



# Refugees Welcome

## Guidance for Universities on Providing Asylum Seekers and Refugees with Access to Higher Education

Autumn 2016



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This guidance was developed by Universities Scotland with close involvement from the Scottish Refugee Council and heads of admissions from a range of universities.

They identified issues around admissions processes when applicants are unable to provide all of the necessary documentation as a key challenge and provided the following good practice recommendations.

# 1 Introduction

Higher education institutions are well placed to be able to provide wide-ranging support to people who are fleeing violence and persecution. They can and are supporting people and communities in different circumstances: in their home countries, in refugee camps, and when they are settled in the UK.

Our academic staff contribute research and knowledge on issues around international law, immigration, displacement, conflict, health, integration, language, community, construction, design, and many other areas. Institutions have experience delivering services like housing, career advice, counselling, health and welfare services, English language training, and immigration advice. Universities have access to large student and staff bodies willing to dedicate their time, skills and resources to helping people fleeing conflict who are trying to make better lives for themselves.

These are all useful support mechanisms but arguably the most transformational support that higher education institutions can provide is education. The purpose of this guidance is to ensure that there is an understanding across the HE sector of entitlements and that any displaced person living in Scotland that wants to access higher education is not discouraged by the administrative procedures required to gain entry into higher education. We want to reassure those who are displaced that universities have some level of flexibility when working with applicants who might not be able to meet all of the normal requirements because they have had their lives severely disrupted.

At this point in time the number of displaced people enrolled in higher education institutions is relatively low so the administrative and resource load for institutions required to take a flexible approach to processing these types of applications is minimal<sup>1</sup>. This can be minimised further if institutions can share knowledge and experience and know where to get additional support.

<sup>1</sup> There are approximately 50 students in Scotland with refugee status, and between 200 and 300 students with settled status, i.e. Humanitarian Protection, Indefinite Leave to Remain or Discretionary Leave to Remain. This is based on data collected from nine Higher Education Institutions in 2015/16.

## 2 Rights and Entitlements

The 1951 Convention relating to the status of refugees defines who is a refugee and the rights that refugees should enjoy. Rights relating to higher education are set out in Article 22 (2):

The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Key considerations for institutions and students, alongside academic suitability for a course, are fee status and access to financial support. It is important that institutions apply the fees regulations fairly and consistently and that students have clear information about financial support to which they may be entitled.

Fee status and entitlement to statutory support from the Student Awards Agency for Scotland ([SAAS](#)) will depend primarily, on a student's status determined by the Home Office and [place of residence](#) both at under- and postgraduate level. Students who applied for asylum and have had a decision from the Home Office recognising them as refugees or granting Humanitarian Protection or Discretionary Leave to Enter/Remain are normally entitled to the same fee status and student support as other UK students. If they are resident in Scotland on the relevant date, they will be entitled to 'home' fees and, if the course is SAAS funded, they can apply to SAAS for support. Such a student at undergraduate level who is based in England, Wales or NI would be classed as Rest of UK (RUK) for fees purposes and charged the 'middle rate' fee. They would apply for Student Finance England, Wales or Northern Ireland for support.

In sections 5, 6 and 7 we have summarised what the entitlements are for the relevant groups of people that might want to access higher education. It is important to bear in mind that this information can change so we encourage institutions to refer to advice provided by the [UK Council for International Students](#) (UKCISA).

It is also important to recognise that in some circumstances it is possible for a student's fee status to change throughout their studies.

### Hardship funds & other financial support

Students who are entitled to 'home' or 'RUK' fees by virtue of their Refugee Status, Humanitarian Protection or Discretionary Leave will be able to apply for SAAS-funded Discretionary Funds. Those in receipt of SAAS funding will also be entitled to apply for Childcare Funds if appropriate.

Like many other students, prospective refugee students who are currently in receipt of welfare benefits may need advice about the financial support available to them during study and benefit entitlements while studying part-time or full-time.

