the end ... after endless emails stating my case and pointing out they were already in contravention of these draconian rules because they were asking for my passport in retrospect.'⁶²

Dr Raimi Gbadamosi, artist: 'I had to take my passport to Nottingham University to give a talk. The university apologised profusely, but still made me bring it. It was to make sure I was not a foreigner.'⁶³

UCU branch, University of Wales at Lampeter: 'The university wishes to check the legal documents of all staff to establish whether they have the right to work in the UK. The employer states "this is in order to comply with equality legislation the University carries out checks on all employees whether or not they are UK citizens".'⁶⁴

identify any worrying trends in attendance'. The university did say, however, that it would seek to 'chase people who are missing designated contact points well before the problem has escalated to a reportable absence.'⁵⁹

A department at Queen Mary's Mile End campus put in place a central electronic registrar of student attendance this year, fed each week by lecturers and seminar leaders, and applied to all students. A tutor of the department said 'it was very much policy driven. Tracking students is a painful process, and staff are annoyed by the additional workload. However, a "if it's a policy, it's got to be done" mentality prevails, leaving little space for a critical approach to the scheme or its justifications.'⁶⁰

Academics are not spared checks either, and administrative personnel are required by the UKBA to run checks on the nationalities of overseas academics. A UCU official commented 'As this is contrary to the Race Relations Act, the data is gathered on all members of the teaching body, only to be disaggregated later on in order to extract the desired information.'⁶¹

Damaging staff-student relationships

It is hard to see how universities can monitor the student body, given the realities of academic life. University is less class-based than school, and attendance is not always compulsory - which makes it difficult to apply the '10 expected interactions' rule. Lecture attendance is mostly optional, especially at postgraduate level, since students are expected to be responsible adults and to choose the courses that they find most useful. Additionally, many students spend time outside of their institution on unsupervised group or individual work - studio work for dance, film or music; fieldwork for research or assignments - or to do work placements.

Many fear that monitoring students will lead to a deterioration of relationships between the student and academic bodies. Mutual trust and respect is essential for a healthy pedagogic relationship between tutors and students. Moreover, tutors may have a pastoral role to play with undergraduates - especially when university is a student's first experience of living away from home, in a new country.

⁵⁹ <http://www.sheffield.ac.uk/ssd/international/pbs-tier4/affect-staff/academic/eee.html>

⁶⁰ Interview with Valérie Hartwich, 17 November 2009

⁶¹ Interview with Valérie Hartwich, 20 November 2009

⁶² Email to Valérie Hartwich, 19 November 2009

⁶³ Testimony, Visiting Artists Petition: <http://www.manifestoclub.com/visitingartists>

⁶⁴ www.ucu.org.uk/index.cfm?articleid=3705

⁶⁵ www.kent.ac.uk/nlsa/content/view/58/255/

⁶⁶ www.manifestoclub.com/visitingartists

⁶⁷ <http://homepages.gold.ac.uk/ucu/>

'How compatible are support and surveillance?', asked an article in the Kent Socio-Legal Newsletter.⁶⁵ The article argued: 'it is inimical to the functions and core values of higher education, and those who teach there, to be spying and reporting on their students. These measures fundamentally betray the trust and destroy the openness, upon which academic processes and the ethics of the university depend.' Veronica Sekules, head of education and research at Sainsbury Centre for Visual Arts, agreed: 'I absolutely deplore the invasive and unnecessary tracking of personal details and the lack of trust implied, not only of the individuals concerned, but of the organisations who might invite them.'⁶⁶

Goldsmiths academics and students argue that the points-based system, and specifically its monitoring requirement, represents an exuberant desire to control that has no place within the walls of the university.⁶⁷ 'How is that coherent with the trust relationship we have to build in order to do our

pedagogic work?', asked Dr Matthew Fuller: 'We shouldn't be informants for the UKBA.' His colleague Dr Natalie Fenton agreed, saying that 'effectively it might lead students to think we spy on them'.

