



# EDUCATION FOR ALL

Access to higher education for people who have  
sought asylum; a guide for universities.

BY REBECCA MURRAY,  
JESSICA HOPE AND HILARY TURLEY



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Photography: Shirlaine Forrest

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Illustration: Elisa Cunningham

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# CHAPTER ONE: UNDERSTANDING ARTICLE 26

In this chapter you will find:

- A message from the Article 26 founder and director
- An introduction to the Article 26 project
- Information about our key beneficiaries
- The rationale and history of our work
- How to use this guide

Article 26 was created following the achievements of a group of young asylum-seekers and refugees who successfully campaigned within universities to improve access to higher education. These original campaigners are now working graduates, with leave to remain in the UK, and their triumph over adversity inspired the Article 26 project.

All Article 26 students faced the possibility that higher education was out of reach and as a direct result they all truly appreciate its immense value and worth.

This guide and the Article 26 model are based on access to higher education as a human right. Article 26 believes that access to education should be based on merit, not nationality, immigration status or race. Implementing the Article 26 model is a way to negotiate and to realise the real-world meaning of human rights in the UK.

Access to higher education allows people to continue to learn and study the subjects they love, but for the students we work with it also brings the possibility to contribute back into the society that has offered them sanctuary and to continue to build lives here, rather than remaining on the fringes of society, looking in.

The project has received an amazing level of support and encouragement from partner universities who have offered places to students from an asylum-seeking background. This guide aims to make it easy for universities across the UK to adopt and adapt the model to support Article 26 students from the initial application stage to graduation. This guide is based on the extensive experience of the Article 26 project, the invaluable knowledge and expertise of our partner universities and input from Article 26 students past and present. This guide has been designed

with a view to being easy to both comprehend and use and in the hope that it will enable a greater number of universities to take up the challenge of providing support to these students and lead to the creation of more Article 26 bursaries.

This is also an important opportunity to thank the Helena Kennedy Foundation and all the universities who work with Article 26 for making the project and the guide possible. Our funders over the years – Save the Children, Diana, the Princess of Wales Memorial Fund, Schwab and Westheimer Trusts, Scurrah Wainwright Charitable Trust, Network for Social Change and all the individual donors who have shown such enormous generosity. Article 26 works with a coalition of charities and agencies called AHEWG (Access to Higher Education Working Group) – all of whom have provided an enormous amount of support over the years. We also need to express our thanks to Coram and the University of Sheffield for helping us to fund this Guide.

The Guide would not have been produced without the technical expertise and writing talents of Duncan, Jean, Nick, Rachel, Kamena, Anita, Hilary and Jess – your efforts and contributions were enormously appreciated. A final thank you goes to all the Article 26 students – graduates' to freshers', whose determination, achievements and successes demonstrate the importance of access to higher education.

I would like to dedicate this guide to Mohammed, Ida and Junior. They were the pioneers who personally persuaded me to support them to campaign on this issue and are ultimately responsible for its success. These students' experiences of higher education and the seemingly insurmountable challenges they have overcome has always been a critical point of reference for assessing how far Article 26 has come.

*Rebecca Murray - Director*





# AN INTRODUCTION TO ARTICLE 26

Article 26 of the Universal Declaration of Human Rights states that everyone has the right to education and specifies that higher education should be equally accessible to all on the basis of merit. The Article 26 project was created to make this right a reality for people who have sought asylum in the UK.

We normally refer to our students as having sought sanctuary in the UK, as part of a wider campaign to lessen the negative associations of being an asylum seeker, but in order to be as clear as possible in this guide we have used the terms 'asylum' and 'asylum-seeker' – as used by the Home Office. At the time of writing this Guide the Secretary of State announced that the UK Border Agency (UKBA) would be disbanded, therefore we use the term 'Home Office' throughout to refer to immigration services.

Universities work in partnership with the Article 26 project to enable students from an asylum-seeking background who do not have access to student finance (tuition fee and maintenance loans) to undertake an undergraduate degree programme. We deliver a package of support that includes a full tuition fee bursary, as well as practical and financial support. Article 26's aim is to promote and uphold the right for people who have sought asylum in the UK to access higher education. The target group of beneficiaries include:

- Asylum-seekers or the partner/dependant of an asylum-seeker.
- An asylum-seeker/partner/dependant who has been granted limited leave to remain or some other form of temporary status.

In all our previous publications and on our website we make specific reference to 'DLR' (discretionary leave to remain), however due to recent changes we use the term 'limited leave to remain' throughout the Guide to refer to anyone who has been awarded temporary status other than refugee status or humanitarian protection.

None of the students supported by the project qualify as home students for the purpose of tuition fees, nor are they entitled to student finance and most asylum-seekers do not have permission to work. The main focus of the project is to overcome these barriers to access higher education and to instigate changes in practice and policy within individual universities to create opportunities for this particular group of students. Article 26 students receive financial assistance to help towards study costs including travel, books and equipment, whilst also being supported by project staff from the point of application through to graduation, on an individual and group basis.



# Operational Activities

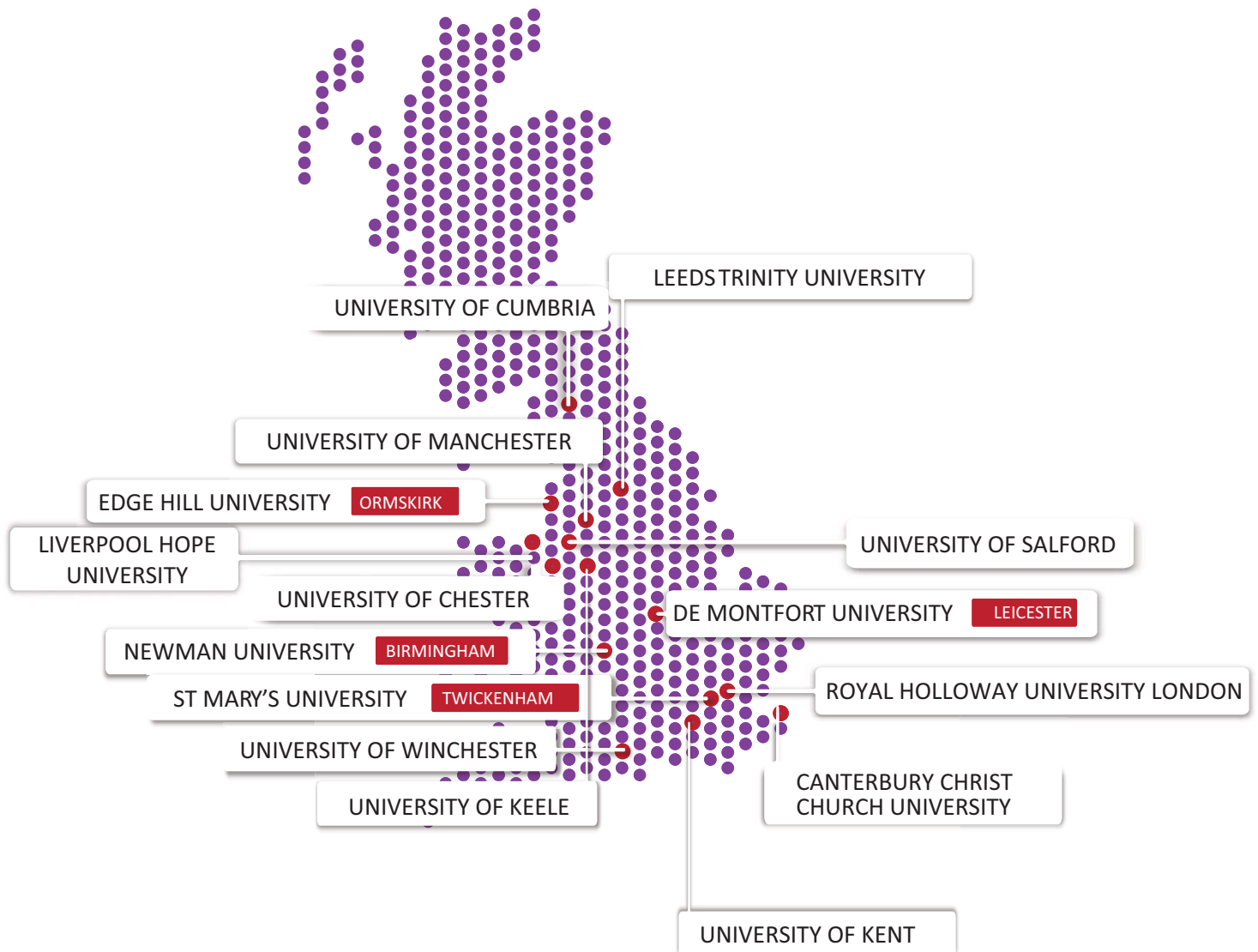
**In addressing these aims the project undertook three strands of work:**

- The provision of advice and guidance to individuals from an asylum-seeking background wishing to access higher education.
- Work with individual universities to negotiate tuition fee bursaries followed by the provision of support in the recruitment and selection of students to receive bursaries and the ongoing support of the students during their period of study.
- Wider advocacy work to promote access to higher education for these students.



# 1.1 ARTICLE 26 BENEFICIARIES

## 1.1.1 Partner Universities



## 1.1.2 Student Profile

**27** FEMALE  
MALE **18**

FROM  
**18 - 53**  
YEARS OF AGE

out of **38** current students and **7** graduated students

  
some form of  
temporary status  
or limited leave

**14**



**5**

  
are still  
actively  
seeking asylum

**14**


have been

**GRANTED REFUGEE STATUS**

during the course of their degree

**10**  
are care leavers/former  
looked after children

**3** of 7 parents,  
are lone parents



**3** have a  
disability 

**9**  students have  
received support  
for dealing with a  
mental health  
issue

### 1.1.3 Countries of Origin



## 1.1.4 Graduate Destination

**7** of our students have graduated!



everyone has indefinite or discretionary leave to remain apart from one person who is still awaiting a decision on their claim for asylum



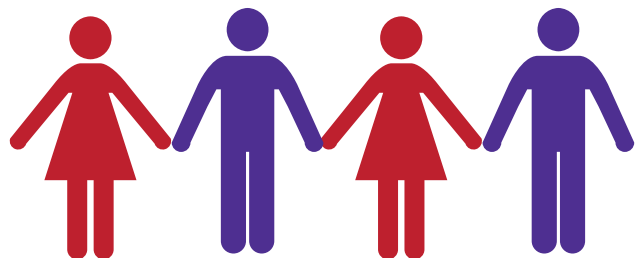
Graduate degree in  
**TEACHING**



Graduate degree in  
**HR**



Gap year before  
**MEDICINE**



skilled employment

## 1.1.5 Additional Beneficiaries

Article 26 provided support to enable an additional eight students to complete or continue with their degree in higher education through securing external funding or through the negotiation of a full tuition fee waiver or tuition fee reduction. This included negotiating with four universities not already working with Article 26. These interventions and negotiations took place where the project determined that there was a clear route and realistic prospect of the student completing their degree programme.

Advice & Guidance was provided to 265 prospective students over the phone, via email and in person during the period February 2011 to August 2013. In total 42% of people seeking advice were male and 58% female. Over half (54%) were still actively seeking asylum, 38% had limited leave to remain and 8% were unaware of, or did not disclose, their status. The top three countries from which people needing advice & guidance came were:

- Zimbabwe 39%
- Nigeria 6%
- Pakistan 6%

The majority of queries explicitly related to access to higher education, however a significant number also wanted advice on access to further education and general immigration issues.



## 1.2 ARTICLE 26 RATIONALE

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The Article 26 project evolved from Save the Children's 'Brighter Futures' project, a national youth-led campaign group in which young refugees and asylum-seekers identified and campaigned on key issues impacting on their lives. The regional group, based in Manchester, was mainly comprised of young people who had lived in the UK since they were young children. As they approached the end of their school career they faced substantial barriers in continuing their education, in spite of many above-average predicted grades.

Brighter Futures began a campaign that resulted in them persuading a number of universities in the North West to create opportunities within their institutions. Several universities offered to reduce tuition fees from the international rate to the home rate, for an annual quota of students. The University of Manchester agreed to implement a new policy 'Tuition Fee Policy for Asylum Seekers', which states that any asylum-seeker wanting to study will be charged tuition fees at the home rate. Four members of Brighter Futures, who were integral to the success of the campaign, were the first four Article 26 graduates.

It became apparent at this early stage of the campaign that both students and universities needed support to negotiate a new relationship between higher education institutions and the asylum process. Article 26 was developed to meet the needs of both universities and students from an asylum-seeking background and became a project of the Helena Kennedy Foundation, which has a long track record in supporting people to overcome significant social and economic barriers, in order to access and succeed in higher education.

As more Article 26 places developed and the project worked in partnership with more universities, our expertise increased and our model became more streamlined and easier to implement. The project has also evolved and adapted to a changing and complex policy environment and has adjusted its strategy accordingly. It now negotiates for a full tuition fee-waiver from universities and offers a package of support for both students and the university. The key elements of this support are included in this guide.



## 1.3 HIGHER EDUCATION & IMMIGRATION CONTEXT

The recent changes to higher education in the UK, namely the key shifts in university funding and student finance, have meant that universities now charge home students tuition fees at triple the rate to those originally charged in 2004.

Although ‘fair access’ is intended to underpin new reforms in funding and access, the changes to government-supported student finance have altered loan eligibility and the categorisation of students, restricting access for those from an asylum-seeking background. An average three-year undergraduate degree programme in England now costs a student £27,000 in tuition fees alone, yet anyone who has an unresolved application for asylum or who has been granted temporary status i.e. limited leave to remain is denied access to student finance and is classified as an international student.

Asylum-seekers are permitted to apply to university but cannot access student finance. The majority of people seeking asylum rely on support from the Home Office for accommodation and subsistence, which is set at a level that equates to 50 – 64% of the support provided to someone in receipt of welfare benefits. Asylum-seekers have the right to apply for permission to work if they are still waiting for an initial decision from the Home Office on their asylum claim after 12 months, but the right to apply for permission to work does not guarantee that people will quickly or easily receive this, and even if they do, employment is restricted to certain categories on a ‘shortage occupation list’. The Home Office publishes a list of areas of employment within which people seeking asylum are permitted to work.<sup>1</sup>

Even with the right to work, the likelihood is that any employment secured will be low paid, which means that without access to student finance, higher education remains an impossible dream.

