



Impact of Points Based Immigration

UCU Report

May 2012

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UCU Report

This report was commissioned by the UCU's Equality Committee in the Context of the Union's campaign against the Points-based immigration system and immigration cap. It is part of UCU's commitment to a working and teaching environment free of discriminations, open to all and encouraging mutual understanding and discovery.

This report is the result of research conducted via surveys circulated amongst UCU members in November 2011 and January 2012, focus group discussions held on 16th February 2012, interviews, email exchanges, review of existing material on the subject and Freedom of Information requests.

The system is explained in Appendix A.

Executive Summary

Introduced across British universities on the 31st of March 2009, the Points-Based Immigration System (PBIS) imposed burdensome requirements for non-EEA students and academics coming to the UK, as well as their host institutions. Amongst those are:

- Proving one holds maintenance funds (currently £800 for every month of a one year masters in London, to be increased to £1000; £800 held continuously for 3 months in the prospective staff's bank account);
- Provision of biometric details, for which international migrants must travel to a biometric centre, which might be located in another country. Details are then used to issue a compulsory ID card;
- A licensing system for all educational institutions wishing to accept international migrants, leading to the vetting of educational institutions by the UK Border Agency (UKBA) and Home Office;
- Monitoring duties imposed on all sponsoring institutions, applying to all foreign student and staff and leading to reporting to the UKBA.

Further restrictions were implemented by the Coalition Government via the immigration cap, although those very same politicians promised an easing of state control. The immigration cap in place since March 2011 has the following consequences:

- All educational institutions wishing to bring in international students or staff must hold 'Highly trusted sponsor' status, tightening the vetting power of the UKBA over the educational sector;
- International students on courses shorter than 12 months can no longer bring dependants into the country;

- The scrapping of the Post-Study Work Scheme, no longer automatically allowing non-EEA graduates to work in the country for two years after the end of their studies;
- An average 15% cap of the 'Certificates of Sponsorship' delivered to educational sponsors. This affects universities' ability to choose staff according to their academic and research priorities, forcing them to work within UKBA 'quotas' instead and restricting their academic freedom.

The PBIS and immigration cap are causing serious damage to academia:

The attractiveness of the UK's educational sector is being seriously affected, as the UK is increasingly seen as foreigner unfriendly and protectionist. Drops in applications by non-EEA students have been reported across the board, primarily from South-East Asia. Oxford Vice-chancellor recently declared on a visit to India: *"We have communicated to the Government our concerns that the proposed changes will make it harder for us to attract the best students in the world to Oxford. We have lobbied extensively ourselves, and supported both Universities-UK and the Russell Group making representations to Government over the changes."*¹

"Hostility is the right word. The changes have happened very quickly and they are being experienced as being very punitive." (International PhD student)²

- It is becoming harder for promising young foreign researchers to start a career in British academia, depriving the sector of fresh talent with a global perspective;
- Universities are still ill-prepared to deal with the additional workload imposed by their duties as sponsors, causing serious difficulties to migrants;
- The cap on certificates of sponsorship is pushing educational institutions to discriminate in favour of EEA candidates, modifying recruitment processes;
- International research collaborations are disrupted due to burdensome visa requirements;
- International students and staff increasingly report feeling like second class citizens, and consequently withdrawing from participating in the academic community;
- Monitoring is spreading throughout the academic community, changing a working and teaching environment formerly based on trust and respect;
- International events are being disrupted by the absence of key note speakers, unable to obtain visas or deported at the border.

Overall, there is a consensus that the recent immigration policies are creating more difficulties for a sector already facing severe difficulties linked to budget cuts and the end of the tuition fees' cap.

"The UKBA makes quick decisions that are not very well thought through, in terms of the implications and consequences for the HE sector. There is a lack of consultation, as well as a lack of trust, although HE sponsors are called Highly Trusted Sponsors." (Advisor at UCL's Student Union)

¹ <http://www.thehindu.com/news/national/article3007019.ece>

² Focus group, February 2012

If all indicators are correct, international students and staff alike might prefer alternative destinations to the UK, slowly drying up both a stream of income and a major drive in innovation and research.

However, on 29th February 2012 Damian Green announced the creation of a new and easier route for visiting academics, artists and creative, with less bureaucracy. This indicates the Government might have finally understood it needs to listen to the educational sector, to avert the damage being done to the entire sector. This also shows how dedicated and consistent campaigning can bring about change, if it shows the adverse consequences of the policies. This report hopes to provide additional arguments for further policy changes.

Some background

In implementing the Points-based immigration system and the immigration cap, Labour and the Coalition Government argued tighter immigration policies were necessary to 'protect' British society from the pressures put upon it by 'large numbers' of immigrants at a time of economic recession. The job market, social housing and public healthcare were said to be crumbling under the excessive numbers of foreigners, to the detriment of the British public. In times of austerity, these numbers needed curbing. Unable to restrict EU migration, the only action left was to cut down on non-EU immigration.

Ironically, that public opinion³ is mostly concerned about low skilled jobs, primarily occupied by EEA individuals. International students and academics, overall highly skilled people, are generally welcomed by the British public. Readers should also be reminded that unless they qualify for residency most migrants have almost no access to social welfare, rendering claims that they take away resources from British citizens rather weak.

Whilst many are interested in knowing if the Coalition Government can meet its cap target, this report looks at what effects the combination of PBIS and cap will have on the educational sector, often described as dynamic and crucial to the economy and society of the United Kingdom. Here are some key facts about it:

- Higher Education is currently the **seventh largest employment sector** in the British economy;
- According to McKinsey, **international students' tuition fees could provide £5 billion a year to universities by 2030** if Britain maintains its share of the growing market.⁴
- UUK showed that "**The UK sells more brainpower per capita than anywhere else in the world. In 2008, this amounted to £118 billion in knowledge services – worth 6.3% of GDP (The Work Foundation 2010). The UK accounts for 5% of the world's scientific research and produces 14% of the world's most highly cited papers. At least 6,000 additional jobs are funded in communities around universities and pathway colleges.**"⁵
- In 2007 non-EU nationals were **7.5% of professors, 14.1% of senior researchers/lecturers, 26.3% of lecturers and 40.3% of researchers**, primarily from the USA, China, India, Australia and Canada.⁶
- Across the board **international staff represent an average of 11%⁷**, with currently 14% at UCL, 18.3% at Bangor University and 9.4% at East Anglia. Between June and November 2011 Imperial College hired 127 non-EEA staff⁸.

³ <http://www.spectator.co.uk/coffeehouse/7317438/voters-support-lower-immigration-but-not-the-governments-policies.shtml>

⁴ <http://www.centreforum.org/assets/pubs/pathways-to-success.pdf>

⁵ <http://www.universitiesuk.ac.uk/Publications/Documents/InternationalHigherEducationInFactsAndFiguresSummer2010.pdf>

⁶ <http://www.universitiesuk.ac.uk/Newsroom/Media-Releases/Pages/Non-EUimmigrationCap.aspx>

⁷ FOI requests and www.universitiesuk.ac.uk/Newsroom/Media-Releases/Pages/Non-EUimmigrationCap.aspx

⁸ Email, November 28th 2011

These numbers are relatively low in absolute terms, and so it is unlikely that curbing universities' ability to hire non-EEA staff will have a significant impact on net migration numbers. What is sure however, is that it will dramatically affect the entire sector and its standing in the world.