Damaging the reputation of UK academia

Universities UK (UUK) privately says that it is disappointed with the UKBA's failure to heed its and other stakeholders' concerns. Though some of UUK's suggestions have been taken into account, this representative body for higher education was not listened to on some key academic issues - for example, on the number of re-sits allowed for overseas students. The points-based system limits this to two re-sits, but UUK feels that this discriminates against overseas students, and calls for parity with UK students.⁶⁸

The UUK spokesperson also raised concerns about 'the UKBA's lack of customer service mentality, and its impact on the way the [points-based immigration system] was constructed and implemented. The UUK feels neither the Border Agency nor its commercial providers see applicants or HE institutions as clients, and that they are thus not inclined to make procedures easier to understand and follow.'⁶⁹

According to the UUK official, the root of the problem is the radically different cultures that drive higher education and immigration control. While the education sector sees immigration as positive, the UKBA and Home Office tend to see international visitors as a security threat, in terms of terrorist risk or illegal immigration. While universities seek to attract international students, and build relationships of academic collaboration, the UK Border Agency has a police function.

In effect, the Home Office is demanding that universities themselves take on this police function, as part of their role. Many academics are deeply concerned about the impact this will have on students' experience of the UK, and their desire to study or work here in the future.

Legal consequences for higher education institutions who fail to comply with the points-based system could be severe. Indeed, failure to comply with the requirements to monitor international students could lead to the withdrawal or downgrading of universities' licences. This is not mere rhetoric. Border authorities have lately made their powers felt in universities such as the School of Oriental and African Studies (SOAS), where they physically removed a number of the university's cleaners in a raid. Goldsmiths has also had to deal with spot checks from immigration authorities, verifying the status of international students working part-time.

According to Dominic Scott, chief executive of the UK Council for International Student Affairs, 56 UK colleges recently had their licences suspended by UKBA, meaning that they can no longer accept international students. According to Dominic Scott, chief executive of the UK Council for International Student Affairs, this includes 'state-funded further education colleges, and many other household names'. The colleges when suspended were not told of the evidence or allegations against them.⁷⁵

68 Interview with Valérie Hartwich, 8 December 2009

69 Interview with Valérie Hartwich, 8 December 2009

70 Testimony, Visiting Artists petition: <http://www.manifestoclub.com/visitingartists>

71 www.independent.co.uk/news/education/higher/michael-farthing-new-student-visa-rules-risk-creating-fortress-britain-1837050.html

72 Email to Valérie Hartwich, 16 December 2009

73 Interview with Valérie Hartwich, 8 December 2009

74 <http://www.u.tv/News/Overseas-student-visa-rules-could-cost-UK-universities-millions/84c991e4-ba0f-4c5f-bb73-16757fb2f9a2>

75 Interview with Josie Appleton, 26 January 2009

DAMAGING THE UK'S REPUTATION: TESTIMONIES FROM ACADEMICS

Lorna Hutson, professor of English literature, Head of the School of English, University of St Andrews:

'These regulations will be detrimental to visiting academics and artists of high income and from developed countries (the USA) as well as those of low income and from under-developed countries. We risk making the UK more parochial, less of a participant in world-leading international research collaborations by means of these bureaucratic impediments to short-term international visits and conference travel.'⁷⁰

Michael Farthing, vice chancellor, Sussex University:

'Shut the door to this potential, and all the opportunities that the 21st-century global village has to offer will be denied to our students, the education sector and the wider economy. Never mind ivory towers – we are now in danger of creating "Fortress Britain", where bona fide students are excluded by suspicion and bureaucracy.'⁷¹

Professor at a leading business school: 'Given the often-repeated mantra by government of how they value overseas students, and the reported financial advantage to the UK higher education system of overseas students, it is remarkable how dysfunctional and obstructive the UK Borders Agency now is in dealing with legitimate students.'⁷²