Despite government targets to reduce the time taken to process asylum applications, asylum-seekers can still wait years for a decision and there are problems with backlogs in Home Office decision-making. In recent years, more asylum-seekers who arrived in the UK as unaccompanied children are not being recognised as refugees but are being granted a temporary form of leave to remain (limited leave to remain), meaning that as they approach the end of this short period of leave they must apply for their leave to be extended.

At the same time as the rise in tuition fees, new restrictions on access to student finance were introduced. This was significant for people with temporary leave to remain (limited leave to remain) as since 2011 they have been denied access to student finance. In short, higher education is becoming less accessible for people from an asylum-seeking background due to increased tuition fees, increased restrictions on student finance and long waits not only for a decision on a claim for asylum but also to be granted long-term leave to remain in the UK.

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<sup>1</sup> [http://www.childrenslegalcentre.com/index.php?page=faqs\\_work\\_and\\_training\\_for\\_migrant\\_children\\_and\\_young\\_people](http://www.childrenslegalcentre.com/index.php?page=faqs_work_and_training_for_migrant_children_and_young_people)



The Home Office is developing an increasingly powerful role for itself in higher education. The Home Office has targets to reduce ‘bogus international students’ and is proposing stricter controls for all potential international students. Students supported by Article 26 are not international students, in that they have not come to the UK primarily to study and do not have a student visa. The Government recommends that universities class asylum seekers as international students and do not provide any funding to support this group in higher education. It is for this reason that the majority of universities charge asylum seekers the international rate for tuition fees. See **Appendix 8.7** for further information about the legal basis for the Article 26 support model.

The Article 26 project complements government strategies to ensure ‘Fair Access’ and the increased social mobility that is intended to underlie new higher education reforms. We fully support the revised role for the Office for Fair Access and their monitoring of Access Agreements. Their work promoting and safeguarding fair access to higher education is vital within the new framework for student finance. Significantly for the Article 26 model, the remit of the Director of Fair Access is also to protect the institutional freedom of universities to decide whom to admit and on what basis.

People seeking asylum are an incredibly vulnerable group owing to their education often having been severely interrupted, English often not being their first language, difficulty navigating through all the systems in the UK (including education), managing their immigration case in addition to surviving on very low or no income in the context of increasing xenophobia, alongside the emotional pressures that accompany these practical problems. Asylum-seekers who reach the stage of being offered a place at university have already overcome substantial barriers and demonstrated significant strength, resilience and commitment to their studies. Support is required to overcome the final hurdles; no access to student finance and prohibitively expensive tuition fees, in order to access and succeed in higher education.



## 1.4 HOW TO USE THIS GUIDE

This guide brings together the skills and experiences of the Article 26 project, partner universities and students, to focus on enabling the expansion of the Article 26 model and the increased ownership of the scheme by universities.

Article 26 is based in England and has worked exclusively with English universities up until this point. Consequently, institutions and individuals in Scotland, Wales and Northern Ireland using this guide should be aware that there may be some differences in their countries, in terms of access to higher education for students from an asylum seeking background. Information on fee status and eligibility for student support for each of the countries in the UK is available on UKCISA's website. See **Appendix 8.9** Glossary of Useful Organisations.

The key differences are in Scotland where asylum seeking students are eligible to pay tuition fees at the home rate, unlike in England, Wales and Northern Ireland, as long as they:

- Lodged an asylum application with the Home Office before 1st December 2006 when they were under 18 years of age.
- Will be under 25 when the course begins.
- Have been resident in Scotland for 3 years before the start of the course and on the first day of the course.

In Scotland asylum seeking students who fit the above criteria are eligible for student finance to help with tuition fees but not the maintenance grant to pay for living costs and accommodation.

The guide presents information, advice & guidance and the tools required by universities to establish an Article 26 bursary scheme. It is aimed at student services departments, who in the project's experience are responsible for implementing and managing the model on a daily basis. This guide has been produced in response to requests from universities for more information about the particular needs and experiences of Article 26 students and how to best support them through their studies.

The guide is split into seven chapters and can be read cover to cover or referred to for specific advice. Each chapter is based on the most up-to-date legislation, facts and figures at the point of writing, but we have also included links to useful organisations and websites, so that information can be checked and updated, as changes frequently occur.

Throughout the guide we reference different sections, to minimise repetition, and have compiled a detailed appendix, which contains additional information. The aim is to keep the main body of the guide streamlined and easy to comprehend whilst making sure we include as detailed information as possible in order to try and provide the answer to further questions and queries. However, each student's circumstances will be different and it is very likely that research and signposting beyond the guide will be needed to arrive at definitive answers.



**Chapter 2** outlines key definitions and provides an overview of the asylum and the appeals process – it is useful to read for those with no prior knowledge of the asylum system but is also useful for building upon existing knowledge.

**Chapter 3** clearly highlights how the status of students supported by Article 26 links to the support they receive. This chapter is split into three sections in order to comprehensively cover the rights and entitlements of

- i) Asylum Seekers,
- ii) People with Limited Leave to Remain and
- iii) Former Separated or Unaccompanied Asylum Seeking Children.

Alongside the facts and figures is information on the innovative approaches the project and partner universities have adopted to fill some of the gaps in support and so enable students to study.

**Chapter 4** addresses how support changes when a student's status changes – be it a positive or negative decision. It clearly states new or changed rights and entitlements to financial support and accommodation. **Chapters 3** and **4** cover the broad range of individual circumstances the project has and continues to advise on including students who are parents and students with a disability.

**Chapter 5** fills in the gaps in **Chapters 3** and **4** by going beyond the facts around rights and entitlements to explore the practical and emotional impact that the asylum process has on the lives of students. It looks at ways to mitigate the stress and pressures that students often experience.

**Chapter 6** outlines the key issues, limitations and possibilities for advice and guidance related to graduation and the next steps after university, according to the student's status when they complete their degree programme.

**Chapter 7** provides information on how universities can establish their own Article 26 bursary – a clear DIY guide to implementing support.

**The Appendix** is bursting with the organisations, websites, summary reports and examples of Article 26 processes for more detailed information and to signpost students for additional support.



# CHAPTER TWO: UNDERSTANDING THE ASYLUM PROCESSES

UNDERSTANDING  
ARTICLE 26

UNDERSTANDING  
THE ASYLUM  
PROCESS

PRACTICAL  
IMPACT OF  
THE ASYLUM  
PROCESS

EMOTIONAL  
IMPACT  
THE A  
PRO

(TEMP  
STATUS)  
RIGHTS &  
ENTITLEMENTS

ASYLUM  
SEEKERS -  
RIGHTS &  
ENTITLEMENTS

CREATING AN  
ARTICLE 26  
PROJECT @ YOUR  
UNIVERSITY

In this chapter you will find:

- Key terms and definitions
- An overview of the asylum process

GRADUATION  
&

The asylum process can appear complicated and confusing. This chapter demystifies the asylum process and clarifies the realities of claiming asylum, which are often misrepresented in the media and misunderstood by society. It gives key definitions of terms, outlines the key stages of the asylum process and explains possible outcomes.



## 2.1 KEY DEFINITIONS

### Who is an asylum-seeker?

In claiming asylum a person is applying to the government to be recognised as a refugee by the UK and allowed to stay in the country.

If they have lodged a claim for asylum with the Home Office and are awaiting a decision about their asylum claim they are classed as an 'asylum-seeker'.

### Who is a refugee?

In 1951, following the Second World War and the horrific persecution of the Jews, the UK signed the United Nations Refugee Convention. It is a key legal document that defines who is a refugee, what rights they have and the legal obligations that states have towards them.

Under the Convention a refugee is defined as someone who:

"Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."<sup>1</sup>

Persecution includes torture, physical and

mental violence, rape, imprisonment, discrimination, deprivation of rights, and forced labour.

People sometimes refer to asylum-seekers as refugees, because they have fled their countries' due to persecution to seek sanctuary in the UK. However, in terms of the UK's legal process and the terminology relating to the legal status a person has in the UK, a person is an asylum-seeker until they have been granted refugee status by the Home Office.

### Who is an unaccompanied asylum-seeking child?

The definition of an unaccompanied asylum-seeking child for immigration purposes is given by the Home Office as "a person under 18 years of age or who, in the absence of documentary evidence establishing age, appears to be under that age" and who "is applying for asylum in their own right; and is separated from both parents and not being cared for by an adult who by law or custom has responsibility to do so". Children in this situation are also known as separated children or unaccompanied minors.

<sup>1</sup> <http://www.unhcr.org/pages/49da0e466.html>



## 2.2 SEEKING ASYLUM IN THE UK: FACTS AND FIGURES

In order to critically assess reporting on immigration, it is vital to keep abreast of key facts and figures related to asylum-seekers and refugees. They serve to debunk exaggerated estimations of how many people are seeking asylum in the UK, as well as revealing confusion in how different groups of immigrants are defined. Links to source websites have been included, so that these figures can be checked and updated.

### How many refugees are there in the UK?

**As of the beginning of 2012, the population of refugees, unresolved asylum cases and stateless persons made up 0.27% of the UK population:**

- 149,765 refugees.
- 18,196 unresolved asylum cases.
- 205 stateless persons.

Globally, the majority of refugees remain in the region of the country from which they were displaced; this means that 80% of the world's refugees are hosted by developing countries. Pakistan currently hosts the largest population of refugees; 1.7million people.

### How many applications for asylum are made in the UK?

The UK received 23,499 new applications for asylum in the year ending June 2013.<sup>2</sup>

The Migration Observatory charts the changing figures of asylum applications in the UK. The number of asylum applications has been steadily declining, since they peaked in 2002. In 1985 there were 4,256 applications for asylum, which rose to 84,130 applications in 2002 and subsequently declined to 19,865 applications in 2012.<sup>3</sup>

### Where do asylum seekers in the UK come from?

The top ten countries of origin are as follows:<sup>4</sup>

1. Pakistan
2. Iran
3. Sri Lanka
4. Syria
5. Bangladesh
6. India
7. Albania
8. Afghanistan
9. Nigeria
10. Eritrea

2. UNHCR 2012 Global Trends Report: <http://www.unhcr.org.uk/about-us/the-uk-and-asylum.html>

3. Migration Observatory Briefing: <http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Migration%20to%20the%20UK%20-%20Asylum.pdf>

4. Home Office Immigration Statistics April-June 2013



## 2.3 OVERVIEW OF THE ASYLUM PROCESS

The process of claiming asylum can be long and complex. Home Office decision-making is often inadequate and inconsistent, with asylum-seekers often needing to exercise their rights of appeal and make other legal challenges, where possible, to have their claims justly determined.

Below is an overview of the process of claiming asylum and of the possible decisions that someone may receive.

### Arriving in the country

When an individual arrives in the country they can start the process of claiming asylum immediately, for example at the airport or port. However, they can also claim asylum when they have been living in the country for some time, for example if the situation changes for the worse in their home country or if activities they have taken part in the UK would put them at risk on return. Sometimes people are brought into the UK by lorry and left in the middle of an unknown city. They may first seek help from a local community member, a support organisation, a church or a mosque. They will probably require help understanding how to lodge a claim for asylum.

### Legal Advice and Representation

It is essential that every person claiming asylum has independent legal representation throughout the asylum

process and if challenging a decision or procedure that impacted on their claim. Asylum and immigration is a highly regulated area of law and only those authorised to do so, such as registered advisers and solicitors, can legally provide immigration advice. Legal aid is available for people claiming asylum, subject to a financial means test and the case having sufficient merit.

### Claiming asylum

Children and adults may apply for asylum at ports of entry, such as airports, or after entry, usually at the asylum screening unit, which at the time of writing, is located in Croydon, south London. As unaccompanied children are deemed to be vulnerable, they can also apply at a local immigration service enforcement office.

The first stage of an asylum claim is the screening interview, generally carried out at the asylum screening unit in Croydon. If an individual claims asylum at the port of entry, they will go through a screening process at the port. The screening process involves a brief interview and the taking of fingerprints and any other identification information the Home Office thinks is required. During the screening process, the applicant should be given an Application Registration Card (commonly referred to as an “ARC card”), which confirms that they have applied for asylum.

Applicants should be given an interpreter if requested or deemed necessary.

If unaccompanied minors have been referred to children’s services prior to claiming asylum they will attend the screening interview with their assigned social worker. Alternatively they will attend with another “responsible adult” or their legal representative.



The screening interview is followed by a longer, more detailed interview, referred to as the substantive interview or the full asylum interview. During this interview the asylum claim is explored in more depth. There will be a written record of both interviews.

See **Appendix 8.9** Glossary of Useful Organisations for details of who can support adults, families and unaccompanied minors to lodge a claim for asylum.

## Support and accommodation for adults and families seeking asylum

Asylum-seekers may not need accommodation, for example if they can stay with family or friends. However, many asylum-seekers arrive alone and with little or no money. Therefore they need assistance with accommodation. The first step is emergency accommodation, which houses people immediately. This can be in a flat, a bed-sit, hotel or B&B. Sometimes people live in emergency accommodation for many months before being moved, for others it is a short wait.

After emergency accommodation people are generally “dispersed” to more permanent accommodation that they will stay in until they receive a decision on their claim, usually outside London and the South East. Asylum-seekers have no say in where they are dispersed to and it can mean making a move, for example from London to Glasgow.

## Support and accommodation for children seeking asylum

Children who arrive in the UK alone (known as “unaccompanied children” or “separated children”) should be looked after by the local authority in which they are physically present, under the Children Act 1989. They should also receive accommodation and financial support from children’s services, rather than the Home Office.

## Reporting

The Home Office may require an asylum-seeker to report on a regular basis to an immigration reporting centre, for example every fortnight or every month, while their claim is being processed.

## Detention

The Home Office has the power to detain asylum-seekers in a detention centre (referred to as an immigration removal centre) while their asylum claim is being processed. The Home Office operates a system called the Detained Fast Track, which is an accelerated system for processing asylum claims, during which the person applying for asylum is detained. At the time of writing, most people are being detained at Harmondsworth Immigration Removal Centre near Heathrow (for men) and Yarl’s Wood Immigration Removal Centre in Bedfordshire (for women).

For detention to be lawful it must be proportionate and alternatives to detention must be properly considered. The decision to detain is not subject to any automatic independent review but immigration detainees have the right to apply to the court for bail if they have been in the UK for more than seven days.

It is Home Office policy never to detain unaccompanied children other than in the most exceptional circumstances and then only for a very short period.



However, a child could end up in detention if the Home Office do not believe they are a child and treat them as an adult.

Asylum-seeking families with children should not be detained for the processing of their asylum claim. Families with children will only be detained in “pre-departure accommodation” at the end of the process if their claim is unsuccessful, as part of the family returns process.