## 3 Admissions selection

In 2016 Universities Scotland convened a meeting of heads of admissions to discuss access issues for asylum seekers and refugees. A particular focus for those discussions were issues around admissions processes when applicants are unable to provide all of the necessary documentation. The following good practice recommendations are an outcome from those discussions. Applications should be considered based on people's entitlements. When there are issues about documentation, institutions should have clear guidelines to refer to in order to assess what else applicants can provide or what can replace the information required.

Institutions are encouraged to take individual approaches for people who do not have full entitlements to funding for HE and for whom special arrangements may be made by institutions to improve access to education. In these circumstances the guidance encourages members to take this individual approach and reflect this in institutions' policies.

In addition to this document there is other useful guidance on this issue, particularly work done by [SPA](#). We have listed some other useful resources for the sector in this section.

### Systems and processes

Institutions should have policies in place that allow staff to treat each application individually thereby easing the process for working with applicants who are unable to provide verifiable documentation because they have had to flee their homes quickly or because the government or institutions from their home country will not provide them. Whilst the number of people in this situation who are applying to study in Scotland is very low it is important that institutions are able to deal with this situation when it arises. Admissions staff within institutions should be made aware of the policy and the admissions processes should be clearly explained to the applicant.

### Flexibility

Institutions should take a flexible approach when working with applicants who cannot provide documentation. This is not just in relation to standard applications but also in relation to other applicants in similar situations. For example, the way an institution might make an assessment of someone's knowledge of biological science might be very different to the way they would assess someone's knowledge of graphic design. Admissions staff should be confident that they have multiple options for working with students in this situation.



### Be guided by the applicant

Admissions staff should be able to have a conversation with the applicant to understand their particular situation. Staff should be guided by the applicant and their suggestions for how they might be able to demonstrate their knowledge and experience in their discipline.

### Include Recognition of Prior Learning Policies

All higher education institutions in Scotland already have Recognition of Prior Learning (RPL) policies in place. These policies allow institutions to make an assessment of whether an individual's work experience, informal learning, and formal education has given them the necessary skills and knowledge they will need to undertake the course they are applying to. The methods used to make these assessments can also be used to understand the position of an applicant who cannot supply the normal documentation. It is good practice for admissions staff to explain to the applicant how RPL can be applied to their situation. It is reassuring for the applicant to know that institutions are used to making these kinds of assessments.

### Understand the context

It is important for admissions staff to understand the context for refugees and asylum seekers in the UK. It is likely that Scottish higher education frameworks and bureaucracies will be unfamiliar to them. Many may have had bad experiences dealing with bureaucratic institutions and some will have left their countries because they have been persecuted by their own government. So it is important that staff take time to build trust and reassurance.

### Alternative approaches to demonstrating knowledge

If an applicant cannot provide formal documentation to evidence their qualifications and prior learning then there are several options institutions can use to assess their knowledge. As a refugee may not be familiar with the different types of HE assessment, or what may be expected of them, institutions could use alternative approaches that must be accompanied by clear, supportive information and advice to help applicants prepare. These approaches could include:

- Interviews
- Written assessments
- Examinations
- Practical demonstrations
- Submitting a portfolio of work

## 4 Issues to consider in supporting refugees and asylum seekers

### Community cohesion and support for other vulnerable groups

Refugee communities and organisations like the Scottish Refugee Council welcome the positive response from the sector to the current refugee crisis.

Any support mechanisms put in place by universities and colleges targeting refugees and asylum seekers should be designed in line with initiatives that enable the long-term integration of displaced persons ("New Scots"). Consideration should also be given to how these are structured and promoted in the wider context of the sector's support for vulnerable groups particularly in relation to Widening Access agendas.

Wherever possible, support for refugees should be comparable to the support offered for other vulnerable groups. Refugee students share many support needs with other groups. It can assist with the integration of refugees for support to be offered within the context of a wider programme of support for students, rather than offering services specifically labelled for "refugees".

### Impact of financial support on existing entitlements

When considering offering financial support through universities' discretionary funds for example, it is important to consider the impact of this support on a prospective student's existing entitlements. Asylum seekers who are in receipt of living costs and/or accommodation support from the Home Office will normally have their support reduced, or even removed in response to other income they receive. [The University of Strathclyde's Asylum Seeker Scholarship](#) has been designed bearing this consideration in mind.



