

Statement by the University of Kent Branch of UCU, on the ‘hostile environment’ created by the Home Office and its adverse impact on all migrants

The plight of the so-called ‘Windrush’ generation of immigrants to the UK has led to the resignation of a Home Secretary and the rapid introduction of an unprecedented swift ‘regularisation’ process,¹ with an offer of compensation subject to consultation. What has emerged since then is that the UK government’s ‘assume illegal unless proven otherwise’ style of immigration control has affected many more than the ‘Windrush’ migrants, and should be reviewed. Before resigning, the previous Home Secretary Amber Rudd said that *‘the Home Office has become too concerned with policy and strategy and sometimes loses sight of the individual’*.² The new Home Secretary Sajid Javid’s statement on the day of his appointment that the *‘hostile environment’ does not represent British values*³ offers the prospect of some substantive changes. He has also indicated he will be taking a fresh look at UK’s immigration policy (see eg <https://www.bbc.co.uk/news/uk-politics-44346900>).

Our UCU Branch celebrates our University’s multinational staff and its commitment to providing an intellectually exciting and supportive environment to students, teachers and researchers from all over the world including the UK. We call on the new Home Secretary to take a new look at both the style and content of immigration control as it affects students and academic staff, and aim to celebrate, facilitate and welcome overseas staff and students. We urge the Home Office to respect universities’ primary role as academic environments facilitating original research and excellent higher education. We also urge the Home Office to recognise that this cannot be achieved in the true spirit of academic freedom, where universities must operate border control functions.

We therefore call for a lighter touch auditing of university sponsor licence compliance. In particular, it should be accepted by the Home Office that overseas students and employees may fall out of compliance for a number of reasons and should not automatically be treated as in breach of the law and at risk of removal; nor should educational establishments face penalties where this occurs. Universities should also formally and publicly disapprove any extension to, or deepening of, their immigration control functions. In particular, universities should resist any temptation to introduce additional internal control measures whether the aim is to build up good relations with the Home Office sponsor licence representative, or to ensure against future problems with renewal of their licence, etc.

¹ [phone and email helpline](#) for undocumented Commonwealth citizens resident in the UK (Home Office 18/4/18)

² <https://www.civilserviceworld.com/articles/news/windrush-generation-home-office-officials-%E2%80%98lost-sight-people%E2%80%99-immigration-policy>

³ Guardian, Independent, etc 30/4/18

We therefore call on Universities UK to request an early meeting with the Home Secretary to discuss these issues, including the following:

- Removal of foreign students from the immigration cap;
- more flexibility over the 20hrs/40 hrs limits on working;
- Clear announcement that periods spent overseas on research or other activities during a UK visa will not breach continuity of residence;
- Home Office to exercise discretion to overlook and/or allow corrections in small technical errors in Tier 4 visa applications and renewals;
- Longer 'grace period' in which to produce further information without becoming unlawful;
- Home Office to carry out a review of Tier 2/tier 4 in relation to students and academic staff, with a view to (a) simplifying the requirements across the board, and (b) making them more generous and more flexible and easier to operate by all concerned
- Home Office to commit to protecting the right of international staff to take lawful industrial action without any negative consequences for their immigration status
- An end to targets relating to numbers of students who are offered CAS and then refused entry – since this effectively means that offers of places are determined by previous Home Office decisions in respect of other unrelated applicants, and means that universities are drawn into operating a prior, tougher, gatekeeping form of immigration control;

We call on all universities to take the following actions:

1. Issue clear internal instructions that sponsor licence compliance and border control operations must be subordinate to the particular university's aims and objectives, making clear to staff operating the system that internal 'mission creep' must be resisted, and that the university as an institution will stand up to the Home Office in relation to any reporting, etc, not strictly required by law.
2. Undertake to ensure that no stricter internal limits (e.g. on students' working hours, etc) are imposed, than prescribed in the Immigration Rules
3. Undertake a more lenient interpretation of Tier 4 sponsorship and CAS issuing policy.