Paul Nurse, president of the Royal Society and Nobel Prize recipient said about international academics:

*"Science has always been an international endeavour, it's a web of international connections. Really vibrant societies have tended to be those that have opened their borders."*⁹

A focus group participant stressed the importance of *"having staff that is representative of student populations. I got a complaint recently from a student who would have liked to see more non-Western perspectives integrated in the module content."* (Lecturing fellow)¹⁰

Cutting international staff numbers will not significantly affect net migration numbers, but it will deprive the country of specialists and crucial assets to their institutions, in terms of attracting prospective students and maintaining standards of excellence in teaching and research. Having international staff is a fantastic stimulant for the entire academic community. It means a greater diversity of approaches; a greater ability to understand what is taking place in our global world, and wider ties to research and teaching networks worldwide.

*"Their contribution enables the UK to continue to support teaching and research in several key areas where UK nationals are found in declining numbers. Even if they only work here for a brief period they are likely to develop research collaborations with UK academics that will continue for the rest of their careers.(...) A highly qualified and highly skilled higher education workforce underpins a nationally and globally competitive higher education system. Maintaining international connections is a key feature of an academic career"*¹¹

Reacting to the immigration cap Michael Farthing, Vice-Chancellor of the University of Sussex, said the Government was *"missing a trick by not supporting the international ambitions of UK universities. Ensuring that UK universities have the support needed to thrive on the world stage is a key factor in driving growth, and should be at the heart of the government's economic strategy."*¹²

⁹ <http://www.independent.co.uk/news/people/profiles/paul-nurse-we-have-to-stop-mixing-science-and-politics-6261931.html>

¹⁰ Focus group, February 16th 2012

¹¹ www.universitiesuk.ac.uk/Newsroom/Media-Releases/Pages/Non-EUimmigrationCap.aspx

¹² <http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=418248>

Changing HE

Universities have always had very specific characteristics, making them proudly autonomous of the state. They have historically been places where dogmas could be questioned, governments scrutinised and policies evaluated, centres for reflecting on society and proposing new solutions to social issues. But several aspects of those traits within academia are being profoundly transformed by the PBIS and the cap, possibly undermining fundamental aspects of academic culture.

From pastoral care to monitoring

Universities wishing to continue recruiting international staff and students must hold a 'Highly Trusted Sponsor' status, which requires them to monitor 'sponsored' migrants and gives the UK Border Agency the right to review the processes put in place to comply with the system, as well as inspect premises and records at any time. Should the UKBA have any reason to be dissatisfied with how the institution is carrying out its duties as a sponsor, it has the right to suspend or withdraw its sponsorship licence. Suspension does not necessarily affect current international students or the recruitment of new overseas applicants, whilst withdrawals means no more international students can be sponsored or recruited. In the words of Professor McQuillan, Dean of the Faculty of Arts and Sciences at Kingston University:

*"In effect our universities are now acting in conjunction with the UK Border's Agency to manage immigration."*¹³

In fact, it is now in their interest to do so if they want to be able to retain the right to welcome international students and receive their high fees. But let's put things into perspective, in 2011, monitoring by educational sponsors led to an average of 7840 monthly reports relating to international students. Their breakdown is as follows:

- 39% for changes of student's circumstances (address change, etc.)
- 20% for termination of sponsorship by the sponsor for a specific migrant (for any number of reasons, ...)
- 11% for discontinued studies
- 1% for suspected breach of visa conditions
- 18% for failure to enrol in time
- 10% for 10 consecutive missed interactions without permission¹⁴

In 2010, prior to compulsory monitoring, only 24370 reports were sent.

The spike in reports and their nature indicates that staff monitoring international students; do not generally deal with actual offenders or individuals taking advantage of their visas. It also gives an indication of the additional workload they have had to take on.

¹³ <http://www.thelondongraduateschool.co.uk/thoughtpiece/the-borders-of-the-academy-immigration-and-peer-review/>

¹⁴ FOI request, http://www.whatdotheyknow.com/request/education_sector_and_ukba#incoming-237923

"I think also, more generally, for administrative staff there's a massive increase in workload" (Head of Department at Goldsmiths)¹⁵

Reporting a migrant to the UKBA holds very serious responsibility as it can lead to deportation. At Bangor University, unauthorised absences of international staff for more than 10 days are reported by Human Resources.¹⁶ East Anglia University reports international staff failing to turn up for their first day of work, along with any reason for their non-attendance.¹⁷ These responsibilities generate a lot of stress for individuals whose original contracts did not include such tasks.

"At the time I was teaching seminars and I noticed some of the students who were on that blacklist (of students who could be expelled due to failure to register online) were in my group, so I started to feel responsible. There is a sense that you may play a part in someone being kicked out of the university and the country. That's a very stressful experience for staff."(Non-EEA post-doc lecturing fellow)¹⁸

According to UKBA's latest estimates¹⁹ only 2% of international students at universities do not comply with their visa conditions. So is not imposing such duties to the entire education sector an overreaction to publicised cases of abuse, especially since this imposition is in fact a delegation of tasks carried out by state officials? Immigration solicitor Elena Tsirlina notes that *"as a condition of keeping their licence, sponsors must assume joint responsibility for something that is solely in the Secretary of State's province"*²⁰, something that the Immigration Law Practitioners' Association considers to be *"wholly inappropriate in this complex area of law."*²¹

For a student advisor at a Scottish university staff are put in an absurd and difficult position by these duties:

*"Considering how non-efficient the UKBA is at dealing with non-attendance reports due to stretched means and the difficulty to enforce migrants' conditions to leave, it generates the feeling that they expect education providers to do that. For example, if a student fails their course and can't re-enrol onto the following year, it would be up to the university to inform them they have to leave the country."*²²

Things are further complicated by the fact that the UKBA made no suggestions for best monitoring procedures. Each institution was left to devise its own processes, with solutions ranging from fully automated swipe card systems²³, to rather lax processes using existing registering processes for pastoral care.