## Appeals

If the asylum application is initially refused by the Home Office, the applicant usually has the right to appeal to the First Tier Tribunal (Immigration and Asylum Chamber). If their appeal is dismissed, they may be able to seek permission to appeal to the Upper Tribunal and beyond that to the higher courts. Appeal time limits are very tight and an asylum-seeker must act very quickly in this situation and get legal advice to ensure that an appeal is lodged in time. Lodging an appeal in time will mean that their claim for asylum is ongoing and will also entitle them to continued financial support for living costs and to stay in their accommodation.

## Asylum-seeker: appeal rights exhausted (ARE)

This is when an asylum applicant has been through the asylum process and the Home Office has refused to grant them any form of leave to remain in the UK and they do not have any outstanding right to appeal against this decision. At this point they are known by the Home Office as a “refused asylum-seeker” but may also be referred to as “undocumented” or “irregular”. The financial support and accommodation they have been receiving from the Home

Office will cease.

Once they have exhausted their appeal rights they will be expected to leave the UK voluntarily or face being forcibly removed. They may be detained.

The Home Office can provide reduced financial support and accommodation to an appeal rights exhausted asylum-seeker facing destitution in limited circumstances, for example if they have lodged a further legal challenge or they are preparing to leave voluntarily.

## Fresh claims

Once someone is appeal rights exhausted, there are limited possibilities for challenging the refusal. At this stage, they may be able to make a fresh asylum or human rights claim, for example if there is new evidence, a change of circumstance, or new case law.



## 2.4 CLAIMING ASYLUM: THE POSSIBLE OUTCOMES

**Refugee Status** is granted when the applicant has been recognised as a refugee under the 1951 Refugee Convention. They will be granted leave to remain for five years (with access to social security and the right to work), prior to the end of which they must apply for permanent stay known as indefinite leave to remain (ILR), at which point their case will be reviewed.

**Humanitarian Protection** is granted to people when the Home Office has decided that they do not fit the criteria to be recognised as a refugee as laid out in the 1951 Refugee Convention, but it is considered that they face a risk of suffering serious harm on return, such as torture or unlawful killing. Humanitarian protection is usually granted for a period of five years (with access to social security and the right to work). An application for indefinite leave to remain must be lodged before the period of leave expires.

**Limited leave to remain** (formally discretionary leave to remain) is granted to the majority of unaccompanied children seeking asylum. Limited leave to remain is granted to an unaccompanied child when the Home Office does not accept that they should be granted refugee status or humanitarian protection but there are no adequate reception arrangements for them to be returned to their country of origin. Before July 2012, limited leave to remain was granted to unaccompanied children for three years or until they reached 17½ years, whichever was shorter. Now they will be granted limited leave to remain for 30 months or until they reach 17½, whichever is shorter. Applicants need to apply for an extension of this leave before it expires. Very few young people in this situation have their leave extended by the Home Office, and it is now much harder for them to obtain free, quality legal representation when making an application to extend their leave to remain.

Limited leave to remain is also given if the Home Office does not recognise an asylum-seeker as a refugee or a person who qualifies for humanitarian protection but they are granted on the basis of their right to respect for private and family life (Article 8 of the European Convention on Human Rights). It is another type of temporary permission to stay in the UK and the length of leave is unlikely to be more than 30 months initially. Those granted limited leave to remain will not be able to apply for permanent residence until they have lived in the UK for at least 10 years and leave is granted with the right to work but often with no access to social security. In older cases, leave was granted for 3 years, with an application for permanent residence after 6 years.<sup>5</sup>

<sup>5</sup> For information on a range of issues relevant to people seeking asylum see: [www.refugeecouncil.org.uk/english/](http://www.refugeecouncil.org.uk/english/) AND [http://www.childrenslegalcentre.com/index.php?page=migrant\\_children](http://www.childrenslegalcentre.com/index.php?page=migrant_children)

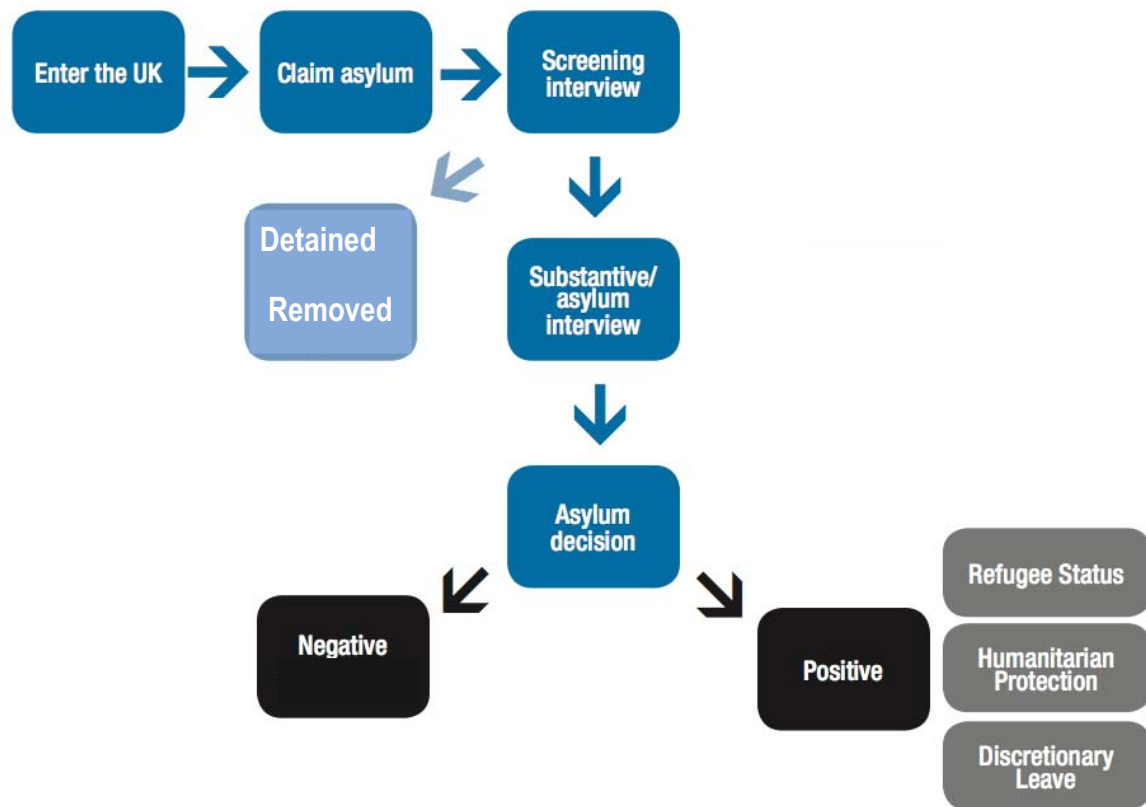


Diagrams 1 & 2 are based on original diagrams produced by NCADC (National Coalition Against Deportation Campaigns) for their toolkit. See **Appendix 8.9** Glossary of Useful Organisations for full details.

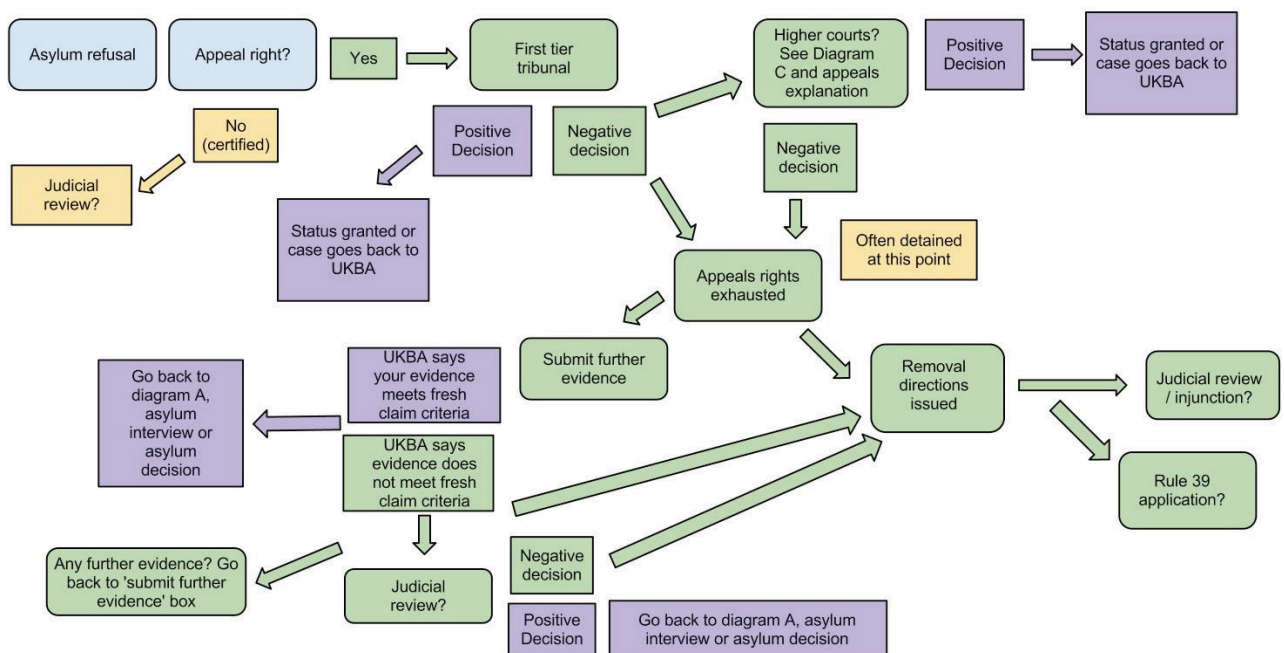
See **Chapter 3** Status & Support for more detailed information about the support available according to status; ranging from someone in the care of the local authority to someone who is ARE (appeal rights exhausted).




## i) Overview of the asylum process



## ii) Overview of the asylum process



# CHAPTER THREE: STATUS & SUPPORT



In this chapter you will find three sections detailing the support available to:

- Asylum-seekers
- People with limited leave to remain
- Former Unaccompanied Asylum Seeking Children in local authority care

This chapter looks at the wider support available to students who meet the current eligibility criteria for Article 26 and covers accommodation, daily living, childcare and disability. It includes the support available to students, who have been in the care of a local authority, namely those who arrived in the country as unaccompanied minors.



## 3.1 SUPPORT FOR ASYLUM-SEEKERS

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Information in this chapter is based on the rights and entitlements of an individual whilst studying on a full-time undergraduate degree programme. Information on rights and entitlements to support from the Home Office is very clearly stated in Home Office guidance but in practice it can be difficult to ensure that full support is provided.

See **Chapter 2** for more information on the definition of an asylum seeker and about the stage of the immigration process the person has reached.

See **Chapter 7** for how this relates to eligibility for Article 26 support.

### 3.1.1 Financial Support

- This is a summary of the asylum support provided by the Home Office according to individual circumstances.
- Support is provided under section 95 of the Immigration and Asylum Act 1999. All figures are correct as of 2013: <http://www.ukba.homeoffice.gov.uk/asylum/support/cashsupport>.
- Payment is made by the Home Office and collected at the post office and equates to 50-64% of the equivalent welfare benefit rates.
- The exact amount received is calculated according to age and whether someone is single or in a couple. Additional payments top up the regular weekly payment to cover extra costs incurred during pregnancy and for children under the age of three.

### 3.1.2 Accommodation

- Accommodation is provided by the Home Office.
- Entitlement to accommodation is awarded by the Home Office, who then sub-contract to companies who provide housing for asylum seekers. SERCO is one of the largest Home Office contractors, at the time of writing, covering England, Scotland & Northern Ireland and the company does not have any housing stock; SERCO rely entirely on private landlords. If a landlord chooses to withdraw a property from the market, there is no option but to move the asylum seekers residing there.
- Housing is provided in a number of UK cities and accommodation is provided on a 'no choice basis'. Relocation is almost impossible and although there is a process to apply for alternative accommodation, it rarely results in a positive change. Article 26 has experienced some success in approaching the Housing Officer responsible for an individual's accommodation and persuading them on a case by case basis. Housing Officers cover a wide geographical area and can exercise considerable discretion as to where people are accommodated.

- Asylum-seekers can choose to stay with family or friends instead of accepting Home Office accommodation.
- Single applicants live in shared accommodation, usually a private bedroom with shared living room, kitchen and bathroom.
- Couples should be accommodated together.
- Families must be accommodated together.
- Disability needs should be taken into account when providing accommodation.
- A leading charity advocating on behalf of asylum seekers estimated that 50% of the issues they deal with involve complaints about accommodation.

GUIDE TO HOME OFFICE PAYMENTS TO ASYLUM SEEKERS		
	STATUS	AMOUNT PAID (WEEKLY)
ADULT *Age 18+	Single adult	£36.62
	Couple (married / civil partnership)	£75.52
	Lone parent	£43.94
CHILDREN	0-15	£52.96
	16-18	£38.90
ADDITIONAL PAYMENTS	Pregnant women Maternity payment :	£3.00 extra payment
	Application must be made no more than eight weeks before the baby is due OR within six weeks of the birth.	
	Applications must include a MAT B1 form (provided by a doctor or midwife) or a full birth certificate.	£300.00 (one off payment)
	0 – 12 months	£5.00 extra payment
	1 – 3 year olds	£3.00 extra payment
	Disability	No additional £ - see section on disability for further information.

### 3.1.3 Section 4 Support

Section 4 support is referred to by this name, as it refers directly to the relevant section of the Immigration and Asylum Act 1999. Support is provided under certain circumstances to prevent destitution and encourage people to return to their country of origin. There are strict conditions that must be met in order to qualify for section 4 support. Refused asylum seekers must be destitute and meet at least one of the following criteria:

- You are taking all reasonable steps to leave the UK or you are placing yourself in a position where you can do so; or
- You cannot leave the UK because of a physical impediment to travel or for some other medical reason e.g. being in the late stages of pregnancy; or
- You cannot leave the UK because, in the Secretary of State's opinion, no viable route of return is currently available; or
- You have applied for a judicial review of your asylum application and have been given permission to proceed with it; or
- Accommodation is necessary to prevent a breach of your rights within the meaning of the Human Rights Act 1998.

Section 4 support is different to support provided by the Home Office under section 95. Accommodation is offered on the same 'No Choice' basis; however, no cash payments are made to recipients to fund the cost of living. £35.39 per person is paid onto an Azure card on a weekly basis (check web link below for up to date payments). This Azure card can be used at a specified list of supermarkets to buy food and other essential goods. There are certain items card holders are prohibited from purchasing e.g. cigarettes, alcohol, petrol and diesel. No cash payments makes living on section 4 support incredibly challenging, as travel costs cannot be met and people are denied access to a huge range of cheaper purchasing alternatives e.g. markets, charity shops etc.

