Jenkins M.

On the effects and implications of UK Border Agency involvement in higher education.


Copyright:

© 2014 The Author. The Geographical Journal published by John Wiley & Sons Ltd on behalf of Royal Geographical Society (with the Institute of British Geographers).

This is an open access article under the terms of the Creative Commons Attribution License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

DOI link to published article:

http://dx.doi.org/10.1111/geoj.12066

Date deposited: 8th October 2014

This work is licensed under a Creative Commons Attribution 3.0 Unported License

ePrints – Newcastle University ePrints

http://eprint.ncl.ac.uk
Commentary

On the effects and implications of UK Border Agency involvement in higher education

MATT JENKINS
Centre for Urban and Regional Development Studies, Newcastle University, Newcastle upon Tyne
NE1 7RU
E-mail: m.jenkins2@ncl.ac.uk
This paper was accepted for publication in November 2013

This Commentary outlines the requirements that the UK Border Agency (UKBA) makes of universities if they wish to be permitted to teach non-EU students. It argues that these requirements amount to a devolution of responsibility for border control from the UKBA to the university. The classroom is made a border site, and the border-crossing student is subjected to continual monitoring. This has far-reaching consequences for the character, ethos and life of the institution. These consequences are considered in light of research around the everyday spaces of neoliberal border control. It is argued that changes in the university mirror those found outside it and that resistance to such changes at the level of our institutions connect with resistance to border policies more generally.

KEY WORDS: borders, international students, universities

Introduction

Borders are increasingly encroaching beyond their conventional spaces at the boundaries of polities and into the spaces of everyday life (see, for example, Coleman (2007) on the policing of workspaces; Rumford (2008) on civilian networks of surveillance and border enactment; Winders (2007) on shifting patterns of law enforcement). When they do, the character both of the space and of the ‘everyday’ that it permits are radically altered by the identities that the border enforces (Donnan and Wilson 1999).

In this Commentary, it will be argued that the classroom has become such a space, with universities becoming partly responsible for administering the national border. This responsibility arises from the need for ‘migrant’ students to obtain sponsorship by a university if they are to be granted a visa permitting entry to the UK, and a corresponding duty for the university to monitor the fulfilment of visa conditions, as set by the UK Border Agency (UKBA).

Such conditions redefine the identity of ‘student’, taking it out of the university’s control and re-basing it on non-academic criteria. Those tutoring border-crossers can now treat them as ‘students’ only on the basis of their physical presence at pre-determined checkpoints. The implications of this redefinition are far-reaching. As the classroom becomes a border site, university staff become border agents, enforcing approved behaviours on students. The student body becomes divided, as these behaviours apply to only part of it, creating a two-tier student identity.

Structurally, control is ceded from educational to administrative staff, who implement and regulate the monitoring and surveillance systems that the UKBA requires. Such systems further securitise the campus, making the border, and the outsider status of part of the student body, permanently visible.

These changes are fundamental alterations to the structure, ethos and life of our institutions, echoing alterations to other everyday spaces made by previous extensions of border space. As the border moves into our places of work, this Commentary tries to follow it, connecting the university with other spaces which have been similarly colonised and connecting debates about how a university should constitute itself with wider debates about the impacts of shifting borders on civic life.
The reconstruction of the university as a border space

The university is an enclosed space and access to it has always been restricted. Such restrictions have traditionally been determined by the university itself, motivated by the academic and social aims of the institution. Once admitted, all carried the identity ‘student’, until such a point as they failed to meet internal requirements for the maintenance of that status, primarily the failure to produce work which meets the requirements of their programme of study.

This situation changes radically when a university meets the conditions for obtaining ‘Highly Trusted Sponsor’ status under Tier 4 of the Government’s points-based immigration system (UKBA 2013). This piece of regulation argues that universities are beneficiaries of the immigration system and, as such, should ‘help prevent the system being abused’ (UKBA 2013, 31). Accordingly, the right to benefit from immigration is made conditional on the university acting to help control it. For an individual to enter the UK from outside of the EU to study, a university must act as a sponsor, and to act as a sponsor the university must prove itself to be ‘highly trustworthy’. This is achieved by showing itself able to confirm that its border-crossers are meeting the requirements of their visa by continuing to act as ‘students’.