"The University of Manchester's approach to its Tier 4 sponsorship responsibilities is to embed, as far as possible, the various requirements within existing administrative arrangements and/or academic requirements thereby utilising institutional regulation and policies. Students are actively encouraged to develop constructive academic

¹⁵ Focus group, 16th February 2012

¹⁶ FOI request, http://www.whatdotheyknow.com/request/international_staff_at_bangor_un#incoming-235431

¹⁷ FOI request, http://www.whatdotheyknow.com/request/international_staff_at_the_unive#incoming-235705

¹⁸ ibid

¹⁹ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/pbs-tier-4/overseas-students-report.pdf?view=Binary>

²⁰ « A practical guide to immigration law relating students », Elena Tsirlina, Bloomsbury Professional 2011

²¹ «A practical guide to immigration law relating to students», Elena Tsirlina, Bloomsbury Professional 2011, p39

²² Interview, February 12th 2012

²³ http://www.whatdotheyknow.com/request/international_students_and_staff_2#incoming-244495

relationships with individual teachers, together with a sense of identity with a cohort of learners."²⁴ UCL has adopted a similar approach, although more lax since electronic contact can count for attendance. The aim of their monitoring scheme is first and foremost to ensure engagement with studies and enable reactivity in case of difficulties, and then only compliance with sponsorship duties.²⁵ At Sussex, the university does not discriminate between EEA and non-EEA students, although withdrawals still give rise to a report to the UKBA²⁶. Middlesex university on the other hand withdraws any international student who has been absent for 4 consecutive weeks without justifiable reason from their programme and reports them to the UKBA²⁷.

As with the rest of the Points-based immigration system, changes to the sponsorship system are frequent, which can cause issues or confusion. Teesside University recently experienced such issues, when its sponsorship licence got suspended in agreement with the UKBA as a result *"of a routine audit by UKBA in the Autumn of 2011 which identified some administrative discrepancies or ambiguities (around the centrally-held international student records, in line with the latest UKBA guidelines) which needed clarification."*²⁸ Michael Lavery, Director of Marketing and Student recruitment at Teesside, added that some of the administrative discrepancies relate to records which overlapped changing Tier 4 guidelines. He also emphasised that the 'partnership' that ensued had been overall a very positive one, since it enabled both the UKBA and Teesside University to understand each others' systems and modes of functioning. This shows once more that working together is necessary when implementing profound changes such as the Points-based immigration system, and that implementing swift changes can be dramatic. Thankfully for Teesside and its international students, it did not lose its ability to sponsor them or recruit potential students, but the bad publicity which was generated from a series of inaccurate reportings around the suspension has caused enough damage to its reputation. The case of Teesside also proves that the absence of overarching monitoring system and lack of preparation of university staff has meant that serious concerns have been raised as to their reliability, generating anxiety and stress.

*"The particular structure of this form is quite badly designed. It doesn't give students adequate feedback. So, they're not sure if they've correctly logged in, if the system's recognised that they have registered or not."*²⁹

And

"I spoke to an American student yesterday and he noticed that it's possible to get access to student records via the system. Not directly, but the way the data was stored meant that their security was compromised." (Head of Department at Goldsmiths)³⁰

²⁴ FOI request, http://www.whatdotheyknow.com/request/international_students_at_manche#incoming-237364

²⁵ FOI request, http://www.whatdotheyknow.com/request/international_students_at_ucl#incoming-240259

²⁶ FOI request, http://www.whatdotheyknow.com/request/international_students_at_sussex#incoming-239741

²⁷ FOI request, http://www.whatdotheyknow.com/request/international_students_at_middle#incoming-236652

²⁸ Email, April 2nd 2012

²⁹ Focus group, February 16th 2012

³⁰ Focus group, February 16th 2012

Changing academic recruitment

Traditionally, universities have great freedom in staff recruitment, advertising internally and through their networks. As a result postgraduates have represented one of the main supply sources for academic recruitment, with a reliance on non-EEA postgraduates.³¹ So what happens when the state intervenes to limit candidates by imposing not only a monthly cap on skilled and highly-skilled workers, but also by putting an end to the Post-Study Work Scheme?

A staff at Warwick advised us that the cap *"has made them (the university) limit contracts to 2 years for non-permanent staff"*³²

One of our focus group participants, who recently looked for work, confirmed this. She noticed many academic jobs currently offered pay less than £20000 per year. As a consequence international academics can't apply for these as they would not qualify for tiers 1 or 2. She also reported that most of the jobs advertised were for temporary positions of 2-3 years and without tier 2 sponsorships. This is possibly because universities are being cautious how many certificates of sponsorship they give out:

*"They want to save the sponsorship for the permanent and higher paid positions. And so the scrapping of the PSW will make it difficult for people to get a foothold in the academic job market."*³³

Because of this, young talented international academics, on whom higher education relies, will find entering academia much harder, due to immigration policies. Another participant noted that budget cuts in academia meant less and less institutions are able to offer salaries which meet the UKBA's financial requirements, so that international academics would be conscripted to large institutions and the London area, where budgets are bigger. This in turn could lead to an increasing difference in the quality of teaching and research between well-off and less well-off universities.

Asked how recruitment had been affected by the combination of the cap and PBIS, Warwick University replied that the difficulty *"is the timescale on advertising to meet the RLMT compliance as the UKBA only meets monthly to issue Certificates of Sponsorship and this leaves us with tight timescales and pressing deadlines."*³⁴

At Sheffield Hallam University, the impact of the immigration cap has not yet been felt because HR has issued guidelines recommending EEA applicants should systematically be chosen over non-EEA ones, even if the latter is best qualified:

*"We treat non-EEA applicants (even those who would require a Tier 2 certificate of sponsorship) exactly as we would do EEA applicants. The only difference is that, when we invite them to interview, we make it clear that should there be an appointable EEA applicant we would have to appoint them."*³⁵

³¹ <http://www.universitiesuk.ac.uk/Publications/Pages/Publication-267.aspx>

³² Survey response

³³ Focus group, February 16th 2012

³⁴ FOI request, http://www.whatdotheyknow.com/request/international_students_and_staff_2#incoming-244495

³⁵ FOI request, http://www.whatdotheyknow.com/request/international_students_and_staff#incoming-238425

Similar guidelines are being applied around the country: *"Then following the interview stage, if an EU national is appointable then they have to be appointed even if a non-EU person came above them in the interview panel's order of preference for appointment."* (At a university in Northern England)³⁶

This shows the conflict of interest within universities due to the artificial threshold created by the immigration cap. Wishing to protect their ability to recruit, employ and enrol the top academics, HR departments are taking what was seen by several focus group participants as 'punitive steps' against non-EU applicants.

Threatening the UK's position as a hub for international conferences

By nature academia is an environment built on exchange and crossing borders, to attend conferences and other events is a regular feature of most academics lives. However, visa restrictions and zealous border agents have made this difficult over the last few years.

Professor Martin McQuillan, Dean of the Arts and Humanities Department at Kingston University, said visa processes for visiting academics make it hard to hold international conferences of high standing. He reported that in January 2011, the 'Dark materialism' conference organised at the Natural History Museum lacked its keynote speaker, Reza Negarestani, renowned Iranian Philosopher. The philosopher had his first application turned down and refused to repeat the process, as he felt insulted and was unsure the second application would succeed. McQuillan and Kingston University are now wary of inviting international academics.³⁷

Several focus group participants reported that for visa reasons the academic Achille Mbembe was unable to speak at a conference to which he'd been invited in the Summer. The university had not realised how long it would take to process the visa, leaving it too late. The visiting academic came away with a sense that visiting the UK would simply be too much hassle. In fact many things in academia are done in a rather informal manner, and having to comply with complex and long visa processes does not fit with the way academics had operated until recently in the UK.