Special facilities or services can be paid for under section 4 support e.g. the costs associated with pregnancy, buying children's clothes and travel to medical appointments. However, in reality the time taken to complete the application form, for the decision to be processed and for payment to be received, can mean that the appointment or activity for which funding was required has passed. Section 4 support is often bolstered by additional help from the charity sector. In spite of the practical challenges and significant difficulties associated with living on section 4 support, several Article 26 students are in receipt of it.<sup>1</sup>

See **Appendix 8.9** Glossary of Useful Organisations who advocate for asylum-seeker support with the Home Office.

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<sup>1</sup> For full details and application forms for initial section 4 applications and additional services / facilities applications, see the Home Office webpage: <http://www.ukba.homeoffice.gov.uk/asylum/support/apply/section4/>

## 3.1.4 Childcare

Students seeking asylum who have children are not entitled to the same help with childcare costs as mainstream students i.e. the childcare element of student finance. This situation can pose a significant barrier to asylum seeking students because they are often less likely to have extensive friendship and family networks to help with childcare. In addition it is important to note that this issue disproportionately affects women, who are predominantly viewed as the primary caregivers. This section outlines the childcare entitlements of asylum-seeking students with children and offers ideas and suggestions about where to get practical support as well as funding to help with childcare costs.

**Students seeking asylum are NOT entitled to childcare grants for full-time higher education students. However their children ARE entitled to:**

- Free early years education for children aged 3–5. The scheme offers 15 hours per week of free childcare for 38 weeks during the course of a year.
- Attend school for compulsory education from the age of 5.
- From September 2013 there are also free early education places for some two-year-olds. Students on certain benefits, including Home Office support, are eligible to apply<sup>2</sup>.

## What can universities do to support students with children?

Some of the key points that universities could consider when supporting students in this situation are:

- Encourage students to develop their support networks and therefore potential help with childcare through providing opportunities for them to meet with other parents.
- Encourage and support students, where appropriate, to be open with their tutors and work placement organisations regarding the specific challenges they face as parents who are also seeking asylum.
- Explore and become familiar with trusts and grants that can provide help with childcare costs.
- Support students to develop contingency plans for childcare. If one option falls through, it is important to have another in order to avoid missing significant amounts of study time.
- Consider offering an Article 26 place with a childcare bursary or a place in the university nursery attached.

**See Appendix 8.8 Glossary of Charitable Trusts for further details regarding potential sources of funding.**

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<sup>2</sup> To find out where places are provided in the local area, contact the local Family Information Service: [www.daycaretrust.org.uk/findyourFIS](http://www.daycaretrust.org.uk/findyourFIS)

## 3.1.5 Disability Support

The Home Office does not make special provision for asylum-seekers who have a disability. They advise people to contact social services in the area where they live. The local authority social services department assesses individual needs and may decide to offer different housing and additional support, known as community care.

Community care includes:

- Practical care in the home or elsewhere.
- Personal care.
- Advice and support.
- Cooked meals delivered at home.
- Ongoing monitoring of the disability and its practical impact.

In practice, support from social services is usually only provided as a last resort when the only alternative is destitution. This should not deter making a referral to the local authority for additional support, which is the route recommended by the Home Office but securing this additional support is not guaranteed.

Students seeking asylum are excluded from the extra financial help available to disabled students. They cannot claim a Disabled Students Allowance to help with extra study costs arising from their disability because they are not eligible for student finance. They are also excluded from benefits and cannot claim Personal Independence Payment (previously Disability Living Allowance) to contribute towards the costs of help with daily living or getting about.

See section 3.2 on Limited Leave to Remain and **Chapter 4** sections 4.1 and 4.2 for information regarding entitlement to welfare benefits.

## Disability & Travel

The disabled person's bus pass gives free, off-peak bus travel across England. Although eligibility for the pass is assessed locally, the rules are laid down nationally. Foreign nationals who apply need to show that they live here and are not just visiting. This means that students seeking asylum can apply. They will need to be assessed to see if they are in one of the seven categories of disabled people eligible for the pass.

An eligible disabled person is someone who:

- a. Is blind or partially sighted.
- b. Is profoundly or severely deaf.
- c. Is without speech.
- d. Has a disability, or has suffered an injury which has a substantial and long-term adverse effect on his or her ability to walk.
- e. Does not have arms or has long-term loss of the use of both arms.

- f. Has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning.
- g. Would be refused a driving licence for medical reasons.

Contact your local authority to find out more about the application process.<sup>3</sup>

It is likely that the webpage will redirect visitors to the website of the main transport provider, where they will be able to download the application form. If a student is not in receipt of a qualifying benefit nor has the ID listed, a letter from a GP confirming their condition should suffice.

An Article 26 student with a disability was advised that they would not qualify for a bus pass by their GP, when the local authority requested a letter confirming the impact of the disability. However, Article 26 encouraged the student to submit an application, as they clearly met the criteria. They now have a bus pass that entitles them to use public transport free of charge.

## Disability & Equality

The University of Salford has made a considerable commitment to support an Article 26 student who has mobility problems to travel to and from university. Their approach provides an excellent example of best practice. See Stan's Story.

The University of Salford is not the only Article 26 partner university to adopt this approach. Other universities in the Article 26 network have demonstrated a real commitment to honouring their legal obligations to meet the needs of a student with a disability, regardless of their immigration status.

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3 <http://local.direct.gov.uk/LDGRedirect/index.jsp?LGSL=280&LGIL=0> -

"Money is a big problem. I am on Section 4 support so I don't even get any cash – I have the Azure card, which means that I can buy basic food and nappies- that is it.

I can only use the card in Asda, Sainsbury's and Tesco's and they are all a long walk away from my house. I don't have any money for travel. At university I cannot afford to buy a cup of tea or coffee. I can only drink water and bring a sandwich from home. It's very hard.

Tricia's Story

I go to university three times a week and my daughter goes to a child minder. The childminder knows a little about my situation so charges me a reduced rate. As an asylum seeker with a young baby, I am not entitled to any financial support to help cover childcare costs. An asylum support group has provided me with some financial support for childcare but their funding has now been cut so they cannot help me for much longer. The situation is getting quite desperate. I have applied for help from other organisations, some applications were unsuccessful and others I have not had a response yet. "

Tricia's childcare funding has now been confirmed for the next 12 months and she was recently able to commence the second year of her degree programme.



Lana's Story

"As student and a mother I have faced lots of financial constraints. In the first year one of the difficulties was that I had to travel to university from Home Office accommodation in another town. I asked the Home Office if we could move, but they refused so I had to rely on help from friends and family to pick my children up from nursery.

In my final year, my placement fell apart. They did not understand.

They thought I had money and said that I should have my own car to attend appointments. Home students studying social work get a bursary and money to cover childcare costs. There is an expectation that everyone at university receives this - I wasn't getting any of this support. I didn't feel able to tell them about my situation.

I have managed to access funding to pay for childcare. The charitable trust saw that I was in my final year and needed extra help in order to complete my degree. Despite all the challenges, I have now completed my placements and am working on my final dissertation. I will finish my degree in May."

*Lana graduated from university with a 2:1.*

## Stan's Story

"When I was admitted to University in 2012 I was not entitled to student finance or the Disability Living Allowance due to my UK immigration status. I was receiving no mainstream support.

I was granted limited leave to remain in the same year, and this did not entitle me to student finance. I was reliant on my wife's meagre income and therefore operated on a shoe-string budget. It is/was difficult because there are lots of costs associated with studying: transport, printing and photocopying, lunch, extra books and other stationery needs.

Prior to starting my university studies in 2012, the student services department carried out an assessment of my needs and came up with a personalised disability support plan.

On top of other needs, support with transport was paramount, so the University set up an account with a local taxi company which takes me to and from University. I just call them up with my PIN when I need them. As part of the arrangement, I have to make a financial contribution for this taxi service by paying ten per cent of the bills."



# The University of Salford's Story

"Stan was contacted by our Disability & Learner Support department, as a prospective student who had disclosed a disability. He was invited in to meet with our Disability Adviser. He came to a meeting in July 2012, prior to starting his course. They discussed his disability-related learning needs and identified that Stan was not eligible for Disabled Students Allowance, therefore it was necessary to find alternative ways to support his disability needs.

The Disability Adviser wrote a student support plan advising of reasonable adjustments to his teaching and learning. They arranged for a taxi account to be set up and paid for by the university, to which Stan makes a contribution that is equivalent to public transport costs.

Stan's support arrangements have enabled him to attend university when public transport would have been a challenge.

His student support plan enabled teaching staff to be aware of ways to keep Stan included, not excluded, from class activities and learning.

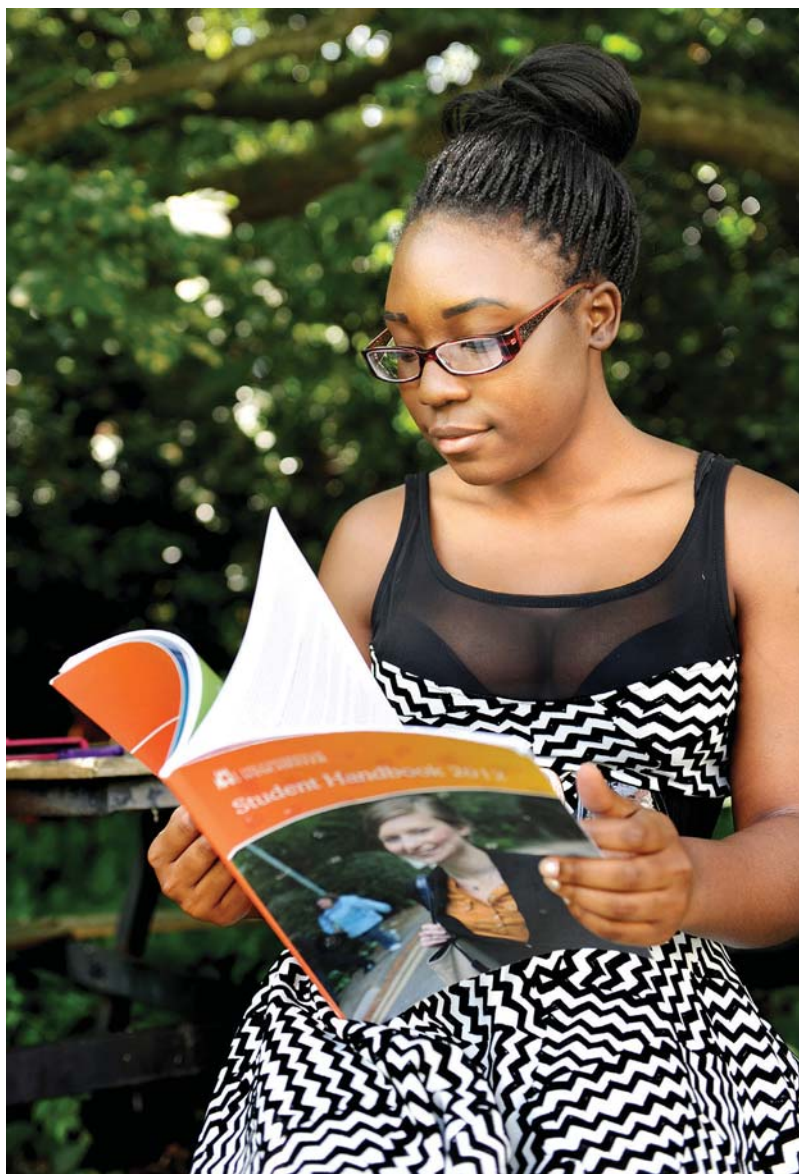
Our treatment of Stan falls within our university equality and diversity policy and is demonstrative of our commitment to the 2010 Equality Act and the 2005 Disability Discrimination Act."

## 3.2 LIMITED LEAVE TO REMAIN

Although students with limited leave to remain are not entitled to access either student finance or support from the Home Office, they may be eligible to apply for mainstream benefits. This section focuses on these students' rights and entitlements to welfare benefits, whilst they are studying on a full-time degree programme. If they have access to public funds, they have the same benefits entitlements as mainstream students; therefore this section begins with an overview of the key welfare benefits.

See **Chapter 2** for the definition of limited leave to remain and the circumstances in which it is granted.

See **Chapter 7** for how this relates to eligibility for Article 26 support.



## 3.2.1 Guide to welfare benefits

GUIDE TO THE MAIN WELFARE BENEFITS		
Living costs – adults		
Jobseekers Allowance (income based)	JSA (IB)	People signing on as unemployed.
Income Related Employment and Support Allowance	IRESA	People who are not working due to health problems or disabilities.
Income Support	IS	Single parents with a child under 5. Carers of severely disabled people. Women in the later stages of pregnancy or who have just had a baby.
Carers Allowance	CA	Carers of severely disabled people.
Earnings/wages top up		
Working Tax Credit	WTC	Amount depends on age, hours of work, level of earnings.
Living costs for children		
Child Benefit	CB	Dependent children age 0 – under 20 (depending on the age they leave full time pre university level education).
Child Tax Credit	CTC	Dependent children age 0 – under 20 (depending on the age they leave full time pre university level education).
Housing costs		
Housing Benefit	HB	Help towards payment of rent.
Council Tax Support (previously Council Tax Benefit)	CTS	Helps with council tax bills where a student and non student live together as a couple. Full time students are exempt from paying Council Tax.
Disability costs		
Personal Independence Payment (previously Disability Living Allowance)	PIP	People disabled by physical or mental health problems who need help with daily living activities or getting about.

See below for details of where and how to claim.<sup>4</sup>

<sup>4</sup> Living Costs – Adults: Claim via Claim via Jobcentre Plus, Department for Work & Pensions: (<https://www.gov.uk/contact-jobcentre-plus>).

Earnings/wages top up: Claimed through Her Majesty's Revenue and Customs: <http://www.hmrc.gov.uk/taxcredits/>.

Living costs for children: Claimed through Her Majesty's Revenue and Customs: <http://www.hmrc.gov.uk/childbenefit/> & <http://www.hmrc.gov.uk/taxcredits/start/who-qualifies/children/>.

Housing costs: Claimed from the local authority: <https://www.gov.uk/housing-benefit/overview>.