Importantly, these regulations alter the conditions which border-crossers must meet if they are to be considered ‘students’. In place of the university’s requirements for academic work, there must now be regular ‘contacts’ between university and student. How regular is unclear, the guidelines stating, ‘You must tell us if a student does not attend 10 expected consecutive contacts and you have withdrawn sponsorship as a result’ (UKBA 2013, 72), but not offering any timescale over which these must occur.

The examples of what constitutes an ‘expected contact’ are unhelpful here, ranging from presence at ‘a lesson, lecture, tutorial or seminar’ to submitting ‘assessed or unassessed coursework’ (UKBA 2013, 72); activities with very different temporalities and patterns of mobility. The interpretation by the Agency applied to my own institution requires the border-crosser to be physically present at a given time and place on campus on at least a weekly basis (Student Attendance Monitoring Steering Group 2013). It should also be noted that, despite the discretion apparently given to universities as to the withdrawal of sponsorship from border-crossers in breach, this is severely limited: ‘You do not need to tell us if ... you have decided not to withdraw sponsorship even though a student has missed 10 consecutive contacts. This should be very rare and you must keep evidence of your decision as our compliance officers will monitor these exceptions’ (UKBA 2013, 74, emphasis added).

This may appear as no more than an articulation of expectations already made of students, but it represents a radical denial of their autonomy over their studies. The student identity is now contingent on non-academic criteria, that of physical presence at checkpoints. Consequently, the role of the border-crosser in deciding how best to obtain that identity (through attendance at lectures, through self-directed study, and so on) is curtailed; they must now study as the UKBA, acting through the university, demands. Their identity as a student is fully reduced to their identity as a legitimate border-crosser; the behaviours which fulfil the one fulfil the other and no alternative construction of student identity on their part is possible if both identities are to be maintained. However, this is only the case for border-crossers; for those students outside the UKBA’s jurisdiction, life continues as before. Meritocratic equality within the institution is replaced by a two-tier student identity: that of the legitimate border-crosser, who must continually reassert themselves as a student through physical presence, and that of the domestic student, whose identity remains contingent on the quality of their work alone.

These regulations also carry the requirement for the construction and maintenance of monitoring systems capable of providing the UKBA with a record of how far the student identity is being maintained (UKBA 2013, 76). Explicitly, this is not a check on the border-crosser, but on the institution; it must show itself capable of identifying lapsed ‘students’ and honest in their reporting of such lapses. In this, the university takes on a commitment to maintain the UKBA’s definition of ‘student’ through continual surveillance and reporting. As the student identity it enforces now coincides with the identity of legitimate border-crosser, this entails the university becoming a permanent border site where those under its instruction are monitored for the purposes of the state.

While this transformation is justified on the basis that universities benefit from the Tier 4 system, it is worth noting that this benefit is not one that the university can easily do without. Subject to financial restraints arising from a diminution of state funding, limits on charges to domestic students and inevitable limits to commercialisation, universities utilise international students as a way of maintaining financial viability. Universities benefit in the sense that access to migration allows them to exist in their current form. That they cannot easily refuse this regulation of the state, should they be so inclined, masks the nature of their co-option, making their assumption of border-crosser status coincident with the identity of legitimate border-crosser, this entails the university becoming a permanent border site where those under its instruction are monitored for the purposes of the state.

The impact of interpolated borders on identities within the university

The university, then, becomes an extension of the state border agency, allowing that agency to govern border-crossers at a distance (see Miller and Rose 2008).
through the conflation of the identity of ‘legitimate border-crosser’ and ‘student’. The border is interpolated into the classroom where border-crossers must prove that they are fulfilling their visa requirements and the university must monitor this fulfilment for the UKBA. Borders are polysemic (Balibar 2002; Cooper and Perkins 2012), so such an extension of border space leads to changes in identities not only across non-domestic students, but also across the student body more generally, across staff and, ultimately, across the university as an institution.

