

Submission by Migrants' Rights Network to ICIBI Call for evidence: An inspection of the immigration system as it relates to the higher education sector

1. Migrants' Rights Network is a campaigning organisation that stands in solidarity with all migrants in their fight for rights and justice. We are seen as a support and solidarity network, which includes migrants, grassroots and migrants' rights organisations.

We work to create a situation where:

- People are free to move because migration is and has always been an integral part of the human experience.
 - Everyone, including all migrants, live in a society which is free from all forms of oppression and discrimination.
 - Nobody's access to safety and rights should be determined by their immigration Status.
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2. We welcome this much needed call for evidence and have submitted this in accordance to our engagement with international students and grassroots groups and their experiences pre, during and post Covid-19.
3. This evidence submission will address the areas of: the impact of the 'hostile environment' and immigration policies on tier 4 international students, and the consequences of Covid-19 on their studies and experience in the higher education sector.

Tier 4 international students & their support needs during the pandemic

4. In June 2020, the Migrants' Rights Network and Unis Resist Border Controls (URBC) surveyed tier 4 international students to get a better perspective on how Covid-19 lockdown measures here and abroad were impacting them, and what support they were able to access.
5. The survey had 124 respondents from 31 universities across the UK with 28 nationalities represented. Of these, 81 international students approached their university for support, advice and hardship funds. Of these 38 received some form of support/ advice and/or hardship fund. There were 12 who were

rejected for hardship funds, and 28 who at the time of the study were awaiting a response.

6. Even though 87 out of 124 students were made aware that support was available. 36 were not informed and one mentioned that the students petitioned their university for assistance, which was then communicated to students
7. Of the respondents, 81 students approached their university for either immigration or welfare advice, support or hardship funds. Of those who asked for support, 78 shared their response from the university:
 - 10 received financial support via the hardship fund
 - 28 were offered advice and support for welfare, housing or immigration issues
 - 12 were rejected for hardship funds (9 were students who were from India)
 - 28 received no response to their query, including 1 who was still waiting to hear from them.
8. One respondent shared their experience: *"...I approached my Uni representatives in order to generate pressure for opening emergency funds in support of international students. The funds that [my university] opened were in direct relationship with students going back to their countries. In my case, I was asking for resources in order to [begin] working from home and the application was rejected. [My university asked] me to apply for [another] fund in which the amount of documentation and information needed was much more, [making it] almost impossible [to receive] funds as fast as I needed..."* Male, South American, 26-35, UCL.
9. MRN was concerned that the higher education sector did not adequately offer or put in place the support structures for tier 4 international students during the pandemic, and that structures that were in place for 'home' students were not also available for tier 4 international students.

Destitution & Hardship Support

10. With tier 4 international students being subject to immigration controls this also means they have 'no recourse to public funds' (NRFP) (*Section 115 Immigration and Asylum Act 1999*). A lack of a safety net has created insurmountable precarity for the tier 4 international students impacted by this rule.

11. From our survey, we asked if any of the respondents believed they were destitute or at risk of becoming destitute, of which 70 (56%) answered they did believe they may become destitute.
12. With the emergence of Covid-19 mutual aid groups and others offering food/hygiene support and welfare advice, at least 33 students were able to access this support. However, 47 had not been able to find an organisation to support them.
13. A tier 4 international student from India at the University of Bedfordshire shared his experience during the pandemic: *"The university only needs money. The response from the university was very painful... The students are getting [a] stressful situation in this pandemic and [the] university is chasing for money."*
14. Despite financially supporting UK higher education, the money that tier 4 international students bring to the UK doesn't necessarily translate into better support structures and adequate resources for them and all other students. This is clearly seen in our study where tier 4 international students have not been given adequate hardship funds by their universities. In a number of other cases, URBC found that when hardship funds were open to tier 4 international students, they were still denied these grants.
15. Additionally, NRPF stipulates that migrants who have temporary immigration status have no access to public funds like housing benefit and universal credit. Without a safety net, many tier 4 international students have been struggling, more acutely during the Covid-19 lockdown to pay for basic necessities like groceries and rent. The precarity that these students are finding themselves in, has contributed and exacerbated mental health problems.
16. The issues highlighted here have been raised in Parliament and Parliamentary debates via Stephen Timms MP, Holly Lynch MP, and Emma Hardy MP, and has been covered significantly in the UK national media and international media especially India associated media to ensure the tier 4 international students voices are heard.