## Full-time students and benefits

Most full-time students, regardless of immigration status, are excluded from claiming JSAIB, IRESA, IS and housing benefit. However, some students can claim these benefits and where this is the case it is explained in the guide. Non-student partners may be able to claim these benefits for the couple. Carers Allowance cannot be claimed by full-time students but can be claimed by non-student partners.

## Universal Credit

Universal Credit is due to replace JSAIB, IRESA, IS, Housing Benefit, Child Tax Credit and Working Tax Credit. The rules for full-time students are mainly the same but there are some differences. Universal Credit is due to be introduced gradually from 28 October 2013 in selected local areas across the country. But the timetable for change has not been finalised. Please check to see what is happening in your local area.<sup>5</sup>



## Advice on benefits

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Disability Costs: Claimed through the Department for Work and Pensions: <http://www.dwp.gov.uk/publications/specialist-guides/pip-toolkit/about-pip/forms.shtml>

5 For more information about universal credit see [www.cpag.org.uk/universal-credit-factsheet](http://www.cpag.org.uk/universal-credit-factsheet)

Where a student has access to benefits, you need to help them get advice from an independent advice service on making claims and challenging wrong decisions. You may have a service in the university that advises students about benefits or you may need to find the local Citizens Advice Bureau<sup>6</sup>, or local authority welfare rights service or other local independent advice service.

It is also important to note that some entitlement to welfare benefits, especially when the amount awarded is based on an assessment of income, could cause confusion with staff processing welfare benefit applications. The confusion is likely to relate to the fact that claimants in this category would usually have student finance as a source of income. In the project's experience staff have requested that the student applies for student finance in order to receive proof of rejection, before the relevant welfare benefit award can be made. This is a labour intensive and time consuming method to prove lack of entitlement. See the Student Finance England Student Support Information Note (SSIN) January 2011 announcing the change and giving a link to the legislation for more information.<sup>7</sup>

Some full-time students may be able to access benefits to help with living costs and housing costs. These are:

- Lone parents.
- Students living as part of a couple.
- Disabled students.

The following sections provide information on the rights and entitlement of students with limited leave in accordance with their individual circumstances:

- Single adult.
- Lone Parent.
- Couple with or without children.
- Students with a disability.

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6 [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)

7 [http://www.practitioners.slc.co.uk/media/46624/ssin\\_0311\\_persons\\_with\\_leave\\_to\\_remain\\_new\\_regulations.pdf](http://www.practitioners.slc.co.uk/media/46624/ssin_0311_persons_with_leave_to_remain_new_regulations.pdf)

## 3.2.2 Single Adult with limited leave to remain

### Student Finance

- No student with limited leave is entitled to student finance.

### Welfare Benefits

- Single full-time students with no children and who are not disabled cannot claim the key benefits that help with living costs: jobseekers Allowance, income Support, Employment and Support Allowance.

### Employment

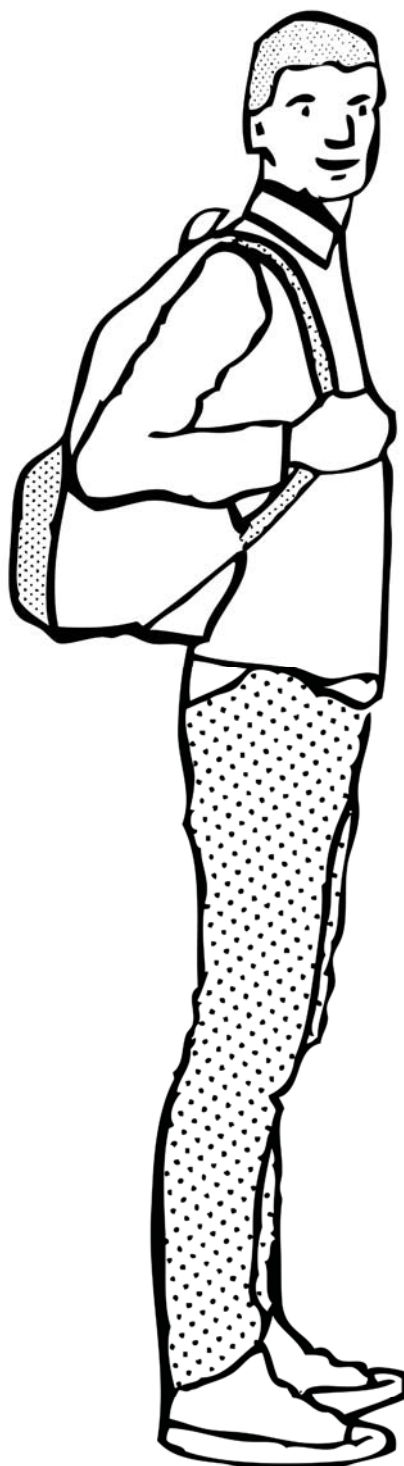
- People with limited leave are allowed to work.
- Full-time work to meet total cost of living and accommodation and full-time study is very challenging to sustain for the duration of an undergraduate degree programme.

### Accommodation Costs

- Single full-time students with no children and who are not disabled cannot claim Housing Benefit to help with rent.
- Support from family: Students living with their family will have a roof over their head and may also be receiving some support with living costs (from their family). As university students they can no longer be claimed for as dependent children. The family may not have the resources to provide much or any help towards living costs.
- Local authority support for care leavers: Students who have been in care as separated or unaccompanied asylum-

seeking children are usually entitled to continuing financial support as part of their leaving care support. See section 3.3 of this chapter for more information on support for care leavers.

- Support from the university: universities might decide to offer accommodation as part of their student support package.



### 3.2.3 Lone parent with limited leave to remain

#### Student Finance

- No student with limited leave is entitled to student finance.

#### Welfare Benefits

- Living costs for adults: Lone parents with a child under five with limited leave to remain will be able to claim Income Support for their living costs. But they need to be aware that Income Support will stop when their only or youngest child reaches age five.
- Lone parents who do not have a child under five cannot claim Income Support. They do have the option of signing on for Jobseeker's Allowance during the summer vacation but have to show that they are available and able to take up work.
- Living costs for children: Students with limited leave to remain can claim child benefit and child tax credit for their children throughout the year.

#### Employment

- People with limited leave are allowed to work.
- Full-time work to meet total cost of living and accommodation and full-time study is very challenging to sustain for the duration of an undergraduate degree programme, particularly for lone parents.

#### Accommodation Costs

- Students who are lone parents can claim housing benefit to help with rent. Their right to claim is not affected by the age of their child or children. If they are the only adult in the property they will not be liable to pay Council Tax.

#### Children

- Students with limited leave to remain are NOT entitled to childcare grants for full-time higher education students.
- Students with limited leave are in the same position in relation to childcare as students seeking asylum: See section 3.1.4.



### 3.2.4 Couple with and without children who have limited leave to remain

#### Student Finance

- No student with limited leave is entitled to student finance.

#### Welfare Benefits

- Living costs for adults: A non-student partner can claim out of work benefits for them as a couple, for example by signing on as unemployed for jobseeker's allowance, or through claiming employment and support allowance because of health problems or disability. If the non-student partner is working they may be able to claim Working Tax Credit depending on their hours of work, age and earnings.
- Living costs for children: Students with limited leave to remain can claim child benefit and child tax credit for their children.

#### Employment

- People with limited leave are allowed to work.
- Full-time work to meet total cost of living and accommodation and full-time study is very challenging to sustain for the duration of an undergraduate degree programme.

#### Accommodation Costs

- Housing benefit helps with rent. A non-student partner can claim housing benefit for them as a couple. The amount will mainly depend on

their income, but will also be affected by their rent, the number of bedrooms and whether anyone else lives with them.

- Help with council tax. Where one partner is not a student, couples will have some council tax to pay and can claim Council Tax Support (previously Council Tax Benefit) to help. The amount will depend on the scheme run by the local council, on income, and whether anyone else lives with them.

#### Childcare

- Students with limited leave to remain are NOT entitled to childcare grants for full-time higher education students.
- Students with limited leave are in the same position in relation to childcare as students seeking asylum: see section 3.1.4



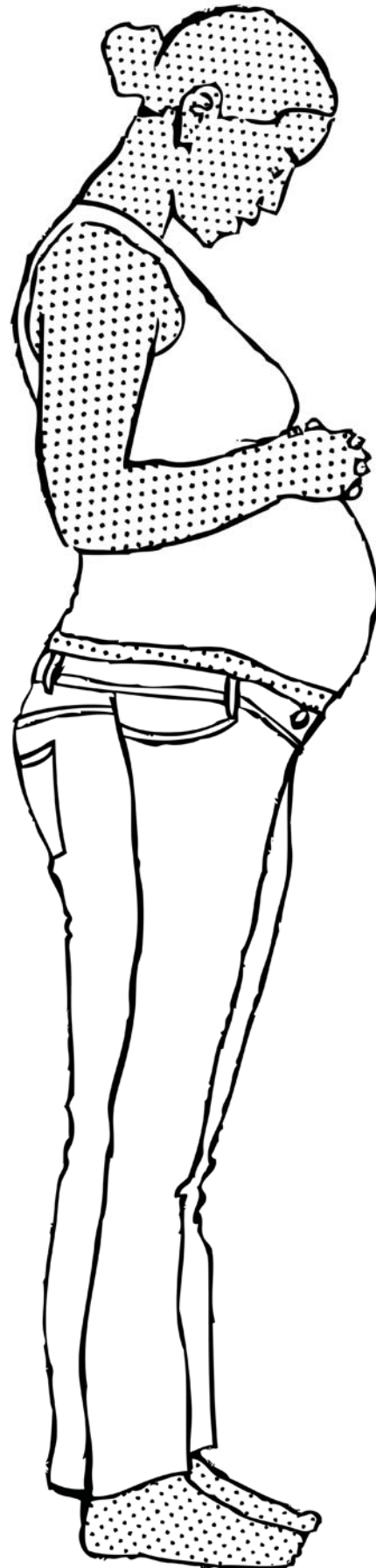
## 3.2.5 Pregnant students who have limited leave to remain

### Welfare Benefits For Single Women

- Living costs for adults: If it is the student's first child she cannot get income support or housing benefit during pregnancy due to her full-time student status. If she has worked or is working she may qualify for Maternity Allowance or, in some cases where still employed, Statutory Maternity Pay. When the baby is born she will qualify for benefits as a lone parent (see section 3.2.3). At the same time as claiming income support and child tax credit she should claim a Sure Start Maternity Grant which is available for a first child for people on certain benefits.
- If it is not the first child the student will already be claiming benefits as a lone parent. If she is not on Income Support (IS) because her other children are age five or over, she will become entitled to IS when the new baby is born. See the table 3.2.3 for more information on benefits for lone parents and their children.

### Welfare Benefits for Couples

- The non-student partner will be claiming benefits for them as a couple, therefore see the sections on couples. If the non-student partner is pregnant the couple will need advice on their benefit options. If the student is pregnant and has been or is working there may be entitlement to Maternity Allowance or Statutory Maternity Pay and they will need advice on how claiming this affects existing benefits.
- If it is the first child they need to check if they will qualify for a Sure Start Maternity Grant. They will be able to claim benefits for the child once she or he has been born. See sections 3.2.3 and 3.2.4 for living costs for lone parents and couples with children.



## 3.2.6 Disabled students with limited leave to remain

Students with limited leave to remain who have a disability may be able to claim welfare benefits to help with the extra costs associated with their disability, daily living and accommodation costs. Their entitlement and subsequent claim will depend on the extent and nature of their disability. This creates significant challenges for single disabled students who may find that their disability does not qualify them for welfare benefits and can leave them with limited options in terms of how to support themselves financially whilst at university.

As explained in the next section single students will need to be awarded Personal Independence Payment (PIP) before they can claim benefits for living costs and rent. It is important to help them get advice from an independent advice service before making a claim. See the **Appendix 8.9** Glossary of Useful Organisations.

Claiming PIP can be a long drawn out process with wrong decisions needing to be challenged and there is no certainty of success. In the meantime the student will not be able to claim benefits and will need an alternative source of support for living and housing costs.

Personal Independence Payment (previously Disability Living Allowance) is for people disabled by physical or mental health problems that need help with daily living activities or getting about. Students with limited leave to remain can claim Personal Independence Payment (PIP). Whether they qualify for PIP depends on the extent and nature of their disabilities. See here. for more

information about PIP<sup>8</sup>. Help the student to get advice from an independent advice service on whether they can claim.

PIP is the key benefit for disabled students. It can also open the door to other benefits.

## Student Finance

- No student with limited leave is entitled to student finance.

## Welfare Benefits

- Living costs for single students: Income Related Employment and Support Allowance (IRESA) can help with weekly living expenses. A full-time student cannot claim this benefit unless they are receiving Personal Independence Payment. The amount of IRESA paid will depend on the age of the student, their disabilities and what stage their claim has reached. See <http://disabilityrightsuk.org/employment-and-support-allowance-overview> for more information about IRESA.
- Living costs for couples: Where a disabled student has a non-student partner, they will need advice on the benefit options for them as a couple. Options will depend on whether the partner works or can claim out of work benefits. Where Personal Independence Payment can be claimed it can open the door to the partner claiming benefit as a carer.
- Living costs for children: students with limited leave can claim child benefit and child tax credit for their children

## Childcare

- Students with limited leave to remain are NOT entitled to childcare grants for full-time higher education students.
- Students with limited leave are in the same position in relation to childcare as students seeking asylum: see section 3.1.4.