"I just finished writing a set of proposals with a group of people, we were preparing two documents with two groups from India, two universities from the States, one from Norway, and in order to avoid UK visa problems, we were advised to move some of the work into the States, as opposed to having it in the UK for Indian participants. So there's a direct administrative effect in that case." (Head of department at Goldsmiths)³⁸

The PBIS was supposed to do away with the discretionary power of border agents and a culture of xenophobia within the UKBA. It would appear that is not so. Derek Scott, Musicology Professor at Leeds University, reported new questions were being asked at Heathrow ²to visiting academics, changing planes within the UK. These changes seemed to arouse the suspicions of UKBA officials. He added that visiting academics of his acquaintance had also been questioned about receiving fees or

³⁶ Survey response

³⁷ Interview November 28th 2011

³⁸ Focus group participant, February 16th 2012

financial help towards their participation, which is allowed by the UKBA and does not qualify them as economic migrants.

*"But it seems UKBA officials still know their own rules insufficiently."*³⁹ (Lecturer at the University of Warwick)

*"The impact of the current immigration regulations is too numerous to detail. Suffice to say, many are more willing to go to the USA and mainland Europe than come here."*⁴⁰

Consequently, conferences are increasingly held abroad as organisers chose not to deal with visa requirements for non-EEA visiting academics. This creates an intellectual vacuum for all those studying and conducting research in the UK, and a discrimination between those able to secure funding to attend events abroad (such as senior academics), and those who are not (students and junior staff). A reader at a London-based university concluded by saying that the increasing relocation of events abroad would lead to a diminishing education and research culture in the UK.

The announcement on 29th February ²⁰¹² by the Government of a new route for visiting academics and artists clearly shows that the damage to the UK was serious enough for them to consider changes to how it operates. (See Appendix A)

Affecting support for international students

International students' perception and experience of the academic world appears to have changed drastically over the last few years. Not only are they subjected to higher tuition fees and ever stricter immigration regulations, they are also being affected by the effects of budget cuts on support services and funding opportunities. This leads to the feeling that support is lacking for them. In the words of an international PhD student:

*"In terms of student perception it's a disaster; students are seeing sources of funding formerly available to them cut. So opportunities, support for them disappears at the same time that these new regulations are imposed, so that they would see it as being penalised for being non-EU."*⁴¹

She noted a lack of awareness of what students like her were going through, as if no one within her institution had grasped the 'seismic shift' impacting international students.

"From a student's point of view it would really help to know that there is this understanding of the problem. It contributes to a sense of isolation, that we're having to deal with it as individuals rather than having some sort of institutional support."

(Non-EEA PhD student)⁴²

For others, there is a notion that even their traditional source of support is ignoring their plight:

³⁹ Email, November 21st 2011

⁴⁰ Survey response

⁴¹ Focus group participant

⁴² *ibid*

"It seems to me that university advisors are a lot more cautious of how they advise international students. I get the sense that they are protecting their institutional interests, rather than meeting student needs. Because I think the university wants to protect its Highly Trusted status, so they're being very conservative in terms of what they are telling students to do. "(Non-EEA PhD student)⁴³

"I think the guidance from the NUS is quite weak, the guidance from student advisors is quite weak, and UCU members also don't know what our position is. I don't think UCU is protecting students. So I think all the unions could be a lot better informed in supporting the students." (Non-EEA postdoctoral lecturing fellow)⁴⁴

In fact, staff are put in a difficult situation. Student advisors at UCL and Goldsmiths had the following to say about how policy changes impact their work:

"UCL advisors have plenty of time to be familiar with all the changes, unlike colleagues at other institutions who have to cumulate their original jobs with immigration advice. This is very difficult because it's a complex area and the changes implemented are done so very quickly after being announced leaving little time for everyone to adjust." (UCL student advisor at the Student Union)⁴⁵

"It should also not be overlooked that staff in various existing roles are finding that more of their time is being taken up with issues surrounding student visas and immigration."⁴⁶(Operations manager for International partnerships and developments at a London university)

Difficult situations for international students have arisen as a result.

"I was going through my mail and found in another box of random mail the passport of an international student, sent generically to the university. It had been sitting there for a very long time judging from the stamp. It's this everyday kind of drudgery paperwork of managing documents that universities aren't able to handle. And students are suffering as a result of that." (Lecturer at Goldsmiths)⁴⁷

Other Goldsmiths students were caught in a double bind due to administrative errors. A Chinese student couldn't renew her visa as her bank statement was missing. It had been sent by registered post by the UKBA but not delivered, since on delivery the staff didn't recognise her name, as in China the first name comes last. She had to go home during her academic year to reapply for a visa. As her second application was refused because of a slight size issue with her identity picture, she was barred from reapplying for another 12 months. In such situations the students lose their rights to access university resources like online material, but are expected to hand in coursework. In other Kafkaesque cases⁴⁸ universities were reported to solely communicate via their university email account, although withdrawal leads to the student being barred from it. This made it near impossible for those students to resolve issues with the university, making them feel even less supported.

⁴³ Focus group, February 16th 2012

⁴⁴ *ibid*

⁴⁵ Interview February 14th 2012

⁴⁶ Email, January 12th 2012

⁴⁷ *ibid*

⁴⁸ Focus group, February 16th 2012

Overall this has led to the perception that international students are seen as “*second class entities, at the same time as being charged two or three times as much as EU students. So, there seems to be a strong sense of being exploited and denigrated at the same time.*” (Head of Department at a London University)⁴⁹

This is hardly the impression the British Higher Education wants to give to those most courted students as competitor countries like Australia and the USA are relaxing the laws applying to international students to recruit larger numbers.

Affecting a tradition of social and political involvement

Universities have a tradition of fostering social and political engagement. But several of our focus group participants reported that the monitoring system made them wary of participating in the social and political life of their university and host country. The vagueness of some of their visa conditions such as the requirement to be of ‘good character’ made them feel discriminated against, as any evidence of activism might be held against them, affecting students and staffs alike.

“As an international student you think twice about going to a protest, I do. The police sometimes take photos of people on demonstrations and marches without their consent, and I will be checked in a police database when my biometrics are done. So in terms of how I participate politically during my postgraduate work it has a dampening effect.” (Non-EEA postgraduate student, Goldsmiths)

“It affects even UCU members. I was on the picket for the recent pensions’ thing, where I talked to an international member of staff. They felt that they would become more precarious if their boss saw them go on strike. So they felt they were held accountable to a different level of behaviour than EU citizens. So they’re certainly not going on demonstrations.” (Goldsmiths lecturer)

Worryingly, they also reported a sense that the unions which should defend them and traditionally take on equality issues have been rather absent on this issue.