For the border-crossing student, this represents a temporal expansion of the border (Cooper and Perkins 2012). Being a student now entails a rhythm of physical presence; of being in the correct place at the correct time. Being a legitimate border-crosser is now a matter of being registered performing this presence. It serves to limit border-crossers’ mobility by tying them within a spatial and temporal ambit of the checkpoint; they can go no further than they are able to return from on time. At the moment of the checkpoint, they must be present in a given location, the ‘expected contact’ acting as a curfew which limits their mobility totally, however briefly. This duplicates patterns beyond the classroom, some of which the border-crosser may be subject to, most obviously that of non-nationalised border-crossers needing to register their presence with local police and restrictions on whether and how long they may be out of the country, but also the more extreme limitations of detention and its attendant legal procedures (for a discussion of these, see Mountz et al. 2013). The university takes its place within a system of border spaces, sharing their rhythms and characteristics.

This need to conform to particular behaviours as a mode of legitimation results in the creation of another facet of distinct student identities. While for the domestic student attendance at a particular lecture is an autonomous decision, for the border-crossing student their lack of choice makes the lecture a re-affirmation of their outsider status. For them, the act of education loses its co-operative aspect and instead becomes a one-directional enforcement of a syllabus; they become subjects of a power which their peers retain an ability to negotiate. For these peers, the ability to direct their studies is itself a marker of their student identity, while for the border-crosser the opposite is true and being a ‘student’ entails studying as prescribed.

While this power to which border-crossers are subject originates with the agency that regulates their legitimacy, it flows through university staff. As classrooms become borders, teaching staff become, wittingly or otherwise, agents of that border. There are two obvious ways in which this role will be fulfilled: either through acting to implement new systems of monitoring on behalf of the UKBA; or the systems of registration which already operate, for example those developed for the purposes of pastoral care, will be adapted to serve the UKBA’s purposes. In either case, at the point at which staff record the presence of a student at a designated checkpoint, they become involved in border work, part of the network of civilians acting as devolved, non-uniformed border agents highlighted by Rumford (e.g. Rumford 2008). It is through teaching staff that the border-crosser’s claim to access and identity as a student must be made, with any refusal on their part potentially resulting in the denial of the right to access the co-extensive identity of legitimate border-crosser. In this co-opted role, staff are unpaid, the extension of governance from the state through the university ultimately devolving to them as the already existing embodiment of the institution.

These two different ways of fulfilling the role of border agents are structurally identical: in both cases staff register their students’ locations. Their implications, though, are somewhat different. In the case of the co-opted pastoral system, it appears that nothing has changed. Student presence was recorded before, through formal registers and sign-in sheets, and it continues to be. However, while the form of the action may remain the same, its content does not. Instead of monitoring attendance with a view to care, staff are now monitoring for legitimacy, with the silent implication that without such surveillance their students pose a threat. The monitoring system takes on the character of its authors: it is no longer interested in the students for themselves, but in them as potentially illegitimate, acting in ways considered undesirable. This is a redirection of care, away from the border-crosser (whose circumstances often render them particularly needing of that care) and out beyond the university to the ‘nation’ who has admitted them temporarily and on sufferance. In the case of the new monitoring system, nothing is lost in care but there is still a gain in threat; potentially more so, as the introduction of a bespoke system represents a public statement that the border is now being monitored.

This implication of threat which is inherent in the surveillance of border-crossers forms another aspect of the newly divergent student identities. Where the enactment of the border becomes apparent, that border’s perpetual presence serves to make the border-crosser ‘inexorably foreign’ (Kaplan 2003), dividing the student community along national lines in what amounts to a race-based de-studentification. More than this, the border-crosser becomes a ‘foreign body’ within the wider body of students, the conditions of control and reduced autonomy which domestic students do not share marking them as people who need to be controlled. The system of divergent rights and responsibilities which the border creates brings with it its own implicit justification, further undermining the university as a site of equality based on merit.
The impact of borders on university structures