## Asylum seekers, study, Tier 4 compliance

Prospective students who are awaiting the outcome of their asylum application or subsequent appeal should be advised to discuss their proposed studies with their legal representative. They should clarify any effect their proposed studies may have on their asylum claim and whether there are any other legal considerations that might affect the decision to take up the offer of a place for study.

Contingencies should also be considered for responding to a student who receives an adverse Home Office decision during their studies. This may result in the student requiring extensive legal support, or even withdrawal from study, depending on the stage of the asylum process the student has reached.

It is for each institution to determine its own approach to the issue of Tier 4 compliance, however, the Home Office has issued a guidance statement confirming that there is no legal restriction to prevent asylum seekers from engaging in study.

This statement can be found on the [UKCISA web site](#).

## Access to legal advice

Asylum seekers need access to specialist legal advice about their asylum claim and some refugees and people with Humanitarian Protection or Discretionary Leave may need advice about making further applications to the Home Office for refugee family reunion, for travel documents and for extension to the immigration leave. Most university advice services will not be resourced to provide the highly specialised advice that these students need. The University may be in a position, however, to help a student access appropriate legal representation. Many student support services already have links with specialist solicitors and organisations which may be helpful in this regard.

# 5 Asylum

## Asylum seeker

An asylum seeker is someone who is in the UK, either recently arrived or who has been here for some time, and has applied to the UK Government to be recognised as a refugee and is awaiting a decision on their application or appeal. Asylum seekers are not entitled to tuition fee or living-cost support from the Student Awards Agency for Scotland (SAAS).

There is no legal restriction for asylum seekers to access Higher Education. If asylum seekers meet the academic requirements, they can be offered places to study in Higher Education. They will however need to support themselves.

Asylum seekers may also be charged the higher rate of 'international' fees. Institutions may, however, adopt a policy to charge the lower, 'home' rate of fee provided this is done consistently. Students charged the lower rate of fee under an arrangement such as this would not be included in SFC funding returns and would therefore not attract any additional funding.

If an asylum seeker is granted Refugee Status, Humanitarian Protection or Discretionary Leave to Remain while studying they will normally become entitled to be charged home fees and, depending on their course and previous study, may be able to receive SAAS support. This is discussed more fully below.

## Children of asylum seekers & unaccompanied asylum-seeking children

Children of asylum seekers and unaccompanied asylum-seeking children will qualify for 'home' fees if they have been living in Scotland for three years prior to the relevant date defined in the regulations if they were living in Scotland on that relevant date, if they were under 18 years old when they or their parent applied for asylum (application must have been made prior to 2006), and if they were under 25 years old on the relevant date. The application date restriction means that it is extremely rare for young people now to qualify under this provision. It is worth noting that one of the aspirational objectives of the [New Scots Strategy](#) is for the Scottish Government to review the regulations and update the criteria.



## 6 Statuses granted upon assessing an asylum claim

### Refugee

When someone has been recognised as a refugee by the UK Government under the 1951 Refugee Convention or if they are a spouse, civil partner, or child of someone who has been recognised as a refugee then they are considered a 'home' student for fee purposes if they have remained ordinarily resident in the UK and Islands since their refugee status was granted and are/were [ordinarily resident](#) in Scotland on the relevant date.

If the applicant is not ordinarily resident in Scotland, but is resident elsewhere in the UK on the relevant date then they will be eligible to pay middle rate Rest of UK (RUK) student fees.

If the applicant is recognised as a refugee after the start of the course, they will be entitled to pay 'home' fees from the start of the next academic year and on SAAS funded courses may apply for SAAS support for future years of study.

Refugee Status is awarded for 5 years. People with Refugee Status are eligible to apply for Indefinite Leave to Remain at the end of their initial 5-year grant of leave. Such applications will normally be granted. During the application process and once granted Indefinite Leave to Remain, people keep the same entitlements to education and funding.