UUK spokesperson: 'Despite a need for risk profiling driven by the fights against terrorism and illegal immigration, it appears the UKBA has not made the most of its experience and intelligence information. A country like Pakistan is a disaster area for recruitment this year. It might be a "risk country", but it is also a great pool of overseas students. Many Pakistani students

were delayed, some have to start in January or February and will have to face the additional costs of visa extension without any refunds from the UKBA. This is all bad publicity.’⁷³

Simeon Underwood, head of admissions policy, London School of Economics: ‘The sector’s main worry is the damage this will do to the reputation of UK higher education overseas, especially in the Indian sub-continent, and the knock-on effect this will have on university funding.’⁷⁴

COSTS TO UK ACADEMIA

There has so far been no dramatic drop in international students, partly because of the sharp rise in student numbers overall this year. Dominic Scott says that the relative weakness of the pound made the UK financially attractive to international students this year.⁷⁶ However, when better economic times return, the points-based system is likely to have an impact on the numbers of international students, and therefore on university budgets.

Indeed, one Queen Mary lecturer suggested that the points-based system might induce partnerships between UK and overseas universities, with British universities effectively selling themselves as brands, much like the Louvre Abu Dhabi. 'Don't come to us, we'll come to you' might be the preferred solution in the long term.

If current processing problems continue, nothing can guarantee that the UK's current good academic reputation will be sufficient to convince prospective students that going through these hurdles is really worth it.

As government financial support to higher education continues to decline, universities are forced to rely increasingly on income from international students' fees. There are no indications that the government will compensate for potential losses incurred by its new visa rules, which will be borne by the university or students themselves.

As Baroness Helena Kennedy noted, official PBIS documents include a rating system for higher education institutions, where those with a track record of compliance (and whose migrants obey the regulations) can expect to be on an A list. B listers are those institutions with an unsatisfactory compliance record.⁷⁷ Ratings are published so that applicants can take this into account when making a choice.⁷⁸ In some cases, overseas applicants to A-list institutions were awarded more points,⁷⁹ and so stood a greater chance of gaining a visa.

It is possible that prospective students mistake this rating for an evaluation of academic quality, which could decrease the attractiveness of the institutions concerned, as suggested by an Imperial College physics professor:

'Imperial College has been issued with an "A rated" sponsor license. Under Tier 2 (Skilled Worker) and Tier 5 (Sponsored Researcher) if we do not comply with the UK Border Agency immigration requirements the college's licence could be downgraded or withdrawn, which would threaten our ability to employ migrant workers. We anticipate we will be visited frequently by UK Border Agency compliance officers to ensure we are fully compliant with our responsibilities.'⁸⁰

UUK reported that the points-based system has created several supplementary costs for universities, including: an increased number of phone calls and visits to the UKBA, the need to print out guidance material for staff and prospective students, as well as significant costs to staff time.⁸¹

The physics professor at Imperial College, London, said that the points-based system has put strain on his institution: 'Staff have been trained to deal with

⁷⁶ Interview with Josie Appleton, 26 January 2009

⁷⁷ Speech at Goldsmiths, 2 December 2009

⁷⁸ www.ukba.homeoffice.gov.uk/managingborders/

[managingmigration/apointsbasedsystem/howitworks](http://www.ukba.homeoffice.gov.uk/managingmigration/apointsbasedsystem/howitworks)

⁷⁹ www.homeoffice.gov.uk/documents/command-points-based-migration?view=Binary (page 20)

⁸⁰ Email to Valérie Hartwich, 16 December 2009

⁸¹ Interview with Valérie Hartwich, 8 December 2009

these processes and procedures, which has inevitably taken them away from other duties in the college. Because we are so dependent on the recruitment of the highest quality scientists and engineers, from wherever they may be, we have to expend a huge effort to comply with these regulations. It takes staff time and college money to do so. At the present time when we are under such financial pressure this is a significant burden, especially on our administrative support staff, that is affecting academic staff too.⁸²

Deterred from coming to the UK to study or work in research, many academics and students could take their competence, creativity and dynamism elsewhere. If the points-based visa system continues, the 'Brain drain' that has for decades benefited the Western world may no longer provide the UK with fresh international talent.