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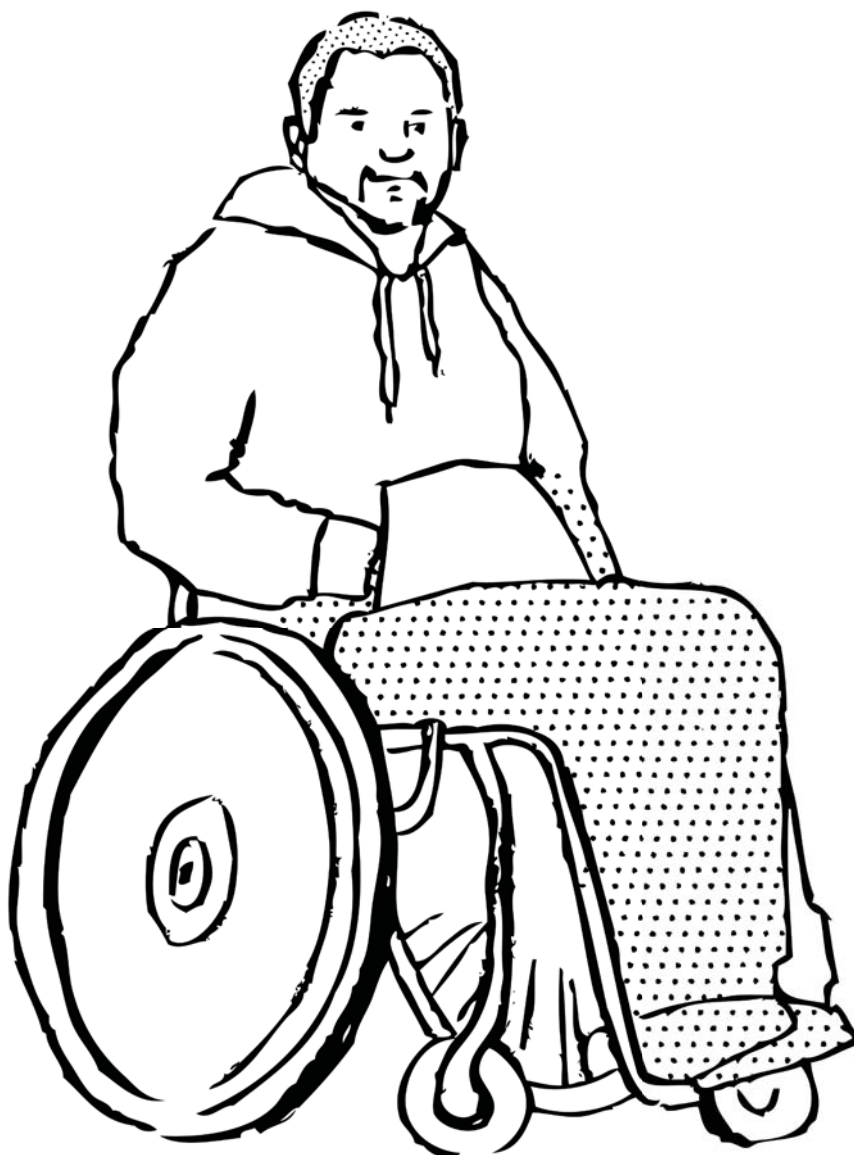
<sup>8</sup> <http://www.disabilityrightsuk.org/personal-independence-payment-pip>

## Accommodation

- For single students: Housing Benefit helps with rent. Single disabled students cannot claim Housing Benefit unless they are receiving Personal Independence Payment.
- For couples with and without children: Housing Benefit helps with rent. A non-student partner can claim Housing Benefit for them as a couple. The amount will mainly depend on their income, but will also be affected by their rent, the number of bedrooms and whether anyone else lives with them.
- Help with council tax. Where one partner is not a student, couples will have some council tax to pay and can claim Council Tax Support (previously Council Tax Benefit) to help. The amount will depend on the scheme run by the local council, on income, and whether anyone else lives with them.

## Travel Costs

- See [section 3.1.5](#) for more information about Disability Travel Costs.



### 3.2.7 Student Stories

#### Nada's Story

"After coming to the UK with my family in 2008, we claimed asylum. After successfully completing my first year at university, my family and I got limited leave to remain. I was happy that at least now I would be able to get student finance but unfortunately people with limited leave to remain are also not able to claim student finance - same as for asylum seekers. My parents were not able to support me financially because of their limited income.

I faced many difficulties financially because I had no job. As a full time student I was not allowed to apply for Job Seekers Allowance, therefore I was completely relying on my parent's limited income. During my final year at university I was offered a part time job in a hospital medical laboratory and that enabled me to afford my living costs as well as helped me to buy my additional course books and journal papers.

Despite all the financial barriers and difficulties, Thanks to God, I have now successfully completed my degree and have a First.

That is a great achievement for me and has happened because of the opportunity I was given by the Article 26 and due to their support and guidance throughout.

## 3.3 FORMER SEPARATED OR UNACCOMPANIED ASYLUM SEEKING CHILDREN (UASC)

Over one third of Article 26 students have spent time in the care of a local authority as the result of seeking asylum in the UK alone as a child. This group of young people are often referred to as unaccompanied asylum-seeking children or separated children; for the purpose of this resource we use the acronym UASC. Understanding the rights and entitlements of students who have been 'looked after' by the local authority can be a complex and confusing area. Article 26 understands that many universities have developed excellent services to meet the particular needs of care leavers who access higher education.

### 3.3.1 Local authority care

This section outlines the key issues and particular support needs that students from an asylum-seeking background, who have been in care and are now aged 18 or over, may bring to student services, it also provides information on the ongoing legal battles to secure the rights and entitlements of this group of students in accessing higher education. There is a constant struggle over whether to prioritise these young peoples' status as children and care leavers or as people subject to immigration control.

In addition to outlining the key issues, this section contains links to websites, documents and the details of organisations that can provide you with more detailed information and advice.

Children and young people who arrive in the UK alone, claim asylum and have no other forms of support will be looked after by the local authority. If supported under section 20, a young person will usually also be eligible for support from Leaving Care Services after their 18th birthday. Leaving care support is provided until the age of 21 or 25 if young person is in education.

Support under section 20 covers the following:

- Appropriate accommodation: section 20 allows UASC to be placed with foster carers, as an alternative to independent living, if it is in their best interests.
- Financial support.
- A named social worker.
- An assessment of their needs and support and guidance to plan for their future, referred to as a 'pathway plan'.

The local authority in which a child is physically present is responsible for their care. The majority of UASC present at local authorities in the South East, such as Croydon,

Hillingdon and Kent, as the ports at which they arrive are often based in those areas. However, over the years significant numbers of UASC have been looked after by local authorities across the UK. Over the course of the past few years, we have seen the disappearance of specialist services established to meet the needs of this group of looked after children within some local authorities. This has been the direct result of a significant decline in numbers of UASC arriving in the UK requiring local authority care and the impact of cuts in local authority funding.

Many UASC are now cared for within mainstream teams responsible for looked after children. There are pros and cons to this but it has meant the loss of specialist knowledge and experience in dealing with immigration issues affecting these young people. Local authorities that have retained large numbers of UASC are experiencing severe financial pressure, which unfortunately is sometimes evidenced in the level of care and support UASC in their care receive. It is important to understand the context in which support for UASC is provided and the ongoing legal battles that have shaped and continue to shape their care.

### 3.3.2 Leaving Care Support

“The majority of separated young people when they turn 18 should be entitled to leaving care support. Young people are entitled to this support up to the age of 21 at least, if they were previously supported by a local authority under section 20 of the Children Act 1989 for at least 13 weeks subsequent to their 14th birthday, and either continued to be ‘looked after’ up to age 18 or had been ‘looked after’ after reaching the age of 16. They are known as ‘former relevant children’. For former relevant children, a local authority has a duty to provide them with their accommodation as part of their leaving care support, if their welfare requires it.” (Coram Children’s Legal Centre 2012).<sup>9</sup>

Former relevant children are entitled to:

- A Personal Adviser.
- A Pathway Plan.
- Financial assistance with employment, education and training (including a higher education bursary if the young person is at university).
- Assistance in general (this may include accommodation if the young person’s welfare requires it).
- Accommodation during holiday periods for higher education if needed. The responsible local authority also has a duty to keep in touch with them.

The case *R (SO) v Barking and Dagenham* in 2010 held that ‘if the former relevant

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<sup>9</sup> See Appendix 8.9 Glossary of Useful Organisations, Coram Children’s Legal Centre guide ‘Seeking Support: a guide to the rights and entitlements of separated children’, particularly the chapter on children’s services support and support for young people turning 18, at <http://www.seekingsupport.co.uk/> and Coram Children’s Legal Centre factsheets at [http://www.childrenslegalcentre.com/index.php?page=faqs\\_and\\_resources](http://www.childrenslegalcentre.com/index.php?page=faqs_and_resources).

child is unable to access appropriate accommodation through some other means (such as through a combination of a council tenancy and Housing Benefit), and the provision of accommodation is necessary for that young person's welfare, then social services will be under a duty to provide or arrange suitable accommodation. The type of accommodation which is required will depend on the individual's needs which should be identified in the pathway plan, but could range from some form of specialist residential placement, to continuation of a foster placement, to simply the arranging of a tenancy and payment of the rent deposit."

A young adult who is appeal rights exhausted is only lawfully excluded from local authority leaving care support where the local authority has shown that to cease such support would not be a breach of their human rights.

### 3.3.3 Leaving care support in higher education

#### Rights and entitlements

Any support provided by the local authority in respect of education or training, including higher education, continues until the young person has completed the course, even where this takes them past their 21st birthday.

Accommodation can be provided during university vacation periods, which can constitute physically providing somewhere to stay or funding the cost of accommodation secured by the young person.

A one-off higher education bursary worth at least £2,000 is paid by the local authority, if the young person commences university before their 25th birthday.

#### Tuition fees

Much debate has been had over who should fund the cost of higher education for UASC care leavers with limited leave to remain. Until February 2011, UASC who had been granted limited leave to remain or any other form of temporary status could access student finance. This meant that the majority of young people who arrived as children seeking asylum were able to access higher education. A change in the regulations in February 2011 denied access to student finance to those with limited leave and made a recommendation to universities that they charge tuition fees at the international, rather than the home rate. This resulted in many UASC being forced to forgo higher education.

However, following the case of *Kebede vs. Newcastle*, where a local authority has leaving care duties towards a young person with limited leave, who wants to go to university but is unable to access student support or home fees, it may now fall to the local authority to fund their access to university, either by paying their fees or providing them with a loan. The law in this area is developing and a young person in this situation should seek advice from an advice agency or community care solicitor. See **Appendix 8.9** Glossary of Useful Organisations.

## How to complain or mount a legal challenge against a local authority

Complaints or issues about level of care should be addressed in the first instance to the named social worker or leaving care worker. There is always the possibility that there has been a misunderstanding or lack of communication that has resulted in the young person feeling dissatisfied by the service or level of care that they have received. If the issue remains unresolved, the next stage is to submit a complaint in writing. Specific information relating to local authority teams should be provided by staff, or be accessible via the website.

### Stages of complaint within a local authority (for complaints received in writing):

1. Local resolution – the aim being to resolve the issues within the team.
2. Investigation – at this stage it is considered a formal complaint and a response should be received in 25 days (65 days if the local authority provides good reason for the delay).
3. Review panel – will look again at the decision made on the basis of the formal complaint if the UASC and advocates are still unhappy. This panel meeting will take place within 30 days. The local authority are not obliged to follow the panel recommendation but failure to do so can provide grounds for the complaint to be taken to the Local Government Ombudsman. Once again, if the ombudsman decides in favour of the UASC and decides to award compensation, the local authority does not have to accept or act on their decision. However, this would be unusual.

If other avenues have been exhausted, or if the matter is very urgent, it will be necessary for the young person to seek legal advice from a community care or public law solicitor. Legal aid is currently available for this kind of legal advice and representation so a young person should be able to access such assistance for free.<sup>10</sup>

### Care leavers with additional needs

All looked after children including UASC should be fully supported by the local authority responsible for their care in relation to all their needs. Sections in this chapter covering welfare benefits, childcare and disability outline the minimum entitlement that the local authority should ensure the student receives and provide the basis on which additional support can be negotiated.

### What role can universities play in supporting UASC?

<sup>10</sup> See the Coram factsheet for more detailed information: [http://www.childrenslegalcentre.com/userfiles/LA\\_support\\_challenge.pdf](http://www.childrenslegalcentre.com/userfiles/LA_support_challenge.pdf)

Despite local authorities having the same legal duty of care for UASC as for young people born in the UK, the level of practical and financial support offered can vary significantly between them and between different local authorities. Many universities that work with Article 26 deliver projects that focus on providing support to care leavers. This places universities in an excellent position to identify and highlight issues and advocate for local authorities to treat UASC as they would any other looked after child.

### 3.3.4 Student Stories

"Since being a kid I have always felt like education was the only thing I had that was just mine - that no-one could take away from me. I knew that if I wanted to have an independent life and look after myself, I would need a good education.

*Marcus' Story*

I went into care when I was 16 and my local authority supported me until the end of college.

I applied for university and got a place. I received a little bit of support from my leaving care team- £2,000.

Because I am not eligible to get student finance I had to pay for all my fees and accommodation myself and for all my course books and my living expenses.

I got a job in my first year at the university and was working all the time- I found it hard to study. In my second year it got worse as I had to take on another 2 jobs.

After being involved with Article 26 and the Tower Hamlets Law Centre things have changed. They have helped me mediate with my leaving care team, asking them to better support me, and for my final year they will give me a slightly bigger allowance."



"I arrived in the UK in 2007 and claimed asylum. I was unaccompanied and under the age of 18 and was therefore placed in the care of the Local Authority.

I am very lucky to have them – they have really helped me a lot. They pay my rent; they give me money for utilities for food and for living expenses. They will support me until I'm 24 and it's not just financial support that they give me. I can call them up 24/7, whenever I need something; I have my social worker to talk to.

Jumma's Story

Getting to University wasn't an easy ride though.

I initially got a place at another university but then found out I wasn't entitled to student finance. I spoke to my social worker and she put me in touch with Article 26.

I really can't fault the support that I have been given by the local authority asylum team. They call me at least once a month to check how I am doing. They are helping me with my asylum issues. They are really good people and have been totally supportive"



STATUS & SUPPORT

# CHAPTER FOUR: DECISION TIME

In this chapter you will find out the impact that immigration status has on rights & entitlements:

- Refugee status & humanitarian protection (HP)
- Limited leave to remain
- A negative decision and/or becoming appeal rights exhausted

This section of the guide looks at the possible outcomes of an asylum claim and the way in which different outcomes affect a student's financial support and housing.



## 4.1 REFUGEE STATUS & HP

A positive decision on an asylum claim, such as refugee status, is cause for celebration. However, it means that Home Office support in terms of finance and accommodation will be withdrawn. The transition to other sources of support and accommodation can often prove to be very stressful. A positive decision means negotiating a number of often unknown systems (depending on personal circumstances), such as student finance, public and private accommodation providers welfare benefits and employment. This period can pose many practical problems and result in heightened emotional distress.

See [Chapter 5](#) where the practical and emotional impact of these issues are discussed in depth.

The next sections give information on the rights and entitlement of students granted refugee status or humanitarian protection, to financial support for living and accommodation costs according to their circumstances.

### 4.1.1 Welfare Benefits & Student Finance

A person granted refugee status or humanitarian protection is eligible to apply for student finance. When student finance starts depends on when in the academic year their status is granted.

If a person is granted refugee status or humanitarian protection within three months of the start of the current academic year, they are eligible for all elements of student support. If the change occurs after three months, they still become eligible for maintenance element(s) of student support but only become eligible for the tuition fee element in the following academic year(s). A person granted humanitarian protection will still need to satisfy the three-year ordinarily residence rule.