The Hostile Environment in Higher Education

17. In a snapshot survey in November 2021, we observed from 26 respondents, that 12 of these respondents had been contacted by their university in regards to their tier 4 visa and the conditions attached to it, and in 11 out of

the 12 cases, they were contacted by email or letter without an initial request for a meeting.

18. We highlight this as an issue because receiving communication with regards to your visa and immigration status can be alarming, especially where there is no context for receiving the communication.
19. An American national at Northumbria University shared that *"There is little to no active outreach to support you. You need to do all the research yourself. Staff have no idea how visa status effects things, for example I was encouraged by supervisors during the pandemic to pause studies and I had to explain multiple times I couldn't because then I'd have to leave the country (and that I had no health insurance in my home country)."*
20. Tier 4 international students are fearful that they risk falling foul of the higher education immigration conditions, and how the university may respond to this. One student shared *"It was an overall bad experience. I experienced much anxiety about being deported, because my mental health condition was exacerbated while on my course, so I wasn't able to get some assignments done on time. This was a constant anxiety that I wouldn't meet the requirements to stay on the visa..."* American national at Goldsmiths University.
21. Higher education settings rarely, if at all, have anyone qualified to offer immigration advice and case work. Instead, the higher education settings tend to enforce a compliance environment in line with their Home Office license requirements rather than consider the needs of the tier 4 international students that are part of their educational community.
22. One respondent commented on their direct experience with the international relations team: *"...LSE's international visa team was better than King's College's (where I did my first masters). I would ask them questions and they would respond with incorrect information, which then led me down wrong paths. That is unacceptable for visa teams to not know the policies, despite how complicated they are."* American national at LSE University.
23. In one case, a respondent shared that they *"Needed to leave the country to apply for a new visa for my new course, was not informed by anyone from the visa team before hand and was promptly told I had a week to leave the country"* American national at the University of Bradford.

24. Some tier 4 international students who responded to our survey and from more in depth discussions with others, we identified that some students have been too afraid to seek out help when needed for fear that this may impact upon their immigration status.
25. We have also come to identify that some students' unions have not done an adequate job in both providing tier 4 international students information about their legal rights.
26. MRN has now partnered with City of Sanctuary and Open University to develop legal guidance for all universities on how to better advocate for their international students and staff to the Home Office.
27. Alongside a lack of support, many UK universities during the pandemic were enforcing tier 4 international students to pay the remainder of their tuition fees, or face suspension or revocation of their visa. Any suspension of visas makes the immigration status of tier 4 international students vulnerable, because their visa sponsorship is connected with the university. Given the unprecedented situation we have been in as a result of the global pandemic, we found it incredibly difficult to comprehend how a number of UK universities have been weaponising the immigration status of tier 4 students who are unable to pay their tuition fees, much less survive in the UK.
28. We believe that the higher education sector perceives international students only through monetary value with little concern for the 'hostile environment' that they reinforce on behalf of the Home Office leaving tier 4 international students vulnerable to destitution and deportation.

Key asks & recommendations

29. MRN would recommend the ICIBI investigate the higher education sector and its relationship with the 'hostile environment'.
30. We would always recommend the higher education sector to consider the needs and wellbeing of its students regardless of their immigration status, and that would mean they challenge the Home Office compliance measures that enforce the 'hostile environment' policies in their settings.
31. We also recommend that the ICIBI look at how higher education settings fail to engage appropriately with tier 4 international students to minimise the threat and risk of deportation.

32. We would recommend that the higher education sector consult fully with tier 4 international students including face-to-face meetings of their concerns about visa condition compliance at their earliest opportunity to avoid risking the threat of deportation.
33. The provision of sound immigration legal advice is poor and wanting in the higher education setting. We would like the ICIBI to investigate what immigration advice and case work the higher education sector offers, and the quality of this provision.
34. We would recommend that higher education settings partner with local or national immigration providers to ensure that tier 4 international students have access to independent qualified immigration legal advice
35. The higher education sector offers support structures to some students but not all. We would like the ICIBI to uncover if and why this sector discriminates against tier 4 international students.
36. We would recommend higher education settings to make support structures and hardship funds available and easily accessible to ALL students without discrimination of tier 4 international students.
37. Lastly, we would like the ICIBI to consider how the NRPF policies intersect and impact tier 4 international students. We would recommend the higher education sectors better understand the NRPF policies, how they impact tier 4 international students, and how such policies risk forcing individuals into destitution, and seek to actively challenge them.



we stand up for all migrants