A gradual tightening [1]

Written by **Lawsmith** [2] | Monday 10 September 2012

Ayn Rand?s Howard Roark succinctly summarises the only real obstacle to individual achievement in a single line: ?the question isn?t who is going to let me; it?s who is going to stop me.?

Fans of Rand (and private sector workers) know that few forces in the world have more stopping power than a government. With its monopoly on violence and its ability to rewrite the rules, government possesses the power to interfere with the private lives of those who live under it even when these persons are willing to abide with the multitude of other laws, regulations and taxes, not all of them fair, to which they are subject. And in the exercise of this power it can be unfair and arbitrary; democracies and tyrannies alike have the power to reduce the efforts of a single person to nothing, to crush him utterly for any reason such a government might choose. Last month brought the news that, as has happened many times in many nations, our government has done exactly that.

By revoking the ?very highly trusted? status of London Metropolitan university without providing for any transitional arrangements, the Home Office gives that institution?s current and future students a mere 60 days to either find an alternative sponsor or to self-deport [3]. These are not very good options.

Those who would see themselves as members of Middle England, whether working or not, will doubtlessly be delighted by the news. In a Daily Express piece calling for further crackdowns on illegal immigration three days ago, the London Met debacle received an Express mention [4]; and though I do not ordinarily recommend the Express to my friends and readers at the Adam Smith Institute, as it is illustrative of Middle English sentiment to foreign migration, I will make an exception on this occasion.

Adorning its article with a photograph of our deadly serious-looking Home Secretary, Theresa May, the Express trumpeted the government?s efforts to ?block sham marriages,? restrict access to credit and mobile phone contracts for over-stayers, deport prisoners, capture abscondees, and track down failed asylum seekers. All of this, the Express tells us, is part of a broader initiative to reduce ?net migration? to ?tens of thousands? ? a stupid, relative concept with no economic basis and, in any case, a move which both industry [5] andacademia [6] have vociferously opposed.

But the relevant point for present purposes is the conflationary link, where the Express betrays that it really views all immigrants to be the same, found at the article?s very end: ?no decision has been taken on whether to strip London Metropolitan University of its right to take foreign students? ? legal immigrants, who jumped through all the hoops, filled in all the forms, paid the fees, and at any rate who should

commence studying at London Metropolitan university in a month. As a consequence of government action, these young people will be made to suffer a serious, life-altering disruption in the course of their lives. Given competition for university places and this very late stage, without rapid government intervention to fix its own mistake, individual remedies will not be readily found.

The structure of the Express? article reveals, and is illustrative of, the struggle for establishment that immigrants in the UK face: whether legal or illegal, well-off or poor, studious and energetic or lazy and dull, immigration is a political question, and immigrants ? current and future ? are the collateral which unpopular governments post to offset the risks from their other political liabilities. As a political football, therefore, all immigrants are equal and equally problematic.

Take my own case, for example. A few years ago, after finishing my undergraduate, I had planned to finish graduate school and continue my leave under the ?Highly Skilled Migrant,? or the ?Super-Immigrant who is rich, pays taxes, and is not entitled to benefits? visa; however, before I could do that, the regime was revoked and replaced. I joined its replacement, the ?Tier 1 ? post-study? visa, and jumped into ?Tier 1 General? class as soon as I could.

Clearly some other people had the same idea as, shortly afterwards, ?Tier 1- post study? was abolished and the income, available funds, and educational thresholds for T1General extensions were increased. When this failed to stem the tide of rich, well-educated, taxpaying people remaining the country, the income and funds criteria for extension were increased yet again, and new applications in T1 General were abolished entirely. What was once a quiet and predictable legal environment under Blair has been in complete disarray and subject to constant chance ever since there was a threatening opposition in parliament; over the course of six years, the immigration rules to which many legal immigrants have been subject have been changed, in a fundamental way, at least six times, possibly more. Each change presents new challenges, and more failed applications as migrants cannot meet the higher thresholds. And this, our government tells us, is an indication of success.

I am not alone. From my immediate circle of friends, I can think of a half-dozen examples of well-educated people on the road to success and high taxation whose lives have been hampered by the veritable orgy of recent legislative activity concerning migration. One investment banker I know decided, after a few years in exile in her home country, to return to Britain; she is now tethered to her current employment due to the abolition of T1 General, whereas if she had come but two years earlier, she would have been able to choose her employment freely. Another banker I know who was similarly tethered quit the country and returned to Texas rather than stay tied to a job she despised; still others are prevented from obtaining jobs for which they are qualified, as the administrative burden to smaller companies of complying with Tier 2 visa sponsorship is, for many, absurdly high.

Bankers, with their relatively high incomes, have it relatively easy ? others are less lucky. Take, for example, the couple who had to fly abroad for a quickie wedding ? planned, but two years early ? in order to get around the fact that Tier 1 had tightened up. Or the self-sufficient lighting designer and AV technician who could not start his own business and legally remain after finishing an Open University course, despite having all the resources and connections to do so. Or the law graduate who, being supported by her parents, not eligible for (or taking) benefits while working as a paralegal, self-deported when she could not afford to jump into Tier 1. The young lawyer who tried to get a mortgage, but was rejected by the bank because the credit risk of a time-limited visa was too high due to the high probability of rule changes or non-renewal. The finance professional who, on account of the fact that her visa allowed her only to work in Scotland, was ordered to leave (which, being a law-abiding American, she promptly did) after being successful enough to find work in London in spite of the recession.

I could go on. What is clear from my view in the trenches is that the government?s obsessive tinkering with the rules is hugely disruptive and damaging to business and individual lives, and it must end.
It pains me greatly to have to hyperlink again to the website of the Express, doubly so as the article concerned features Tory MP Douglas Carswell ? one of my favourites ? arguing in favour of further tightening [7], in this case by ?[insisting] on medical insurance? for all incoming migrants. For certain sorts of immigrants this is a proposal I would support (there are some stories I would like to tell to support this point which, for a number of reasons, I cannot). What is not made clear is whether the enterprising young things ? the university students who are destined to pay taxes and NI and work in banks and law firms, for newspapers and insurance companies, in your productive industries as well as in enterprises of our own ? would have to buy independent insurance, too.

If this were the case, I should object, since including bright and promising migrants in such a proposal would be, in economic terms, a silly thing to do. Tighten the noose if you wish, but this is the 21st century and we are young, we are hungry and we are mobile. If this country tries to stop us, there are plenty of others that won?t.

blog comments powered by Disqus [9]

Source URL: http://www.adamsmith.org/blog/international/a-gradual-tightening-0

Links:
[1] http://www.adamsmith.org/blog/international/a-gradual-tightening-0
[2] http://www.adamsmith.org/authors/lawsmith
[3] http://www.independent.co.uk/news/education/education-news/2000-london-metropolitan-university-students-facing-deportation-after-government-strips-institution-of-its-right-to-admit-foreigners-8095491.html
[4] http://www.express.co.uk/posts/view/342215/New-law-to-stop-illegal-migrants
[5] http://www.ft.com/cms/s/0/f24f78ec-6218-11e1-820b-00144feabdc0.html
[6] http://www.bbc.co.uk/news/uk-18259626
[7] http://www.express.co.uk/posts/view/336174/Ban-migrants-who-can-t-pay-their-way-says-MP
[8] http://disqus.com/?ref_noscript
[9] http://disqus.com