In addition to the impact on the lives and subjectivities of those within the university, this shift in role entails changes in its administrative and physical structure. New reporting requirements entail new or adapted mechanisms to collect information, new technologies of collation, new roles of data management and response. Ultimately, it entails a transferring of power away from the classroom as a site of interaction and to the administrative office as a site of surveillance. A new requirement is made of course designers, who must now nominate ‘contact points’ within the course at which the role of student, and through it of ‘legitimate border-crosser’, is performed. This contact must be recorded by teaching staff on behalf of administrative staff, who must manage such records on behalf of the UKBA. This entails a further ceding of power within the university from educational to administrative functions, another set of non-educational requirements which must be complied with by teaching staff. The importance of this expanded administrative role was underscored by the recent London Met affair, where the UKBA removed sponsorship privileges on the basis of inadequately maintained systems (UKBA 2012).

The increased power which comes to the administration with its increased importance, access to increased data on students, and the ability to enforce new duties on staff is likely to be further extended. The imposition of systems of monitoring and recording provides an infrastructure through which surveillance may be applied to all students, a move which may be justified as preferable to a singling out of border-crossers for observation. Such an extension would align the attendance and teaching policies of schools with radically different traditions within the institution, and ultimately between institutions. This amounts to the regularisation of student identities within the UK; the distinctive characters of different subjects and institutions collapsing into a regime of physical attendance on campus according to a non-negotiable schedule. As guardian of the monitoring system, the administration gains power by controlling this, owning a database which tells not only which students are ‘legitimate’, but also whose lectures and seminars they attend. As ‘students’ become ‘people who attend’, teaching staff become ‘people who are attended’. Such data carry the potential to become a metric interwoven into assessments of the quality of staff as educators as well as the quality of students.

It is likely, if not inevitable, that the university will seek to achieve such surveillance as cheaply as is possible. This will tend to push it towards the imposition of automated systems, allowing students to record their presence electronically without the need for intervening human data entry. While such an automated system appears structurally similar to manual forms of monitoring, it marks a sharp break from previous practice. The student ceases to be the bearer of their individual identity and ceases to be able to affirm this to staff; now their campus card or some aspect of their biometrics becomes the arbiter of their presence. It is this that stands in for them in the automated system, a failure of that system to register their token equating to a failure of the individual to act as a student. The impersonal automated system is also depersonalising, both in reducing the autonomy of the student and staff member and in demanding that the student as recorded is not a person at all. We can see here a replication of the ‘biometric border’ discussed by Amoore (2006), where disembodied patterns of behaviour recorded in computer systems arbitrate on whether or not a corresponding human being is designated legitimate or a threat.

Such a depersonalising system necessarily creates a problem for legitimacy, however. As it separates the student from their identity it raises the possibility that it is not the border-crosser who is registered, but only the approved token of their identity which may be carried by another student. The circumstances are created whereby staff have to check and confirm that the identity recorded in the database matches that of the student in the room. In this, the new role as border guards becomes visible and extended to all students; no one is trusted to behave honestly, all become threats, initially to the accuracy of the administrative database but through that to the university as a whole as it struggles to meet UKBA requirements. With the extension of the UKBA’s identity to all students comes the extension of the border-crossing identity it corresponds with and all students come to share in the state’s suspicion of their motives and activities.

At the same time, this policy of compliance and any use of automation to achieve this increases the securitisation of the campus. Already a patchwork of areas governed by a variety of access restrictions, under these new practices the classroom is added as a site where students must authorise themselves. This securitisation has two aspects. As discussed above, it creates the border-crosser (and students more widely) as a threat within the student body who must be visibly controlled and restrained. More prosaically, it installs technologies for that restraint, the visible border making this threat everyday and continual.

Thinking about the acceptability of the UKBA’s intervention in higher education

I have argued that a seemingly small requirement of immigration regulation has far-reaching effects on the university. I have sought to connect this with our understanding of border spaces, seeking to bring our research to bear on this alteration to our places of work. We cannot, however, understand these changes solely in terms of neoliberalising borders; there is more we could say, for instance, on this regulation’s
place within wider contexts of neoliberalisation within both university and state (see Sparke 2006; Varsanyi 2008) or the changes in student role being wrought separately by alteration in student funding regimes (see Castree 2011; Education Commission 2012).