Education (Student Support) Regulations 2011, Section 16

See [Appendix 8.9](#) Glossary of Useful Organisations for UKCISA, for specialist advice on this area.

Students with refugee status or HP have the same entitlement to benefits as students with limited leave to remain and mainstream students.

As well as using the information in this section on benefits, please also refer to



### Chapter 3, section 3.2, for

- A guide to the main welfare benefits.
- A summary of the benefits rules relating to full-time students.
- The groups of students who can claim key benefits for living and accommodation costs.
- More information about the benefit entitlement of students according to their circumstances.

Where a student has access to benefits, you need to help them get advice from an independent advice service on making claims and challenging wrong decisions. You may have a service in the university that advises students about benefits or you may need to find the local Citizens Advice Bureau, or local authority welfare rights service or other local independent advice service. <http://www.citizensadvice.org.uk/>.

Unlike students with limited leave to remain, students awarded refugee status or HP are entitled to student finance. When student finance starts depends on when in the academic year their status is granted, different elements of student finance may start at different times depending on the date status is granted. Starting to receive student finance can reduce some benefits and not affect others. A brief guide to the impact of student finance on welfare benefits is provided below.

## General

- Special Support Grant, Childcare Grant, Parents Learning Allowance, Disabled Students Allowance, Loan for Fees do not affect benefits.

## Lone Parents

- Income Support for a lone parent with a child under 5.
- When student maintenance loan payments commence, their income will be too high to qualify for Income Support for the majority of the year. They can claim Income Support just for July and August, as student finance is ignored as income during this period.

## Pregnancy

- Maternity Allowance and Statutory Maternity Pay are not affected by student finance.

## Couples

- When the student maintenance loan starts to be paid, a non student partner's jobseeker's allowance or income related employment support allowance will be reduced due to the student maintenance loan, maintenance grant and adult dependents grant for most of the year, but not for July and August.
- Working Tax Credit will not be affected by student finance.



## Disabled students

- When the student maintenance loan starts to be paid, Income Related Employment Support Allowance will be reduced, as the student maintenance loan is classed as income. The adult dependant grant element of student finance is also classed as income when calculating benefit entitlement. Both the student maintenance loan and adult dependant grant are only classed as income for the majority of the year, but not for July and August.
- Personal Independence Payment is not affected by student finance or any other income.

## Children

- Child Tax Credit and Child Benefit will not be affected by student finance.

## Accommodation Costs

- Housing benefit for rent

**The student maintenance loan and, for couples, also the maintenance grant and adult dependants grant, will reduce housing benefit for most of the year but will not count as income for July and August so benefit should be higher for those months.**

- Council Tax Support for couples

**This will usually be affected by student finance in the same way as housing benefit.**

## Employment

- People with refugee status or HP are allowed to work.
- Full-time work to meet total cost of living and accommodation combined with full-time study is very challenging to sustain for the duration of an undergraduate degree programme.

**The following series of tables provide information on the rights and entitlements of students with refugee status/humanitarian protection according to their individual circumstances.**



## 4.1.2 Single Adults, Lone Parents & Pregnancy

	Single adult	Lone parent	Pregnancy
Student Finance	<p>Students with refugee status or HP are entitled to student finance but it depends on when in the academic year status is granted as to when their eligibility for student finance starts. Different elements of student finance may start at different times; depending on the date status is granted.</p> <p>Welfare benefits and student finance: Starting to receive student finance can reduce some benefits. See section 4.1.1 for details of the impact of student finance.</p>		
Welfare Benefits	<p>Single full-time students with no children and who are not disabled cannot claim the key benefits that help with living costs: jobseekers allowance, income support, employment and support allowance.</p>	<p>Living costs for adults: Lone parents with a child under 5 are eligible to claim Income Support (IS). Lone parents without a child under 5 cannot claim Income Support. They do have the option of signing on for Jobseeker's Allowance during the summer vacation but have to show that they are available and able to take up work.</p> <p>Living costs for children: Child Benefit and Child Tax Credit can be claimed throughout the year. The receipt of Student finance is not relevant for these benefits.</p>	<p>Entitlement to welfare benefits and accommodation entitlements for pregnant single women and couples who receive refugee status or humanitarian protection are the same as for a student with limited leave to remain. See <b>Chapter 3</b> sections 3.2.2 and 3.2.5.</p>



Accommodation	Single full-time students with no children and who are not disabled cannot claim Housing Benefit to help with rent.	<p>Students who are lone parents can claim Housing Benefit to help with rent. Their right to claim is not affected by the age of their child or children.</p> <p>The student maintenance loan will reduce the amount paid for most of the year, apart from July and August, but the special support grant, childcare grant, parents learning allowance and disabled student grant will be ignored throughout the year. Housing Benefit entitlement will not reduce if student finance is delayed until the start of the next academic year. (see section 4.1.1 for details of the impact of student finance).</p> <p>If they are the only adult in the property they will not have to pay Council Tax.</p>	Welfare benefits and accommodation entitlements for pregnant single women and couples who receive refugee status or humanitarian protection are the same as for a student with limited leave to remain. See <b>Chapter 3</b> sections 3.2.2 and 3.2.5.
Childcare		<p>Students with refugee status or HP are entitled to childcare grants for full time higher education students through student finance. Their children are also entitled to:</p> <p>15 hours a week of free early year's education for 3 - 5 year olds. The scheme offers 15 hours a week of free childcare for 38 weeks a year.</p> <p>Attend compulsory education from the age of 5.</p> <p>From September 2013 there are also free early education places for some 2 year olds. Students who receive Child Tax Credit but not Working Tax Credit are eligible to apply. To find where places are provided in the local area, contact the local Family Information Service: <a href="http://www.daycaretrust.org.uk/findyourFIS">www.daycaretrust.org.uk/findyourFIS</a>.</p>	



### 4.1.3 Couples with or without children

	Couples without children	Couples with children
Student finance	<p>Students with refugee status or HP are entitled to student finance but it depends on when in the academic year status is granted as to when their eligibility for student finance starts. Different elements of student finance may start at different times; depending on the date status is granted.</p> <p>Welfare benefits and student finance: starting to receive student finance can reduce some benefits. See section 4.1.1 for details of the impact of student finance.</p>	
Welfare benefits	<p><b>Living costs:</b></p> <p>A non student partner can claim out of work benefits for them as a couple, for example: by signing on unemployed for jobseeker's allowance, or through claiming employment and support allowance because of health problems or disability. Jobseeker's Allowance or Employment Support Allowance or Income Support, will be reduced by the student maintenance loan and grant, and the adult dependants grant.</p> <p>The award of all these welfare benefits will be higher if student finance payments are delayed until the start of the next academic year.</p> <p>If the non student partner works they may be able to claim Working Tax Credit depending on their hours of work, age and earnings. The student maintenance loan and grant does not affect Working Tax Credit i.e. is not classed as income when calculating entitlement.</p>	<p><b>Living costs for adults:</b></p> <p>A non student partner can claim out of work benefits for them as a couple, for example: by signing on unemployed for jobseeker's allowance, or through claiming employment and support allowance because of health problems or disability. Jobseeker's Allowance or Employment Support Allowance or Income Support, will be reduced by the student maintenance loan and grant, and the adult dependants grant.</p> <p>The award of all these welfare benefits will be higher if student finance payments are delayed until the start of the next academic year.</p> <p>The Childcare Grant and Parents' Learning Allowance are ignored as income when calculating JSA, ESA and IS entitlement.</p> <p>If the non student partner works they may be able to claim Working Tax Credit depending on their hours of work, age and earnings. The student maintenance loan and grant, the childcare grant and Parents Learning Allowance, are ignored for Working Tax Credit.</p> <p><b>Living costs for children:</b></p> <p>Child Benefit and Child Tax Credit can be claimed throughout the year. Student finance is ignored for these benefits.</p>



Accommodation	<p>Housing Benefit helps with rent. A non student partner can claim Housing Benefit for them as a couple. The amount will mainly depend on their student income, other income and earnings, but will also be affected by their rent, the number of bedrooms and whether anyone else lives with them.</p> <p>Help with council tax: where one partner is not a student, couples will have some council tax to pay and can claim Council Tax Support (previously Council Tax Benefit) to help. The amount will depend on the scheme run by the local council, on their student income, other income and earnings, and whether anyone else lives with them.</p>	
Childcare		<p>Students with refugee status or HP are entitled to childcare grants for full time higher education students. Their children are also entitled to:</p> <p>15 hours a week of free early years education for 3 - 5 year olds. The scheme offers 15 hours a week of free childcare for 38 weeks a year.</p> <p>Attend compulsory education from the age of 5.</p> <p>From September 2013 there are also free early education places for some 2 year olds. Couples who get Child Tax Credit but not Working Tax Credit or certain out of work benefits are eligible to apply. To find where places are provided in the local area, contact the local Family Information Service: <a href="http://www.daycaretrust.org.uk/findyourFIS">www.daycaretrust.org.uk/findyourFIS</a></p>



## 4.1.4 Disability

Disabled students with refugee status or HP may be able to claim welfare benefits to help with the extra costs associated with their disability, living costs and accommodation costs. Their claim will depend on the extent and nature of their disabilities.

### Personal Independence Payment

Personal Independence Payment (previously Disability Living Allowance) is for people disabled by physical or mental health problems that need help with daily living activities or getting about. Whether a student will qualify for PIP depends on the extent and nature of their disabilities. See <http://www.disabilityrightsuk.org/personal-independence-payment-pip> for more information about PIP. Student finance does not affect PIP.

Help the student to get advice from an independent advice service on whether they can claim and to support them during the claim. Claiming PIP can be a long drawn out process and there is no certainty of success. You may have a service in the university that advises students about benefits, or you may need to find the local Citizens Advice Bureau, or welfare rights service or other local independent advice service.

PIP is the key benefit for disabled students. It can also open the door to other benefits. As explained in the table below, single students will need to be awarded Personal Independence Payment (PIP) before they can claim benefits for living costs and rent.



	Single students with disability	Students with a disability living with a partner
Student finance	<p>Disabled students granted refugee status or Humanitarian Protection (HP) can access student finance. This means that they can apply for Disabled Student Allowances, which may help with the extra costs of study arising from disability: <a href="https://www.gov.uk/disabled-students-allowances-dsas/overview">https://www.gov.uk/disabled-students-allowances-dsas/overview</a>.</p> <p>It depends on when in the academic year status is granted as to when their eligibility for student finance starts. Different elements of student finance may start at different times; depending on the date status is granted.</p> <p>Welfare benefits and student finance: Starting to receive student finance can reduce some benefits. See section 4.1.1 for details of the impact of student finance.</p>	
Welfare benefits	<p>Living costs for adults:</p> <p>Income Related Employment and Support Allowance (IRESA) can help with weekly living costs. A full-time student cannot claim this benefit unless they are receiving Personal Independence Payment. The amount of IRESA paid will depend on the age of the student, their disabilities, what stage their claim has reached and student income. The student maintenance loan will reduce IRESA during most of the year; the special support grant and disabled student allowance are ignored.</p> <p>See <a href="http://disabilityrightsuk.org/employment-and-support-allowance-overview">http://disabilityrightsuk.org/employment-and-support-allowance-overview</a> for more information about IRESA.</p>	<p>Living costs for adults:</p> <p>Where a disabled student has a non student partner, they will need advice on the benefit options for them as a couple. Options will depend on whether the partner works or can claim out of work benefits</p> <p>See <b>Chapter 3</b> section 3.2 for more information on the options for a partner see <b>Chapter 4</b> section 4.1.3 Couples without Children and Couples with Children.</p> <p>Where Personal Independence Payment can be claimed it can open the door to the partner claiming benefit as a carer.</p> <p>Living costs for children:</p> <p>Child Benefit and Child Tax Credit can be claimed throughout the year. Student finance is ignored for these benefits.</p>

Accommodation	Housing Benefit helps with rent. Single disabled students cannot claim Housing Benefit unless they are receiving Personal Independence Payment.	Housing benefit helps with rent. A non-student partner can claim housing benefit for them as a couple. The amount will mainly depend on their income, but will also be affected by their rent, the number of bedrooms and whether anyone else lives with them.  Help with council tax: where one partner is not a student, couples will have some council tax to pay and can claim Council Tax Support (previously Council Tax Benefit) to help. The amount will depend on the scheme run by the local council, on income, and whether anyone else lives with them.
Travel costs	See <b>Chapter 3</b> section 3.1.5 for information on disability & travel costs.	
Childcare		Students with refugee status or HP are entitled to childcare grants for full time higher education students. Their children are also entitled to: 15 hours a week of free early years education for 3 - 5 year olds. The scheme offers 15 hours a week of free childcare for 38 weeks a year. Attend compulsory education from the age of 5. From September 2013 there are also free early education places for some 2 year olds. Students who get Child Tax Credit but not Working Tax Credit or certain out of work benefits are eligible to apply. To find where places are provided in the local area, contact the local Family Information Service, who can be found through: <a href="http://www.daycaretrust.org.uk/findyourFIS">www.daycaretrust.org.uk/findyourFIS</a> .



## 4.2 LIMITED LEAVE TO REMAIN

An award of limited leave to remain after the refusal of a claim for asylum or as temporary leave to remain in the UK is often viewed as a positive decision. Whilst an award does in many cases afford individuals a greater security, limited leave to remain can cause significant challenges in terms of support. Once granted limited leave to remain, an asylum seeker is no longer entitled to support from the Home Office. Many students who are granted limited leave to remain whilst studying are excluded from welfare benefits and student finance. It is important to be aware that whilst a student is awaiting a decision on an application for an extension or renewal of an award of limited leave to remain, their rights and entitlements remain the same i.e. they are still treated as having limited leave to remain. Their status does not change whilst they are awaiting a decision on an application for an extension.

For full and comprehensive information on the rights and entitlements of students with limited leave to remain see [Chapter 3](#) section 3.2 on and section 3.3 for information on care leavers.

See [Chapter 3](#) section 3.2 Limited leave to remain and section 3.3 status Former Separated or Unaccompanied Asylum Seeking Children. See [Chapter 5](#) for further information on the practical and emotional impact of the asylum process.



## 4.3 NEGATIVE DECISION ON AN ASYLUM CLAIM

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A student will be in this situation when they have received a negative decision on their asylum claim but have not yet exhausted their rights to appeal against the decision. Appeal time limits are very tight and the student must act very quickly in this situation and get legal advice and help to ensure that the appeal is lodged in time. Lodging an appeal in time will keep their claim for asylum active and also entitle them to continued financial support for living costs and to stay in their accommodation.