“I would like to see much more noise from Universities UK about this, or UCU actually. With all the respect for the work that everyone is doing, it seems like these organisations have been silent about this whole immigration issue.” (Non-EEA postdoctoral lecturing fellow)

⁴⁹ Focus group, February 16th 2012

The difficult recruitment of international academics

"Our department wouldn't exist without international staff. I'm the only English person on a team of 8-9 people. We have to operate globally we have to understand many different kinds of information streams, which we have to synthesise interdisciplinarily, so it just wouldn't work without our international staff. Even in the humanities it's changed essentially, in the sense that it requires international collaboration and expertise." (Head of Department at Goldsmiths University)⁵⁰

Recruiting overseas academics becomes difficult

As we have seen in the previous chapter, the ability of universities to hire freely and who they want has been severely curtailed. Quotas have been imposed leading to extreme caution in how they are attributed, and financial thresholds for obtaining visas have increased, whilst salaries in academia have not due to the budget cuts across the sector.

According to one survey respondent: *"It could affect the quality of staff recruited, particularly teaching posts."*⁵¹ (Non-EEA Lecturer at Warwick University)

Top research institutions such as the LSE have reported worries over the quality of their academic base, which in turn could put off students and damage their world-leading position in the long run: *"LSE competes for talent in a global market,"* says Howard Davies, LSE's Director. *"The market in disciplines such as accounting, economics, finance, management and law is already difficult and the government's plan to restrict immigration would restrict the pool of talent from which we can draw."*⁵² He added that investment by competitor countries into their universities makes them more likely to poach staff at British universities.

Monthly quotas in the certificates of sponsorships given to universities pose an additional problem since most recruitment in academia is cyclical, following academic years, and is hard to fit into a monthly scheme. Most universities will recruit between June and September, in preparation for the commencement of a new year. As a consequence, universities will probably not be able to recruit international staff as easily as they have in the past since posts abroad will continue to follow academic cyclical patterns. This has already generated complications for HR staff needing to find ad hoc solutions in the interim period.

Loosing attractiveness

Sought after for their skills, but excluded from the social welfare system of a country increasingly coming across as foreign unfriendly, international academics feel they are getting an unfair deal. Their intellectual and financial contributions to the UK are great, but there is little in return for them. In the words of a non-EEA Lecturer at the University of Warwick:

⁵⁰ Focus group participant, February 16th 2012

⁵¹ Survey response

⁵² <http://www.guardian.co.uk/education/2010/oct/12/internationalstudents-higher-education>

"I believe it (the current immigration policies) deprives UK universities of the best of the best. While I am well aware of the need to 'protect' borders or at least the political incentive to claim to do so, it is harming the education system in this country and it insults those foreigners like myself who have contributed economically and intellectually to innovation."⁵³ (Non-EEA lecturer at Warwick University)

A former PhD student at Goldsmiths currently on a Highly-Skilled migrant general visa (Tier 1 general) also insisted on the unfair deal she was getting. She highlighted the differential treatment between the tier 1 general visa and Business/Investor Tier 1 visa. The latter have no restrictions on how much time they are allowed to spend outside the UK, whilst Tier 1 General requires migrants to spend no more than 6 months per year abroad for the entire 5 years they are granted temporary residency.

"So what happens, especially to academics, if their research requires them to stay outside the country? They have to go through hoops to prove that it was work-related especially those who are doing work independently. Just 6 months allowed in 5 years is very low- you cannot go and look after your parents, or for an emergency. They have this thing that if you had an emergency, (...) you can actually go beyond that 6 months' limit. And it'll all come down to the caseworker eventually because, as usual, it's not clear cut. This means you are like a bonded labourer who cannot even go outside the UK."⁵⁴

This feeling of being bound is something that has come up time and again in our research and informal conversations. Rather than feel appreciated, these valuable academics feel the costs of accepting the UK's immigration conditions are often too high in relation to their research and personal lives, making them feel this country has little to offer in return for their talent.

For William Cullerne Bown, Chairman and Founder of Research Fortnightly, even though the Government claims to welcome international students and academics, it is increasingly comparing unfavourably globally. The academic world works like the global football market, increased difficulties in accessing global skills and lack of attractiveness lead to relegation to a lower 'league'. Like a vicious circle, this would make British universities even less attractive to 'top players'.

Adrian Sutton, Head of the Condensed Matter Department at Imperial College concurs:

"At all levels, from postgrad to senior professors, we must be able to recruit the best people we can from wherever they may originate, without any hindrance or interference from the state. I believe this is the principal reason why the US dominates the world in science (...).The Government is tying our hands behind our backs through its immigration restrictions, and yet expects us to compete internationally. If this government's immigration policies are as disastrous for science as I fear they will turn out to be then we may as well give up now and emigrate!"⁵⁵

With the cap now in place and the link between temporary residency and permanent residency now tightened, many academics are starting to see the UK as less

⁵³ Survey response

⁵⁴ Focus group, 16th February 2012

⁵⁵ Email, August 7th 2011

attractive. Indeed, not only is entry to the country more difficult, but their prospects of developing a career, a research/teaching cohort and a personal life in the UK are vanishing. The introduction on 15th March of a 'cooling-off period' of 12 months between the expiry of a tier 2 (skilled migrant with a job offer) visa and its renewal will further discourage bright individuals from considering academic careers in this country.

*"When it comes to people wanting to have a career or children, if people want to be part of the community here, that's going to be very difficult because they will know that they are going to have to leave. And there's also the question of research funding and projects, which have a certain duration generally."*⁵⁶ (Lecturing fellow)

Through their careers academics tend to progress within a limited number of institutions, to the advantage of universities whose reputations are built on solid teaching and research teams built over time. This is linked to research projects durations and funding cycles. Therefore, breaking the link to residency will only make the UK less appealing still.

*"The problem with this visa is that as it does not count towards residency, I would have spent 7 years in this country paying taxes and teaching the next generation, contributing to the research that makes UK universities attractive."*⁵⁷ (Non-EEA Lecturer at Warwick University)

Additionally, the general attitude towards foreigners has been noticed abroad, where rule changes and the overall public feeling are not going down well.

*"It's certainly sending the message that it's very difficult to have a career, or to think about coming to study in the UK as part of making a life or a career in the UK. (...) I've noticed that the stuff has been getting into the international press actually. These stories, the statements, both the statements that Theresa May and Damian Green made, the Indian press, the Nigerian press and so on. So I would say it is probably having an effect."*⁵⁸

The controversies around the Prime Minister's visit to India last year shortly after the announcement of the cap highlighted just how strongly our 'partner' countries reacted to British immigration policies⁵⁹.

