

**Another Week, Another Scandal:
Immigration Dilemmas and Political Confusion**

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Immigration regulations for international students seem to be changing somewhat unpredictably of late, in major receiving countries. In several English-speaking nations, immigration regulation has become a significant policy issue, and international students are the frequent focus of recent crackdowns. These changes have the potential for altering the landscape of global student flows and might even slow the increases in student numbers of the past two decades. In this context, the expansion of recent years might actually have been a temporary “bubble.”

RECENT SCANDALS

The latest crisis involved London Metropolitan University (LMU), an institution with one of the largest enrollments of international students in the United Kingdom. The UK Border Authority withdrew its “highly trusted sponsor” status from the university, after an audit revealed that a significant number of international students did not have appropriate or adequate documentation to remain in the United Kingdom, adequate English-language skills, or had not

registered for classes. Some of these students may need to return to their home countries. Other international students, legitimately enrolled, are panicked. A large percentage of London Metropolitan University's international students come from India. As explained by the manager of a firm that places students at UK universities (quoted recently in the *Guardian* newspaper): "We divide the market into two categories: the university market for genuine students and the immigration market." The challenge for immigration authorities is how to distinguish the two groups, when both arrive with student visas. Many observers see the LMU case as the tip of the iceberg of questionable admissions and recruiting practices in the United Kingdom.

Scandals have made national headlines in the United States, as well. In August 2012, the head of Herguan University in California was arrested on charges of visa fraud. This follows the similar case of Tri-Valley University, and both serve mainly Indian students with little intention of studying. Both appear to have operated profitably as "visa mills." As neither institution is duly accredited, one has to wonder why these were authorized to issue student visas at all.

But there are different levels of misdeeds, and not all merit an immediate and draconian response. The US State Department caused mayhem last May after determining that 600 instructors, attached to Chinese government-sponsored Confucius Institutes, were inappropriately documented and would have to leave the country immediately and then reapply for visas in order to return. In this case there was no subterfuge, only a seemingly innocent misunderstanding of confusing visa regulations. In the end, no instructors were

deported, but the way the State Department handled the incident came close to causing a major diplomatic tangle with the Chinese government.

POLITICAL PRESSURE AND POLITICAL RESPONSE

It seems that there is a “perfect storm” of concern over the movement of individuals across borders. In North America, Europe, and Australia, the issue of immigration is increasingly present in political discourse. Perhaps reacting to job losses due to the economic recession and a general conservative trend in many countries, immigration has become a political “hot button.” The United Kingdom, for example, has a policy goal to reduce immigration into the country. In many other European countries, immigration is politically sensitive, often used by populists on the extreme right as a central and provocative theme. Many US states have made illegal immigration a political focus.

Australia seems to vacillate between wanting more and wanting less immigration. In a move earlier this year, graduating international students will now be allowed to remain to work for two to four years (up from a previous limit of 18 months) without any restrictions on the type of employment

Malaysia wants more foreign students but recently introduced new restrictions to constrain the flow. The government now requires students to demonstrate that they have been accepted to a higher education institution before entering the country, also that international students study Bahasa Malaysia during their first year and that they buy medical insurance. These new measures are indicative of an international trend toward greater regulation.

More governments are concerned that the flow of international students needs more oversight and controls. In the past, academic institutions have been

given considerable leeway over the admission of international students and the subsequent granting of study visas. Immigration authorities relied on academic institutions to ensure that only qualified, legitimate students are recommended for visas. Recent events indicate that a segment of educational institutions, typically those highly dependent on income from international students, may be taking advantage of their freedom as gatekeepers and not behaving “in the spirit of the law.”

PROTECTION FOR WHOM?

International students are easy targets in this rarified environment. As a transient group they are not well-positioned to become a political force or to create a lobby to speak for them. But importantly, they are less of a threat than other temporary visitors. Unlike tourists who enter countries and are impossible to track afterwards, international students are registered at an educational institution and entered into immigration databases.

International students are also particularly vulnerable to exploitation. They are subject to confusing and changing laws that they can only barely comprehend, evidenced in the debacle with the instructors of the Confucius Institutes. These students and scholars are likely to accept (and often pay for!) advice from others, who may not have the student’s best interest at heart. They are also less likely to know the rights and protection available to them in another country, raising concerns in Australia that the new work privileges will encourage unscrupulous employers to exploit this new class of foreign workers.

Much as governments need to protect visas programs from abuse, so students need to be protected from abusers.

THE NEW ETHOS

The landscape of international higher education has changed in recent years and this contributes to the necessity of screening students more carefully. Some academic institutions rely on international students to balance the budget. At these institutions, international students have become a “cash cow.” Australia is the best example—with government policy for several decades encouraging earning revenue through international endeavors. While the United States has no national policy concerning international ventures, several states—notably, New York and Washington—have determined that income from international students should be an important part of a public institution’s financial strategy. At some institutions, international students now represent the difference between enrollment shortfalls and survival, due to changing demographics in their traditional student market.

It is worth noting that some receiving countries welcome international students without the same degree of “commercialization.” Canada, for example, while it does charge international students higher fees, permits highly skilled graduates from abroad to remain in the country after completing their studies. In the Canadian case, international students promise an influx of talent as well as additional revenue. Germany, Norway, and several other European countries do not charge fees to international students.

Internationalization has presented new opportunities for commercialization in countries where institutions have a long history of autonomy. Institutional leaders who represent a new ethos, more attentive to revenue than to educational integrity or quality, are free to subsume various

dimensions of the academic enterprise—including admissions, student supervision, degree qualifications—to the bottom line.

This new ethos is evident where universities have outsourced overseas, recruiting to agents and recruiters who are paid commissions for delivering applications and enrolling international students. Of course, the introduction of third-party recruiter adds another level of interaction between the university and the student giving immigration authorities additional reason for concern about how students are screened for admission and visas.

ADDRESSING THE PROBLEM

The general reaction from the academic community has been negative to the imposition of additional governmental restrictions concerning overseas students and other aspects of international higher education. Few people acknowledge the seriousness of the problem and express concern that stricter immigration policies will reduce international enrollments and contribute to an “unwelcoming” image overseas.

The problem is that immigration and border enforcement agencies tend to respond, by applying legal and bureaucratic rules that lack nuance. Considering that the majority of the millions of internationally mobile students are qualified for the programs, where they are enrolled, and that they contribute intellectually as well as economically to the institutions that host them, dramatic changes in immigration should be contemplated carefully. When individuals enter a country in violation of immigration regulations, they are (and should be) subjected to sanctions. When institutions ignore rules or admit unqualified

students, they should be subjected to penalties or legal action. In some cases, they are closed down. This is inevitable.

In fact, governments do need to bring some additional discipline to the management of international higher education, particularly where financial interests may determine institutional policy and practice. But this needs to be done in a way that does not penalize everyone.