ACADEMICS AGAINST THE POINTS-BASED SYSTEM

Challenging the points-based visa system in practice

Protest is growing within academia against these new rules. On 29 May 2009, the University and College Union's (UCU's) congress produced a firm resolution opposing the PBIS. Protest petitions and blogs have been set up at Kent University, UCL and Goldsmiths, with titles such as 'No spying on students' and 'Universities without borders'.⁸³ At Goldsmiths, several departments – including education, politics, and cultural studies - have issued statements saying that they refuse to comply with monitoring requirements. Economics professors at SOAS have also publicly declared their refusal to comply, as have academics at Brighton University. The University of St Andrews Student Association produced a dossier of critical comments about the scheme.⁸⁴

The vagueness of the monitoring requirements could be the cracks through which academic resistance organises. Some academics say that they will take student registers, but only use these for 'academic and pastoral care purposes',⁸⁵ rather than to report back to the UKBA.

At a meeting against the points-based visa system on 2 December 2009 at Goldsmiths, led by the Students' Union and the local University and College Union (UCU), an elected member of UCU declared that his organisation would encourage academics not to implement the PBIS, and that the union would support those who take this course. This same UCU member reported that at his institution, the University of Brighton, 'UCU affiliated academics have urged management to give them guarantees that attendance sheets will not be used within the framework of the PBIS. Until such guarantees can be given staff have stopped monitoring attendance.'⁸⁶

Jennifer Bajorek, member of the academic union at Goldsmiths, has vowed not to comply with any part of the new visa system. Here too, no registers of attendance will be taken until guarantees are given that they will not be used within the framework of the PBIS. She also encourages students to question

⁸² Email to Valérie Hartwich, 16 December 2009

⁸³ www.universitieswithoutborders.blogspot.com/

⁸⁴ www.st-andrews.ac.uk/~ucu/pdf/pbi/pbi_booklet.pdf

⁸⁵ Speech at Goldsmiths, 2 December 2009

⁸⁶ Speech at Goldsmiths, 2 December 2009

their tutors on their position regarding the requirement to monitor attendance. She said, however, that 'many individuals are afraid of a possible penalty for non-compliance, and uncertainty over the effective support of academic unions in general is problematic in that respect'.⁸⁷

The meeting at Goldsmiths, University of London, proposed a series of concrete actions, including drafting a common statement, and the circulation and publication of individual pledges of non-compliance. Since departments within Goldsmiths take different views, some academics argued that it was important to develop a common approach, in order to prevent the authorities from isolating resisting individuals.

External examiners are also proposing their own forms of opposition. External examining is based on the goodwill and dedication of academics, and has worked for decades to support undergraduate and postgraduate assessment. Now many external examiners are expected to provide proof of citizenship, and some examiners have refused to do so, which could cause serious difficulties to the whole academic system. This could be the grain of sand that stalls the mechanism.

Another proposal from academics is to comply excessively with the requirements, flooding higher management and authorities with reports on what and how students are doing, or the whereabouts and activities of international colleagues.