"And of course, there's the constant vilification in the press, which gives people the perception that they are not wanted. There's a wider xenophobic climate." (Focus group participant)⁶⁰

An international academic who took part in our focus group felt there was a contradiction in the government's policy. She summed up Damian Green's message as saying: *"We want the best and brightest to come here and deliver their best performance, and then leave."* She asked why people whose careers are deeply international would want to come to a country that seems to offer them a temporary worker status, when they can be welcomed elsewhere.

⁵⁶ Focus group participant, February 16th 2012

⁵⁷ Survey response

⁵⁸ Focus group, February 16th 2012

⁵⁹ <http://www.thehindu.com/news/international/article535082.ece>

⁶⁰ Focus group, February 16th 2012

The Exceptional talent route

The disconnect of governmental measures from the realities of academia is apparent in the Exceptional Talent Scheme. Last year, this special route was created, supposedly to facilitate the entry of highly-skilled migrants, amongst them academics. With a quota of 650 visas with strict limited duration, this has not so far proven enticing enough to attract those 'best and brightest'. CaSE (Campaign for Science & Engineering, the UK's leading independent advocate for science and engineering) recently declared that *"The Exceptional Talent route is by no stretch of the imagination a fast-track route. In fact, processing times are long, proving deterrent to many. To this one must also add the prohibitive costs of the application, which are not refunded in case of rejection, so that "it would cost a scientist £2,400 to apply for an Exceptional Talent visa for themselves, a partner, and two children, regardless of whether they were successful or not. With this in mind, it is unsurprising that applications for this route have been so low."*⁶¹

The following example illustrates another reason for its lack of success: Kingston University will soon be appointing for anniversary Chairs and is keen to attract a specific international academic who would require a tier 1 visa. However, the limited duration of the visa has proven a major obstacle to his interest, because academics at his level tend to seek permanent positions which they are able to achieve because of their international stature. Unlike Exceptional Talent academics, Tier 1 business and investors visas have more generous limitations on duration, indicating once more that current immigration policies favour money over talent, forgetting that talent is the soil of growth.

Furthermore, Professor McQuillan from Kingston University ⁶² showed concern over a possible discrimination against Further Education institutions in how visas would be given by the competent bodies responsible for awarding them. He said he feared preferential treatment of some education providers over others given the composition of the institutions designated as Competent Bodies.

Adrian Sutton, professor at Imperial College was asked to be part of the Royal Society's vetting process but declined to do so, as he felt deeply uneasy about the position of the Society in response to the UKBA's restrictions to Tier 1.

*"To agree to become a competent body and vet Tier 1 applications in the sciences gives the policy a cloak of respectability it certainly does not deserve in view of the harm it will do UK science. One of the pernicious aspects about this Government policy is that the sheer existence of a cap of 1000 people under Tier 1 will immediately render the UK a less attractive place for outstanding individuals than our competitors."*⁶³

⁶¹ Items 49 to53 <http://sciencecampaign.org.uk/?p=9027#6>

⁶² interview, November 28th 2011

⁶³ *ibid*

He further questioned the basis on which the Society would develop criteria to turn somebody down, if the prospective employer judges them to be fit for the position.

The following excerpt from the London Graduate School's thought piece supports the concerns of Pr. Sutton and McQuillan:

1. *"Oxford, Cambridge, and the University of London heavily dominate the British Academy, it is not representative of wider UK academia (it is after all a society based on internal nomination). According to the list of Fellows on the website no practising academic from a post-92 'modern' university or a monotechnic is a member of the BA.*
2. *This is the latest scenario in a developing trend in which political decisions are being passed to the academy to manage. As with cuts to arts and humanities postgraduate funding in which the peer-led establishment of regional consortia will determine which institutions will continue to receive funding and which will not, the capping of immigration candidates passes a Government cut onto academics to sort out according to perceptions of 'excellence' and mission group interests."*⁶⁴

⁶⁴ <http://www.thelondongraduateschool.co.uk/thoughtpiece/the-borders-of-the-academy-immigration-and-peer-review/>

International students

The accuracy of the figures used to support the immigration cap having been much debated, as has the choice to include international students in the immigration cap since they are not normally categorised as economic migrants. Professor Acton, vice-chancellor of East Anglia, declared the:

*"UKBA's determination to cut non-EU student recruitment is based on thoroughly unreliable data. The Migration Advisory Committee (MAC), to whom the Home Office has turned for guidance on reducing net immigration, is deeply unflattering about the reliability of those figures. MAC's own estimates suggest that net immigration is half that recorded by the International Passenger Survey, with particularly misleading figure for student outflow. Yet (...) UKBA's analysis and proposals continue to be based firmly on IPS figures."*⁶⁵

In their desire to cut down migration figures the Government is targeting migrants of prime importance to the Higher Education sector.

International students at a selection of British universities:

- Manchester University, 20.6% of all students currently enrolled, mostly from China, India, Malaysia and Nigeria. In 2009/2010 they were 25% of the overall student population⁶⁶
- Bangor University, 12.3% of the student body⁶⁷
- Middlesex University, 18.4% of all students⁶⁸
- Plymouth University, 6.1% of all students⁶⁹
- One fifth of all students at Sussex university⁷⁰
- One sixth of all students at UCL come from outside the EEA⁷¹

Our research⁷² indicates that recruitment of international students for the 2011/2012 academic session has dropped:

- by 15% to 30% for specific departments at a university in the North of England,
- by 15% to 30% for international engineering PhD students at the University of Leeds,
- up to 15%, primarily from the Indian subcontinent, at the management school at Stirling University,
- applications by international students fell by more than the number of enrolments of international students at a university close to London,
- by 45% to 60% at another department of a Northern English university, with possible job cuts if the trend persists. Drops in numbers for the physiotherapy programme at Northumbria University were also reported.

⁶⁵ <http://www.hepi.ac.uk/files/The%20UKBA's%20Proposed%20Restrictions%20on%20Tier%204%20visas%20-%20implications%20for%20University%20recruitment%20of%20overseas%20students.pdf>

⁶⁶ *ibid*

⁶⁷ FOI request http://www.whatdotheyknow.com/request/international_students_at_bangor#incoming-237444

⁶⁸ FOI request http://www.whatdotheyknow.com/request/international_students_at_middle#incoming-236652

⁶⁹ FOI request http://www.whatdotheyknow.com/request/international_students_at_plymou#incoming-237314

⁷⁰ FOI request, http://www.whatdotheyknow.com/request/international_students_at_sussex#incoming-239741

⁷¹ FOI request http://www.whatdotheyknow.com/request/international_students_at_ucl#incoming-240259

⁷² Survey responses

A study carried out amongst Study UK members showed that applications from international students for HE courses dropped by 56% and enrolments by 71%⁷³. UKCISA notes that *"numbers from India (possibly Bangladesh and Pakistan) are significantly down in many institutions."*⁷⁴

An Operations Manager for international partnerships and development of a London university declares:

*"The messages coming from Government have been wholly unhelpful in terms of student recruitment. They have fostered the impression that international students are no longer welcome in the UK."*⁷⁵

This impression is further heightened by the obstacles international students on a course shorter than 12 months now face, if they want to bring dependents into the UK. As part of the migration cap implemented by the Coalition Government, it is now no longer possible for people on Masters degrees to bring their children with them. The NUS has advised us of the case of an American MSc student who had to leave her young daughter behind for the whole duration of her masters, which was only short by 20 days of the required 12 months.