### Humanitarian Protection

If a person is found not to be a refugee under the 1951 Refugee Convention but there is a well-founded fear of persecution or real risk of serious harm, they may be granted Humanitarian Protection by the Home Office. People granted Humanitarian Protection status in the UK will be eligible for 'home' student fees provided they have remained ordinarily resident in the UK and Islands since the decision regarding their status (this will almost always be the case since it is difficult for someone with this status to leave the UK to live elsewhere). The same applies to the spouse, civil partner, or child of such a person. They must also be ordinarily resident in UK on the relevant date (for Scottish guidance see [SAAS residency guidance](#); [SAAS funding guidance](#)).

If the applicant is granted Humanitarian Protection to stay in the UK after the start of their course, they will be entitled to pay 'home' fees from the start of the next academic year and on SAAS funded courses may apply for SAAS support for future years of study.

As with Refugee Status, Humanitarian Protection is awarded for 5 years. People with Humanitarian Protection are eligible to apply for Indefinite Leave to Remain at the end of their initial 5-year grant of leave. Such applications will normally be granted. During the application process and once granted Indefinite Leave to Remain, people keep the same entitlements to education and funding.

### Discretionary Leave

If the applicant's asylum claim has been processed and they have not been recognised as a refugee nor been granted Humanitarian Protection, they may be granted Discretionary Leave outside of the Immigration Rules. Unaccompanied asylum-seeking children who are refused asylum are granted Discretionary Leave until they are 18 years of age. Individuals granted Discretionary Leave to Remain in the UK will be eligible for 'home' student fees provided they have remained ordinarily resident in the UK and Islands since the decision regarding their Refugee Status was granted (this is almost always the case since it is difficult for someone with this status to leave the UK and take up residence elsewhere). The same applies to the spouse, civil partner, or child of such a person. They must also be ordinarily resident in the UK on the relevant date.

If the applicant is not [ordinarily resident](#) in Scotland on the relevant date then they will be eligible to pay middle rate Rest of UK (RUK) student fees.

If the applicant is granted Discretionary Leave to stay in the UK after the start of their course, they will be entitled to pay 'home' fees from the start of the next academic year and on SAAS funded courses may apply for SAAS support for future years of study.

Discretionary Leave to Remain is awarded for a maximum of 2.5 years. Further Leave to Remain should be applied for within 28 days of the leave expiring. During the application process, people keep the same entitlement to education and funding.

### Indefinite Leave to Remain

Applicants who applied for asylum and obtained Refugee Status, Humanitarian Protection or Discretionary Leave to Remain may apply for and be granted Indefinite Leave to Remain before their initial status expires.

They will continue to be entitled to 'home' fees and, where relevant, SAAS support, provided they are ordinarily resident in Scotland on the relevant date and have remained ordinarily resident in the UK and Islands. If these applicants have not remained ordinarily resident throughout the period following their Home Office decision (for example because they have worked temporarily abroad or elsewhere in the UK), they may still qualify as a person with a relevant connection to Scotland (see [UKCISA guidance](#)).

Note applicants may apply for UK citizenship one year after receiving Indefinite Leave to Remain.

### Spouses and Children

The Fees and Students Support Regulations as set out by SAAS make provisions for the children and spouses of people with Refugee Status, Humanitarian Protection, or Discretionary Leave who were dependents on the asylum seeker's claim or who joined the applicant through refugee family reunion. It is not necessary for the spouse or child in question to have Refugee Status, Humanitarian Protection or Discretionary Leave themselves. For further information consult the [UKCISA guidance](#).

## 7 Resettlement & Humanitarian Admission

Resettlement is the transfer of refugees from the country in which they have sought asylum to another country that has agreed to admit them as refugees and to grant them permanent settlement and the opportunity for eventual citizenship. The UK Government has introduced the following humanitarian admission and relocation schemes.