In as far as the changes in the university arise from state-level policy, the resistance to these changes is a resistance to those policies. At my own institution, plans to install fingerprint scanners in classrooms as a mechanism of surveillance resulted in the largest ever referendum turnout in the history of the student body, opposing the measures (Beever 2012); revised plans to monitor emails produced a widely signed open letter from postgraduates rebutting the administration’s arguments (Bakola et al. 2013); current plans for uniform student registration across schools have been greeted with concerted objections by staff. Similar objections are being raised at institutions elsewhere (see, for example, Goldsmiths Migration Solidarity 2012).

Such contestations go beyond parochial complaints about institutional politics, reaching more widely to recognise the university as situated within and subject to larger structures of power. Resistance to the classroom as a border is necessarily a resistance to national border policy as constituted, with its resulting redefinition of student identities. In as far as universities have been compelled by lack of funds into accepting the new role as border agents, it is also a resistance to funding regimes as presently constituted. As such, this debate speaks to wider concerns about what a university is and what it is for. However we answer these questions, they are crucial ones for us to ask.

Acknowledgements

The author is funded by the ESRC, grant number ES/J50082/1. My gratitude and thanks to Paul McFadden, the Editor and an anonymous reviewer for their challenging comments on earlier drafts of this piece; and to the authors of Bakola et al. 2013, out of discussion with whom this Commentary came. Their contributions have vastly improved this piece. I claim any remaining errors and oversights as my own.

Notes

1 The terminology used by the Border Agency is contested, the Russell Group of universities arguing that students, who generally do not remain in the UK after their period of study, are not ‘migrants’ but something closer to a guest (Russell Group 2011). In what follows, I will use the (somewhat clumsy) ‘border-crosser’.

2 As was – the UKBA was abolished and its activities re-incorporated into the Home Office in April 2013. However, the UKBA’s programme currently remains unchanged. Indeed, at the time of writing (Summer 2013), the relevant guide-lines still bear the UKBA’s imprimitur. For this reason, this Commentary will refer to the UKBA throughout.

3 We might note that the spectre of ‘abuse’ exists more in fear than in reality. According to UKBA figures, only 2% of the border-crossing students in 2008/09 were in breach of their visa requirements (UK Border Agency 2010, cited in Russell Group 2011).

4 See http://www.hesa.ac.uk/. In 2011/12, non-EU tuition fees amount to over a tenth of income for UK universities, a figure which will vary widely across institutions and schools within them.

References

Amoore L 2006 Biometric borders: governing mobilities in the war on terror Political Geography 25 336–51
Balibar É 2002 Politics of the other scene Verso, London
Beever S M 2012 Students reject biometric scans The Courier 3 December (http://thecourieronline.co.uk/students-reject-biometric-scans/) Accessed 12 June 2013
Castree N 2011 The future of Geography in English universities The Geographical Journal 177 294–9
Coleman M 2007 Immigration geopolitics beyond the Mexico–US border Antipode 39 54–76
Cooper A and Perkins C 2012 Borders and status functions: an institutional approach to the study of borders European Journal of Social Theory 15 55–71
Kaplan A 2003 Homeland insecurities: reflections on language and space Radical History Review 85 82–93
Miller P and Rose N 2008 Governing the present Polity Press, Cambridge
Rumford C 2008 Citizens and borderwork in contemporary Europe Routledge, Abingdon

Sparke M B 2006 A neoliberal nexus: economy, security and the biopolitics of citizenship on the border Political Geography 25 151–80
Student Attendance Monitoring Steering Group 2013 Attendance monitoring options paper version 6. University of Newcastle SAM Steering Group, Newcastle
UKBA (UK Border Agency) 2010 The student immigration system: a consultation HMSO, London
UKBA 2012 London Metropolitan University’s licence to sponsor students is revoked (www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/august/28-LMU-revoked1) Accessed 9 June 2013
UKBA 2013 Tier 4 of the points based system – policy guidance HMSO, London
Winders J 2007 Bringing back the (b)order: post-9/11 politics of immigration, borders, and belonging in the contemporary US south Antipode 39 920–42