Overall we have found that non-EEA students are deterred because of:

- **the scrapping of the Post-study work visa scheme (PSW)**

Over $\frac{3}{4}$ of international students surveyed by the NUS⁷⁶ said *"the availability of the Tier 1 post-study work option was a very important factor in deciding to study in the UK, and 67 % said that they would not recommend the UK as a study destination"* in its absence.

A migrant on a Tier 1 Post-study work visa, said: *"I cannot deny it, without the PSW I wouldn't be here today"*⁷⁷

A Middlesex PhD psychology student conducted a study on international students' experiences of their time in the UK. Most participants felt current immigration policies will damage the recruitment of future international students, and said they would have thought twice about coming to the UK for their Masters had the PSW not been available when they chose this country⁷⁸.

*"We undertook a cross-faculty recruitment trip during which the PSW was mentioned as a reason by agents, plus when we were doing some customer relationship management in the summer phoning those who hadn't accepted offers, the PSW was mentioned. (...) India has been a market very sensitive to PSW changes and 80% of our students come from there."*⁷⁹

⁷³ <http://www.centreforum.org/assets/pubs/tier-4-tears.pdf>

⁷⁴ http://www.ukcisa.org.uk/files/pdf/about/material_media/tier4_survey2011_final.pdf

⁷⁵ Email, January 12th 2012

⁷⁶ <http://ihe.britishcouncil.org/ihe-exchange/visa-research>

⁷⁷ Focus group participant, February 2012

⁷⁸ Dr Uracha Chatrakul Na Ayudhya (2012), Report on 'Sense of Entitlement' to 'Disenchantment'? A Confrontation of Expectations of International Students and Policy Makers", kindly forwarded by email March 30th 2012

⁷⁹ Survey response

A student advisor at LSE said *"some of the most high-flying students may choose to study in the USA instead of UK with the end of the PSW."*⁸⁰

The following statement from a Malaysian MSc Student at Surrey University evokes the effects of the PSW scrapping:

"I am a student representative of my class of approximately 120 students, and almost 90% of them are non-EU international students. There is no doubt about the huge potential contributions this brings to educational institutions within the UK and the economy as a whole. However, it is sad to say that with every employer presentation that comes to our university to conduct presentations and offering entry opportunities to graduates, it is all too common to hear that the employer will not be considering international non-EU students because of the visa issue."

*The UK has always been a reputable country to be pursuing Higher Education, but with so many other countries offering further international working experience after the completion of a study program, it is only a matter of time before international students decide to pursue their education where the grass is greener. (...)I support the cause to reconsider the closure of the Tier 1 PSW route by the UKBA for the sake of its ability to attract international students, and hopefully retain the 'best and the brightest'."*⁸¹

The removal of the PSW is deterring many non-EEA students who would often have to take bank loans to do so to study here. With the closure of the PSW this investment in their careers is less appealing, since repaying loans becomes very difficult without the possibility of working in the UK for two years.⁸²

The situation at Middlesex University highlights how crucial the PSW is for Indian students, as *"PSW visas meant that money lenders were willing to lend because with UK salaries they knew they would be paid back. Something like 40% to 50% of the students at that department are gone. So they are closing a significant trench of courses."*⁸³ With the USA and Australia putting in place schemes allowing foreign graduates to switch easily into employment, *"increasingly these countries are seen as more attractive alternatives for international students. HE institutions are having to modify their recruitment strategies to account for these shifts."*⁸⁴

- **Complex, changing, unfair and rigid visa applications, and a lack of support from the UKBA/student services, cause reputational damage to the country.**

"That creates a lot of uncertainty, and there is a chance of being turned down on the grounds of minor technicalities." (Non-EEA post-doc lecturing fellow)⁸⁵

"The visa application has become more complicated and much less friendly. Any leeway that may have been given to students in previous years has evaporated and the process has become much more cold and clinical." (An Operations Manager for International partnerships and developments at a London university)⁸⁶

⁸⁰ Email, March 9th 2012

⁸¹ <https://www.facebook.com/IntCampaign/posts/294692630604291>

⁸² http://www.ukcisa.org.uk/files/pdf/about/material_media/tier4_survey2011_final.pdf

⁸³ Focus group participant, February 2012

⁸⁴ Email, January 12th 2012

⁸⁵ Focus group participant, February 2012

⁸⁶ Email, January 11th 2012

For a student advisor at the LSE the main problem lies in obtaining financial documents since the UKBA accept internet statements printed by the student and stamped by the bank, but, some banks categorically refuse to stamp documents.⁸⁷

"Appeals are long and slow, applications costs high, and there is a lack of margin for error, so there is really a need to get it right the first time. This can be difficult, because the lack of clarity around some specific requirements leads to confusion, even for us who have to deal with the regulations all the time." (A student advisor at a Scottish university)⁸⁸

Surveyed by UKCISA about their experiences of the visa application, 50% of respondents said they experienced confusion or difficulty. Clarifications sought from UKBA staff rarely helped, pointing to issues within the organisation.

"The regulations are changing constantly. It's very difficult to get consistent information from student advisors or the UKBA itself. I think in the absence of clear consistent information from the UKBA what happens is that rumours circulate." (International PhD student)⁸⁹

"I had to navigate several websites to find what forms I had to fill out, and even then I had no idea if I had the proper paperwork or information. Then, twice over the summer before I was to start, the UK Government changed the immigration rules! It made the price of my visa go up and meant more paperwork to fill out. Unfortunately, the website did not update with the information and so the new documents I needed were almost impossible to find. The UK's Tier 4 laws are ridiculous and impossible to discover or understand. They are unfair to us international students who want to take advantage of the amazing education system here." (A US undergraduate student at York University)⁹⁰

"I have seen a few UKBA presentations through the British Council and it has been clear that they have been an organisation in crisis for a number of years." (Dr Flett at Stirling Management School, University of Stirling)⁹¹

"I had an in-person appointment on 13th January, and UKBA are still sending me reminders by email that I have an appointment. So their infrastructure is not fit for purpose. That's extremely concerning." (Non-EEA postgraduate student)⁹²

- **an important recruitment link was broken as studying below degree level is less appealing due to English language requirements and working hours' allowances.**

In 2011, 450 colleges had their sponsorship licenses revoked, making it impossible for them to welcome international students⁹³, about 20% of the entire Further Education sector according to Universities UK.

Since international students below degree level represent 40% of first year non-EU domiciled undergraduates⁹⁴, this will be a major concern for future recruitment UK.

