



## *No One Is Illegal Trade Union Conference*

*No One Is Illegal* is an organisation opposed to immigration controls. Our Manifesto and our pamphlet for trade unions (*Workers Control not Immigration Controls*) along with other publications can be found on our website at [www.noii.org.uk](http://www.noii.org.uk). On 31 March 2007 we are organising with several trade union bodies a national trade union conference on immigration controls (at Asylum Link, Overbury St, Liverpool 7, from 1pm to 5.30pm). The Union of Colleges and Universities is a national sponsor of the conference. The issues raised in this leaflet will be part of the discussion at that conference. For further information see our website or email [info@noii.org.uk](mailto:info@noii.org.uk).

**NO COLLUSION BETWEEN  
EDUCATION INSTITUTIONS AND  
IMMIGRATION CONTROLS!**

*A briefing paper from No One Is Illegal*

The No One Is Illegal Group  
web: [www.noii.org.uk](http://www.noii.org.uk)  
email: [info@noii.org.uk](mailto:info@noii.org.uk)  
c/- Bolton Socialist Club, 16 Wood Street, Bolton, BL1 1DY.

## ***The withdrawal of free ESOL provision***

Five years ago the government announced that English language provision for those from overseas was so important that it would be provided for free. ESOL (English for speakers of other languages) was the course provided. However the Learning and Skills Council has announced that from the next academic year only the unemployed and people receiving income-based benefits will be eligible for free ESOL teaching. Adult asylum seekers, immigrants coming to join their family and migrant workers awaiting a decision on their application will no longer be eligible for ESOL or indeed subsidised education of any kind.

Lecturers have quite rightly expressed anger at the withdrawal of free ESOL teaching and the discrimination that lies behind this.

UCU (the University and College Union) along with USDAW and UNISON has initiated a campaign against these cuts. It has helped draft an Early Day Motion (number 383) before parliament. *No One Is Illegal* asks all its supporters to try and ensure their MP signs this motion. UCU is producing regular bulletins on the campaign – contact them for further information.

However the link between education and immigration controls goes well beyond the present attack on ESOL.

## ***History of education collusion with immigration controls***

There has been a long history of collusion between the education system and immigration controls. For instance in the 1920s it was revealed that Middlesex County Council and London County Council were excluding alien children from education scholarships. Subsequently the 1944 Education Act excluded from educational grants students not “ordinarily resident” in the UK. Differential fees for overseas students were introduced in 1967 through administrative guidance- and the simple expedient of exempting this racist provision from the race relations legislation. Students already in this country but fighting for the right to stay can be classified as “overseas students” as they may have to wait many years before becoming “ordinarily resident”.

IND officials. For instance there is a contract with Ashridge Business School which, in partnership with Lane4 Consultancy, provides specially designed leadership development programmes for groups of selected IND managers. Other colleges provide other kinds of training to immigration officials. It is indefensible for colleges to be making money out of immigration controls.

### ***Schools and immigration controls***

Though under the Education Acts school education is not yet dependent on immigration status yet under the immigration rules entry is only possible to fee paying schools.

It is regular Home Office practice to detain and deport school-children without immigration status or whose parents are without immigration status. Section 129 of the 2002 Nationality and Immigration Act obliges local authorities to provide information to immigration officers about specific individuals who live in their area and are suspected of having committed immigration offences. There have been cases of immigration officers ringing schools and asking for information about individual children. In fact it is not clear whether Section 129 does apply to schools. However teachers unions should adopt a policy of refusal to disclose such information and refusal to allow immigration officers on school premises.

### ***Colleges (and lecturers) being asked to spy on overseas students***

UCU has protested at the arrest by the police in front of fellow-students of an alleged failed asylum-seeker at City of Bristol College in November 2006. The only way this can be prevented is by immigration police/immigration officers being excluded from college premises.

Anger and incredulity has also been shown towards Department of Education and Skills draft guidance of 2006 that lecturers should spy on any Islamic student believed to be being indoctrinated ("radicalised") into terrorism.

However there has gone virtually unnoticed a far more systematic obligation on lecturers to spy on students solely for the purposes of immigration control. The Home Office in 2006 issued a white paper *A Points Based System – Making Migration Work For Britain*. Under this new scheme, to be introduced by 2008, both workers and students will be evaluated for entry on a points system. And any student given entry will then be subject to constant surveillance – by colleges (the "sponsors") and therefore by college lecturers. The White Paper says:

"Sponsors will be required to inform us if a sponsored migrant fails to turn up for their first day of work, or does not enrol on their course. Similarly they will be expected to report any prolonged absence from work or discontinuation of studies, or if their contract is being terminated, the migrant is leaving their

employment, or is changing educational institution. Sponsors will also need to notify us if their circumstances alter, for example if they are subject to a merger or takeover”.

This collusion with immigration control is in effect an extension of the present practice. Presently colleges (and therefore college lecturers or administrative staff) are expected to verify the attendance record of overseas students through signing the Home Office form FLR(S). A bad college report could result in non extension of a visa and deportation. In addition there already exists a voluntary system where colleges can report to the Home Office overseas students who miss classes and the Home Office has provided a dedicated e-mail address for this purpose ([icc7@ind.homeoffice.qsi.gov.uk](mailto:icc7@ind.homeoffice.qsi.gov.uk)).

Under the Points Based System such reporting will be mandatory. What is worse is that the way this mandatory reporting will operate is being worked out between the Home Office and the Joint Educational Taskforce (JET). Two of the members of JET are Universities UK and the National Union of Students.

It is outrageous that university institutions and the NUS should be actively involved in this collusion.

### ***Colleagues being asked to spy on colleagues***

Colleges are also major employers. The government White Paper makes it clear that like all employers colleges will be expected to report to the Home Office absenteeism or change of job of workers from overseas.

Again it is a development of present practice – namely the system of employer sanctions introduced in the 1996 Asylum and Immigration Act This transformed employers into Home Office spies by criminalising organisations which employed workers without the appropriate immigration status. This has now been strengthened in two ways by the Immigration, Asylum and Nationality Act 2006. Firstly on the spot civil penalties may be imposed on employers. Secondly the responsibility of the employer to check immigration status is not just confined to the date of appointment but throughout the entire period of employment.

All this offends good trade union practice – not least because one group of workers are now expected to check the immigration status of another group of potential or actual workers.

### ***College contracts with the Immigration and Nationality Directorate (IND)***

Some colleges have research contracts with the Research, Development and Statistics Unit of the IND (the immigration wing of the Home Office). For instance the Sussex Centre of Migration Research at the University of Sussex in 2005 produced for the IND a research paper on immigration detention in the UK. The full nature of this collusion and details of all completed and published research can be found on the Home Office website [homeoffice.gov.uk/rds/immigration.html](http://homeoffice.gov.uk/rds/immigration.html). Colleges also provide training to