As well as active resistance, there is also a more passive approach of avoiding or ignoring the scheme. Dr Fuller said, 'As far as I know many academics and administrative staff drag their feet to comply with it, hoping that it would go away in the long-run, due to the difficulties to implement it in reality.'⁸⁸

Challenging the points-based visa system in principle

Judging from the difficulties in implementing the scheme, and its essential jarring with university life, one may wonder at the real reasons for its creation. A professor at Queen Mary judged the scheme as merely 'a stupid government spin to keep people thinking their security is being assured.'⁸⁹

A UCU official suggested that the new visa system was the product of government short-termism in the run-up to the 2010 elections. With accusations that Labour is soft on immigration, perhaps officials believe that the PBIS will project a tough image to attract more conservative voters. Other academics suggested that such measures encouraged fear within the public, to make them feel the need for protection. James Hayward, NUS executive member, declared: 'What the PBIS does is to enforce idea that those not born in this country are necessarily a danger.'⁹⁰

Civil liberties barrister Baroness Helena Kennedy suggested that the PBIS was part of a general erosion of civil liberties, under the pretext of the fight against terror.⁹¹ She stressed the importance of academic freedoms in providing spaces for social critique, which require the absence of bureaucratic restraints, as well as a framework of trust between professors and students.

⁸⁷ Speech at Goldsmiths, 2 December 2009

⁸⁸ Interview with Valérie Hartwich, 18 November 2009

⁸⁹ Interview with Valérie Hartwich, 17 November 2009

⁹⁰ Speech at Goldsmiths, 2 December 2009

⁹¹ Speech at Goldsmiths, 2 December 2009

A UCU member from the University of Brighton argued that the points-based visa system expresses the state's desire to control immigration, and also to extend greater control over wider society. He suggested that the PBIS and ID cards are linked, since at their heart one finds the extension of state regulation of individuals.⁹²

CONCLUSION: SCRAP THE POINTS-BASED VISA SYSTEM

Over 10,000 individuals have so far signed the Manifesto Club's petition against the points-based system, offering a cacophony of angry comments in opposition to these new rules. Recent signatories include a professor from the Universidade de Brasilia who warns that 'ignorance is neighbour to cruelty!', representatives from the Karachi and Vancouver international film festivals, and an MA student who calls 'For an intellectually and artistically open UK!'.

It is hard to see what rational purpose the points-based system performs: it appears to do little except for obstructing the valuable work and everyday life of UK academic institutions. The points-based system is the product not of the terrorist threat, but of the regulatory instincts of officialdom.

If there is blame to be allotted in cases such as the 'Detroit bomber', it should be firmly placed on the security services - not on universities, which are set up only to educate and not to spy. The Home Office should focus not on general monitoring of all international visitors, but on strengthening the work of intelligence services. Points-based visa rules penalise not terrorists - who can easily comply with financial and other requirements - but the genuine student from a less-well-off background.

UK universities should be free to welcome international students and academics to study or teach, without having to undergo these suspicious and burdensome checks. International students and academics add greatly to the intellectual and civic life of the UK: they should be seen as a source of vitality, not as a security threat.

⁹² Speech at Goldsmiths,
2 December 2009



Valérie Hartwich

About the author

Valérie Hartwich is a French-German writer and translator based in London, and a researcher for the Manifesto Club's Visiting Artists and Academics campaign. She was brought up in Luxembourg, and studied psychology in London and social theory in Paris. She has worked for an arts magazine in Paris, and for a major sports event in Rio de Janeiro. Considering herself a world citizen, she is deeply concerned with civil liberties and social equality; and at all times keeps a curious eye, an open ear and an enthusiastic mind.

About the Manifesto Club

The Manifesto Club campaigns against the hyperregulation of everyday life. We support free movement across borders, free expression and free association. We challenge booze bans, photo bans, vetting and speech codes - all new ways in which the state regulates everyday life on the streets, in workplaces and in our private lives.

We launched our Visiting Artists and Academics campaign in February 2009, when we heard how the points-based visa system was hampering the work of universities and arts groups. Our petition against the system has over 10,000 signatures, and we documented case studies in reports including 'UK Arts and Culture: Cancelled, by Order of the Home Office' (www.manifestoclub.com/visitingartists).

As a club, we depend financially on contributions from our members. To join this growing network of free thinkers and campaigners, and to help make our campaigns for civic freedoms happen, see: www.manifestoclub.com/join