

Immigration Bonds: An Efficient Free Market Solution or a Discriminatory Policy?

Written by Mary Manjikian

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MARY MANJIKIAN, APR 15 2013

Recently in the UK, debate has once again broken out over questions of immigration. In particular, Nick Clegg, the leader of Britain's Liberal Democratic Party and Deputy Prime Minister has proposed a somewhat novel solution to deal with the disruption caused by individuals who come to the UK on tourist and other visas and then stay on illegally. In a speech in the House of Commons, he voiced support for the development of a scheme which would require visa-applicants from states which have a bad track record in terms of their citizens overstaying their visas in the UK (those hailing from so-called 'high risk' areas) to pay an Assurance of Support Bond as a condition for receiving a visa.

This bond system, which has already been in place in Australia since 1994, requires visa applicants or those who sponsor them to put a certain sum of money (less than two thousand dollars per person) in a sort of trust which the government then holds for them (using an online database for monetary transfers known as Centrelink). In Australia, if a citizen wishes, for example, to sponsor a family member's travel to Australia in order to work and live, then he must put money into a trust for a period of between two to ten years. He will receive the money back at the end of that period of time when the sponsee leaves the country, thus fulfilling the 'contract conditions' of the visa. This system thus assures that family members who hold legal citizenship in Australia have an investment in seeing that their family members do not abuse the visa system in Australia through entering the nation legally but then overstaying visas and becoming illegal. In cases where the person desiring a visa does not have relatives already in Australia, the individual himself can also put up the funds. In this way, an immigration bond is like a bail bond, in which the accused must present himself for trial or forfeit the money if he fails to do so. And they appear, in the Australia case, to be terribly effective. Recent statistics indicate that only about one percent of entrants to Australia overstay their visas.

Not surprisingly, there has been a large public outcry in Britain by members of the Labor Party as well as some within the Liberal Democrats regarding the possible implementation of this system in Britain. In particular, former Foreign Minister Keith Vaz has described the proposal as 'unworkable, impractical and discriminatory.' The press in India, as well, has been critical of the proposal, since the countries most likely to be targeted by the requirement are India, Pakistan, Nigeria and Bangladesh. In addition, it has been suggested that UK immigration officials may be implementing these measures as a response to fears about increased immigration from Romania and Bulgaria when these nations shortly achieve full EU membership, including freedom of migration.

For a political scientist, the proposal raises several interesting questions. On the one hand, anytime a government official suggests creating another bureaucratic organization or program, or adding another layer of bureaucracy to an already complex political question like immigration, questions about government efficiency will surely arise. And those analysts who worry about the growth of big data and the politics of government surveillance would be right to express concern about this particular bureaucratic behemoth.

On the other hand, one might argue that the proposal presents a novel sort of free market solution to a problem – immigration policy – which has historically been characterized less by an emphasis on measurable rubrics, goals and data and perhaps more by inchoate, vague fears and rhetoric about purity, danger, borders and others. Here, would-

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be immigrants are no longer being accused of disloyalty or lying about their intentions. Indeed, intentions are no longer part of the equation. Rather, they are informed that “this is the price for entry to the UK for this period of time. If you wish to purchase it, here is a website where you can fill in your bank details.” Indeed, it is easy to see how such a program might be privatized or contracted out to an organization within Britain, and in this way increasingly depoliticized. Using a sort of actuary table which compiles statistics on visa overstaying by categories such as national origin, a rate could be calculated and your ‘visa overstay insurance policy’ could be calculated and sold to you. Thus, a field of policy which has traditionally been implicated in questions of human rights, the movement of people and issues like deportation becomes instead a field where specialists, usually in the field of commerce, collect and administer funds at the border for entry fees in much the same way that train conductors can sell you a ticket on your morning commute.

For political scientists, however, even this seemingly bloodless economic transaction can be viewed in a number of ways. For a critical theorist, the policy raises questions of subjectivity. According to Australia’s law handbook:

Where a person wishes to visit a close relative in Australia but fits a profile of an overstayer (usually any citizen from a Third-World country) it is often better to apply for a “Sponsored Visitor” visa, as this is more likely to be granted given that the Australian relative/sponsor usually has to pay a *bond* to ensure that the visa holder leaves the country.

Here, we can notice in particular the use of the term ‘profiling’. That is, even in this less politicized type of transaction, one can argue that profiling (which assumes that one is guilty until proven innocent, rather than vice-versa) still occurs. That is, the would-be visitor to Australia (and perhaps eventually to the UK) is not considered as an individual, but rather in the words of Foucault, as a ‘case’. He is not a particular individual with particular goals, but rather simply a member of a national group that does not have a strong record of fulfilling the terms of the visa contract. While the new economic arrangement may free the individual from being subject to the perhaps arbitrary and capricious whims of a border control officer, and may shield him from the sorts of prying and abusive questions that may have been part of the consular interview process, it does not actually strengthen his agency as an individual in the face of state power.

In addition, critical theorists like Bigo and Huysmans have long worried about different notions of citizenship, suggesting that even within the new border-free Europe, some individuals are more often offered the privileges of free movement than others. Huysmans suggests that even with current legislation, the underlying assumption is that business people and students from Western Europe will move freely, while others like those from impoverished regions will not. Critical theorists will thus likely be particularly interested in the discourse of the new initiative, paying attention both to what is being said and to what is not being said. Is the timing of this initiative purely coincidental? And how likely it is that additional nations will be added to the ‘high risk list’, so that even if the motive is racist it will not seem so?

For a liberal internationalist, the bond proposal raises questions of equity. While a new requirement for a bond does not legally exclude anyone from applying for a visa, it still erects economic barriers that may be significant for individuals and groups. Indian groups in particular have noted that in order to bring a large family group to the UK for a wedding, an extended family might have to come up with as much as twenty thousand dollars simply for immigration bonds. And it is easy to picture a situation in which a wealthy individual might thus find himself in a “buyer’s market” if most of his countrymen find the economic hardship of the bond too great, and he thus finds himself with shorter waits and shorter queues. At the same time, a liberal internationalist will likely notice the paradox – that creating a market mechanism to regulate immigration may in reality have the effect of limiting and significantly slowing down both immigration and trade. Indeed, here we would want to ask whether eventually the notion of free mobility will be rendered meaningless if one needs to pay a bond to every country that one travels to. Certainly there are some types of business transaction and business travel that may simply become too expensive to be feasible.

Finally, a realist might raise issues of retaliation and even visa wars that might ensue. Some Indian officials have already proposed a sort of ‘tit for tat’ strategy in which the levying of immigration bonds on Indian citizens wishing to visit the UK will lead to the levying of new taxes and requirements on British citizens wishing to visit or do business in India. In addition, it is possible that if Britain implements this new system, then other EU nations will soon be forced

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to follow suit, since no one country wishes to be the 'soft touch' within EU on immigration overstaying and therefore the first choice for those planning to do so.

For IR theorists, the new proposal also raises the interesting question of whether border crossing is a human right or merely an economic transaction. In any case, we would do well to pay close attention to the British case because of its unique ability to establish precedent for other democratic nations historically and its unique case as the cradle of western, democratic liberty.

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