⁸⁷ Email, March 9th 2012

⁸⁸ Interview February 12th 2012

⁸⁹ Focus group participant, February 2012

⁹⁰ <https://www.facebook.com/IntCampaign>

⁹¹ Survey response

⁹² Focus group participant, February 16th 2012

⁹³ FOI request December 5th 2011

⁹⁴ <http://ihe.britishcouncil.org/ihe-exchange/visa-research>

The UUK found that upwards of 70% of them will be barred from the UK as a consequence of these changes, leading to an estimated £1billion revenue loss.

“International students who would come to the UK for studies prior to Higher Education appear to be deterred from doing so, especially A-level students. This will be problematic in the long run as it will shrink the pool of in-country international students the UCL can recruit from.” (Staff at UCL’s Student Union)⁹⁵

- **increasing costs linked to the visa process**

Visa costs for applications outside the UK have risen from £149 in 2009 to £255 in 2011, well above inflation, leading to comments about visa fees being a *“money-making operation for the UK Government”*⁹⁶ and comparing unfavourably to the USA or Australia.

And in many cases hidden costs must be added:

“More than £1500, including round trip to Moscow and staying there for one month. I would not stay there otherwise, but it was recommended, as in the visa centre they said that anytime I could be contacted and invited for an interview – that didn’t happen”⁹⁷

“I found it extremely difficult to obtain information from the service provider and also had to pay a per minute charge to ask the questions by telephone. The costs ran to several hundred dollars and I still did not get a clear answer. Very frustrating.”⁹⁸

⁹⁵ Phone interview

⁹⁶ http://www.ukcisa.org.uk/files/pdf/about/material_media/tier4_survey2011_final.pdf

⁹⁷ *ibid*

⁹⁸ *ibid*

Conclusion: The UK losing out because of immigration policies

Overall, the PBIS and immigration cap are seen unfavourably within academia because of the threat they pose to the sector by constricting its autonomy.

"It is unrealistic and a broad brush approach which penalises all non-EU students which ultimately means they go elsewhere –Canada, US, etc. Completely negates the point of HE doing non-EU recruitment and hits universities and colleges that depend on income especially from places like India." (Dr Peter Flett, Stirling management department, University of Stirling)⁹⁹

Considering the importance of international student fees to university budgets, declining numbers could have a very serious impact for the sector, and as a consequence the economy with jobs at universities and the communities around them being cut.

Less international students will also mean less cosmopolitan classrooms, shrinking the diversity at the heart of intellectual endeavours. Complaints of students that courses are Western-centric are therefore unlikely to disappear, and the UK's cosmopolitan image will slowly lose its appeal. Finally, a wide pool of international alumni is of great benefit in developing research and business partnerships and promoting the UK. Non-EEA alumni become ambassadors once back in their home country. Bad memories would have a devastating effect at a time when former colonial allegiances are wearing off.

With increasing obstacles to the recruitment of international academics and decreasingly attractive conditions to their stay in the UK, Higher Education in this country will probably face a severe backlash, as the 'best and brightest' choose more welcoming countries in which to develop their research and impart their knowledge with students and colleagues.

The business world will also suffer from this as there are numerous strong ties between universities and the corporate world, which help to foster the competitiveness of businesses through the exchange of knowledge for funds. To lose top notch academics will undoubtedly affect businesses cutting edge, and with ever lower numbers of Science, Mathematics, Engineering and Technology graduates from the UK and growing numbers from outside the EEA¹⁰⁰, businesses will have a harder time recruiting those sought after individuals without the PSW.

Of course, these immigration policies are not only problematic because of the economic damage they cause. As we have shown they are having a real impact on human relationships within the academic community. By generating a conflict of interest in which universities appear to choose finances over ethics, they are destroying a culture of activism and trust, replacing it with suspicion.

⁹⁹ UCU survey response

¹⁰⁰ http://www.whatdotheyknow.com/request/international_students_and_staff_2#incoming-244495

Appendix A

The Points-Based Immigration System (PBIS) was introduced across universities on 31 March 2009. The scheme was inspired by Australia's skilled workers' scheme, but applies to all migrant categories – students, workers or dependants alike – and is designed to protect the UK from would-be terrorists??, and the economy from 'excessive' pressure on the labour market and social security system. There are three immigration routes relevant to the academic world, two of which involve sponsorship by educational providers (Tier 2 and 4).

The sponsorship system ties migrants and institutions together and imposes monitoring duties on the sponsor who becomes legally responsible for migrants. It also gives the UKBA right to access the sponsor's data and premises at all times. In effect, sponsorship transfers responsibilities traditionally held by immigration agents to staff at educational institutions. Failure to carry out these duties can lead to the suspension or withdrawal of the institution's sponsorship license, meaning it becomes unable to welcome international students.

There are various levels of licence, but since 2011 all educational sponsors must be 'highly trusted sponsors'. In effect, this has meant that the links between the UKBA and educational providers have been tightened, giving the Agency greater access to the facilities, activities and data of those education institutions.

The routes affecting academia are:

- Tier 1 'Exceptional Talent' route (brought in by the Coalition Government in 2011). It grants 1000 visas to promising individuals or world leaders in the fields of human sciences, hard sciences, engineering or the arts. The visas are given following a process involving certification by a Designated Competent body (the Arts Council, Royal Society, British Academy or Royal Academy of Engineering) and approval by the UK Border Agency. The Designated Competent Bodies were chosen by the Home Office for their knowledge of the fields mentioned above, supposed to enable them to guarantee the individuals applying for visas are indeed deserving of the route. If successful, applicants gain the right to remain in the UK for 3 years and 4 months, with a possible 2 years extension.
- Tier 2, 'skilled migrants with job offer' route, which is limited to 20,700 visas for 2011/2012 with monthly quotas in place. Jobs can only be offered to non-EEA individuals if no EEA applicants are able to fill the post, or if the job is on the occupation shortage list. If the monthly quota is reached no more visas will be granted and sponsors must wait for the following month to hire migrants. The route requires applicants to be sponsored by their future employer and earn a minimum of £20,000 per year. Further requirements include having the sum of £800 in one's bank account for 3 consecutive months, or £900 as of June 14th 2012. It gives a right to reside in the UK for up to 3 years, with a possible 3 year renewal. However, as of April 2012 applicants will have to wait 12 months after the expiry of their current visa before renewing, even for stays shorter than 6 years.

- Tier 4, for students. This route requires students to have £5,400 (if studying outside of London) or £7200 (if studying in London, to be increased to £9000 from April 5th 2012) on a bank account for 3 consecutive months, restricts their ability to work during studies, limits the length of time they can study in this country and prevents all those on courses shorter than 12 months from bringing in dependents. As part of the Coalition Government's attempt to curb down immigration, the Post-Study Work scheme which previously enabled international students with a UK degree to stay and work in the UK for up to 2 years will be scrapped as of April 11th 2012. Closure will affect all international students completing their studies after that date. The Post-Study Work Scheme had proven very effective in the recruitment of overseas students as it enabled them to integrate the knowledge acquired during their studies with a practical experience.