### Gateway Protection Programme

[Gateway](#) is the UK Government's current refugee resettlement programme. Working in co-operation with the United Nations Refugee Agency (UNHRC), the UK Government seeks to resettle 750 refugees to the UK each year. People under this scheme are granted Refugees Status and Indefinite Leave to Remain upon arrival, are eligible to qualify as a 'home' student for fee purposes and will be eligible for support from SAAS. They must also have remained ordinarily resident in the UK since being granted Refugee Status and must be ordinarily resident in Scotland on the relevant date. To date only one Scottish local authority has participated in this scheme (see [here](#)).

### Afghan Locally Employed Scheme

Since 4 June 2013 some Afghan nationals who worked for the British Army in Helmand have been granted Leave to Enter the UK under the Locally Employed Scheme, [LES](#). This scheme provides individuals 5 years Leave to Remain in the UK. A student who applies to attend a HE institution with this type of visa is not eligible for tuition fee and living cost support as they do not meet the residency rules.

However, should these individuals go on to apply for and be granted Indefinite Leave to Remain in the UK, they may become eligible for support. Afghan nationals who are in the UK and did not arrive through this scheme may qualify under the other categories above.

### Syrian Vulnerable Persons Relocation Scheme

In January 2014 the UK Government created the Syrian Vulnerable Persons Relocation Scheme. This provides a route for selected Syrian refugees to come to the UK. The scheme was significantly extended in September 2015 with a commitment to resettle up to 20,000 refugees from the Syrian region over the next five years. The Scottish Government has committed "[taking a fair and proportionate share of the total number of Syrian refugees that come to the UK.](#)"

Syrian nationals and their dependents (spouse, civil partner, or child) are granted Humanitarian Protection and will be eligible to qualify as a 'home' student for fee purposes and will be eligible for support from SAAS. They must also have remained ordinarily resident in the UK since being granted Humanitarian Protection and must be ordinarily resident in Scotland on the relevant date.

### Iraqi nationals granted indefinite leave to enter the UK under the Locally Engaged Staff Assistance Scheme (Direct Entry), and family

This scheme was created to assist Iraqis who worked for the British armed forces and other missions in Iraq. After their employment they had the option to settle in the UK. Those employed between 1 January 2005 and 7 August 2007 who entered the scheme arrived through the Gateway Protection Programme as recognised refugees. Iraqi nationals employed after this date and who entered the scheme were granted Indefinite Leave to Enter. The scheme closed on 19 May 2009. Those who have been granted Indefinite Leave to Enter the UK under the Locally Engaged Staff Assistance Scheme (Direct Entry) or the spouse, civil partner, or child of such a person will be eligible to qualify as a 'home' student for fee purposes if they have been ordinarily resident in the UK at all times since their Leave to Enter was granted. They must also be ordinarily resident in Scotland on the relevant date. In the case where the applicant is the spouse, civil partner or child of the Iraqi national, then the Iraqi national must be ordinarily resident in Scotland on that date.

## 8 Resources

EAIE webinar qualifications recognition for refugees

<http://www.eaie.org/training/webinars/webinar-detail/qualifications-recognition-refugees.html>

European Area of Recognition Manual

[http://www.eurorecognition.eu/manual/ear\\_manual\\_v\\_1.0.pdf](http://www.eurorecognition.eu/manual/ear_manual_v_1.0.pdf)

Refugee Support Network

<http://www.refugeesupportnetwork.org>

Scottish Refugee Council

<http://www.scottishrefugeecouncil.org.uk>

Student Awards Agency Scotland (SAAS)

[http://www.saas.gov.uk/\\_forms/funding\\_guide.pdf](http://www.saas.gov.uk/_forms/funding_guide.pdf)

[http://www.saas.gov.uk/\\_forms/residence.pdf](http://www.saas.gov.uk/_forms/residence.pdf)

Supporting Professionalism in Admissions Good Practice Considerations  
in Admissions for Refugees and Asylum Seekers

[http://www.spa.ac.uk/documents/Refugeesandasylumseekers/SPA\\_Good\\_Practice\\_refugeesandasylumseekers.pdf](http://www.spa.ac.uk/documents/Refugeesandasylumseekers/SPA_Good_Practice_refugeesandasylumseekers.pdf)

UK Council for International Students

<http://www.ukcisa.org.uk>