See **Chapter 2** section 2.4 for more information about the stage of the immigration process the person has reached.

### Accommodation & Subsistence

People seeking asylum in the UK, whose claim is in the process of being appealed, have the same rights to financial support as asylum seekers whose claim has not yet been decided. They have:

- No right to work.
- No entitlement to student finance.
- No entitlement to welfare benefits

They will continue to receive financial support and accommodation provided by the Home Office under section 95 of the Asylum & Immigration Act 1999.

See **Chapter 3** section 3.1 for a guide to the support provided by the Home Office to people who have made or appealed an asylum claim. Information and suggestions are provided regarding support for students who need childcare or who have a disability.



## 4.4 APPEAL RIGHTS EXHAUSTED (ARE)

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If someone has received a refusal from the Home Office on their claim for asylum and has either not appealed (and the deadline for appealing has passed) or has appealed unsuccessfully (and the deadline for appealing further has passed), they will be “appeal rights exhausted”. People in this position are classified as refused asylum seekers by the Home Office and are liable to be detained and forcibly removed, though the Home Office will not necessarily take enforcement action straight away. Some people in this situation may be able to make a fresh asylum or human rights claim – legal advice should be sought.

Under the Human Rights Act 1998 and the European Convention on Human Rights, asylum seekers who are ARE should not be denied their right to education. However, the Home Office has issued guidance on the right of ARE applicants to take up voluntary positions, suggesting that they have no legal right to remain in the UK and therefore cannot volunteer. The problem with this broad statement is that this may be only temporarily true, for example until an asylum seeker submits a fresh claim. The second problem with the Home Office guidance, as identified by a number of charities, is that the Home Office itself previously acknowledged a lack of specific legal power to prevent a refused asylum seeker from volunteering despite the fact that the refused asylum seeker technically no longer had a right to be in the UK. The Home Office clearly wishes to discourage refused asylum seekers from volunteering but appears to lack the legal backing.

This guidance implies, therefore, that an ARE asylum seeker who has not submitted a fresh claim may be regarded as unlawfully present in the UK (it is worth noting that this status may only be held for a short period before, for example, a fresh claim is submitted). However, there appears to be a lack of specific legal power by the Home Office to prevent a refused asylum seeker from studying even if technically he/she may no longer have the right to be in the UK. For more detailed information on the legal basis upon which people with various different immigration status can study in higher education without a student visa see **Appendix 8.7** Establishing a Legal Basis for Article 26 and **Appendix 8.5 and 8.6** Eligibility status & risk assessment.

When an individual has exhausted all rights of appeal in relation to their claim for asylum they may consider

- Voluntary return to their country of origin.
- Submitting a fresh asylum claim based upon new evidence or human rights basis.

However those who cannot return to their country of origin and do not qualify for a fresh claim may be subject to forced removal, detention or destitution. It is at this point that asylum seekers are often forced to consider the option of voluntary return.

Each individual’s situation will differ so it is important to encourage a student in this situation to seek professional legal advice about these options. In the experience of



Article 26, students who reach this stage often submit a fresh claim for asylum and/or a claim based on Article 8 of the European Convention on Human Rights, which protects a person's right to respect for private and family life and is relevant where someone has been in the country a long time and is settled.

At this stage a student may qualify for Section 4 support.

See **Chapter 5** section 5.1 for alternatives to detention and information on projects supporting return.

See **Chapter 5** section 5.1 onwards for information on destitution, detention and deportation from the UK.

See **Chapter 3** Section 3.1.3 for full details regarding entitlement to section 4 support.

See **Appendix 8.9** Glossary of Useful Organisations that can provide support and advocacy.

## 4.4.1 Accommodation & Living Costs

### Single Adults & Couples

- Section 4 support constitutes accommodation and an azure card (which can be used to purchase food and essential items), if an asylum seeker has submitted a fresh claim, agreed to return voluntarily or fulfil any other section 4 criteria.

### Destitution support

- A network of projects can help with food parcels, donations of clothing and essential travel expenses.
- University Hardship Funds for which home student status is not part of the eligibility criteria could be used to support destitute students.

### Family (dependent children)

- Section 95 support continues if the family comply with removal procedures or submit a fresh claim.
- The Children Act 1989 section 17 <http://www.legislation.gov.uk/ukpga/1989/41/section/17> is provided to children in need. The family will probably be required to present at their local authority and request a child in need assessment and a human rights assessment. For more information check the local authority website for information and the CORAM factsheet: [http://www.childrenslegalcentre.com/index.php?page=faqs:\\_families\\_support](http://www.childrenslegalcentre.com/index.php?page=faqs:_families_support).
- Childcare entitlement remains the same.



## Disability

- Community Care Assessment to be undertaken and support provided by the local authority or section 4 support if they meet the criteria.
- Disabled Student Allowance.
- Disabled Person's Bus Pass.
- Disability & Equality: access to university Hardship Funds.

## Care Leavers

- Leaving care support provided by a local authority can only be withdrawn when a human rights assessment has been undertaken and it would not breach the individual's human rights to withdraw support.
- Local authority vs. Home Office duty: if the UASC is ineligible for local authority support the Home Office has a duty to provide support for living and housing costs, which are usually provided under section 4.

Anyone who is ARE is liable to be detained and removed from the UK.

See **Chapter 3** section 3.1.1 and 3.1.2 for information on section 95 support and section 3.1.3 for information on section 4 support.

See **Chapter 3** section 3.1.5 disability support.

See **Chapter 5** section 5.1 for information on destitution, detention and alternatives to detention.



## 4.5 STUDENT STORIES

"I started University in 2012. At that point I was still an asylum seeker and living in NASS accommodation. I was granted Refugee Status on October 8th 2012 (and) the staff at Student Life helped me to put in an application for student finance.

After 4 weeks I was evicted from my NASS accommodation - I was going to be homeless and destitute but Salford found me some accommodation at the university and said I could apply for a hardship fund, which would provide me with financial support until my loan came through.

Salford University paid me £100 fortnightly for 1 month. My Student finance was approved in November and I then paid the University back once I got my student loan.

Applying for student finance was difficult because they asked for my original passport. Luckily I had one that had not expired. But the Home Office had it and I had to chase this up with them. It took three weeks for them to send it back to me. It was very frustrating.

I da's Story

It wouldn't have happened if I hadn't got the support from Salford Uni.

Arron was always on hand, the university accommodation office was also very supportive."





## Aissata's Story

"In December 2012, my application for Judicial Review was refused again. I received a letter from the Home Office telling me to leave my accommodation and that my azure card would be terminated.

However I was also given the opportunity to appeal against the decision to stop my support. I didn't really know what to do.

I went to my university and asked them for help and contact details for a homeless shelter. I was referred to a solicitor who helped me to apply to the asylum support appeals tribunal requesting that I be allowed to stay in my accommodation because I had a new solicitor who was in the process of gathering evidence to submit a fresh claim.

The appeal was accepted and I was told that I could stay in my house. My solicitor submitted a fresh claim for asylum and I am no longer at immediate threat of eviction. Getting legal help was very important. I was ready to give up and thought I would have to move out of my house.

Having the support of a solicitor meant that I was able to appeal to the asylum support appeals tribunal in time."

Aissata is still waiting for a decision on her fresh claim for asylum and is in her final year at university.

"I live with my 2 older brothers, my younger sister and my dad. We were granted DLR in September 2012. We had to move house within 28 days. I was told that I wouldn't get any housing benefit because I am a full time student and I still wasn't entitled to a student loan. I was worried I wouldn't have anywhere to stay...

The welfare officers at my University...were very helpful. The university gave me a room in a female dorm – I had food and a dorm bed. My dad was asking people if there were places we could rent.

My Dad knows the landlord of the house we live in and he is letting us pay some of the rent later (when the housing benefit comes through). When my dad found this house for us to live in I moved back with my family.


Silmiya's Story

The whole process; moving house, applying for benefits, waiting for benefits, not being able to pay for anything -It has all been difficult.

My dad gets JSA and is looking for work now. My brothers are at university and doing part time work; however, I am still unemployed and struggle for basic expenses. Money is a problem for us."



DECISION TIME



Silmiya has now graduated with a BSc Biomedical Science 2:1 and is currently seeking employment.

## 4.6 THE UNIVERSITY OF CHESTER'S STORY

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“Silmiya was a commuting student, experiencing deep personal difficulties prior to starting her final year of studies. She was an excellent student who was at risk of either not reaching her full potential or not completing her degree at all.

The university fully recognised what Silmiya had already overcome in order to gain her place at the university and wanted to support her.

After discussions with Silmiya, Article 26 and our Student Welfare department, it was agreed that the best way that the university could help would be by providing Silmiya with a room in our halls of residence; a decision ultimately supported by the Vice Chancellor. This gave Silmiya private time to focus fully on her studies, be close to our support services and facilities, and the flexibility to manage her study and family time as she saw fit. It was also an opportunity for Silmiya to be around other female students in her halls, creating another potential support network.

There were nominal cost implications to offering Silmiya fully-catered accommodation, as the overall gains for the university and ultimately for Silmiya were far greater. Silmiya graduated Nov 2013 with a 2:1 classification in Biomedical Science.”



# CHAPTER FIVE: IMPACT OF THE ASYLUM PROCESS

In this chapter you will find:

- Information relating the practical impact of the asylum process
- Advice on how the asylum process can impact on the emotional well being of students and strategies to minimise stress

The process of claiming asylum and securing status is complicated and time consuming. In our experience careful discussion, preparation and planning can help to minimise any negative impact or issues arising from these processes.

This chapter looks at the practical and subsequent emotional impact that the asylum process can have on a student and subsequently on their degree programme. It outlines the main ways a claim for asylum impacts on a student's daily life and university experience, suggesting ways that universities can provide support.



Students should have an immigration solicitor and hopefully be able to access support from specialist organisations working with refugees and asylum seekers. However, a university's understanding of the key issues and challenges students face is important in order to minimise the impact that claiming asylum has on their ability to study. **Chapters 3** and **4** focus on rights and entitlements.

This chapter focuses on the practicalities involved in realising those rights and entitlements – ranging from students managing their legal case and complying with Home Office rules and regulations, to managing the impact of change brought about by receiving a decision – be it positive or negative. This chapter covers the 'bumps in the road', so that universities understand the impact of the asylum process and can help students to maximise their attendance, attainment and overall well-being during their degree programme.

## 5.1 PRACTICAL IMPACT

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### 5.1.1 Orientation and Induction

The first obstacle that many students encounter is enrolling at university. For some it is a straight forward process, for others it can be complicated, embarrassing and traumatic. Students often do not want to be identified or labelled as an asylum seeker and are sensitive about revealing this information to university staff and fellow students. Several students have reported that staff have been confused and questioned the source of their financial support during enrolment. In some circumstances students have been told they will have to pay international tuition fees and received letters before and after registration demanding payment. This can cause significant distress. Given that students from an asylum seeking background who access university yet are not entitled to student finance are often a small minority, it is to be expected that staff are not always familiar with the documents they present or the circumstances in which they are accessing higher education. Enrolment works best when the students are supported through the process and staff responsible for registering students are made aware of their individual circumstances in advance.

The next important step is ensuring that students receive induction and orientation information about services available at the institution where they are studying. It is important to assume no prior knowledge or understanding; aspects of international students induction might be appropriate. At Article 26 we have delivered sessions during our annual residential, using case study examples to highlight the diversity of university services available and how to access them. In our experience, students sometimes assume they must have a learning disability or that it is seen as a weakness to access learning support. Although students have legitimately qualified to study on their chosen degree programme, many face the additional challenge of studying for a degree in English, which may be their second or even third language. We continually promote the fact that these services are available at university and it is important that students access them in order to maximise their chance of success in completing university course work. We would recommend that students are encouraged at least to sample these services to explore how useful they can be.

### 5.1.2 Legal Support & Case Management

One common issue facing all Article 26 students is that their immigration or asylum claim is unresolved, due to the fact they are still waiting for a decision, appealing a decision or applying to extend their leave to remain in the UK. It is likely that all Article 26 students will be actively 'managing' their immigration case during their undergraduate degree programme. Therefore, time off will be required in order to attend meetings with solicitors, attend court hearings or other pertinent appointments. There is the possibility of clashes with lectures, tutorials and even exams, in which case a leave of absence will need to be arranged. Feedback from current students tells us that they receive good support when needing to make special arrangements and that lecturers have responded in a positive and supportive manner. However, many students have concerns about how they will be viewed



and will sometimes require additional support in order to have the confidence to negotiate a leave of absence from university.

Article 26 requires students to manage their immigration case carefully and ensure that they do everything possible to secure status, which unfortunately may mean prioritising the demands of their asylum claim over their studies at certain times. Article 26 holds the view that good case management increases a student's chance to remain in the UK and subsequently complete their degree programme.

In **Chapter 4** we explored the impact on rights and entitlements that receiving a decision regarding status can have on people seeking asylum. Understanding rights and entitlements is only one part of managing the changes that come about as a result of a decision and the journey to realising or receiving these entitlements is not necessarily smooth. This next section covers the three biggest obstacles that students potentially face as a direct result of a change in status; destitution, reporting to the Home Office, detention and return to their country of origin.

### 5.1.3 Destitution

Destitution constitutes having no access to accommodation or subsistence support and can be a problem regardless of whether a student receives a positive or negative decision on their asylum claim. If a student is granted refugee status, HP or limited leave to remain they are no longer entitled to Home Office support, but broadly speaking have the same rights and entitlements as UK citizens.

- See **Chapter 2** for definitions of status.
- See **Chapter 3** section 3.2 and **Chapter 4** sections 4.1 and 4.2 for full details on entitlement to welfare benefits.

#### 5.1.3.1 Short & Long Term Destitution

##### Short term

Once an asylum seeker is granted status, they are given 28 days to leave their Home Office property from the date their award was granted. In addition to this, subsistence payments will cease. This section explores the circumstances in which a period of short term destitution can occur, where a 'gap' in support arises due to problems establishing and securing alternative means of support.

- Refugee status or HP – in the majority of circumstances will result in students becoming eligible for student finance. The 28 day period in which students have to apply for student finance in order to secure a new income and find suitable accommodation can be very challenging. In this situation, students can face periods of temporary homelessness and destitution.
- Limited leave to remain (this also applies to those granted refugee



status and HP) - might entitle some students to access welfare benefits and temporary accommodation, due to the threat of homelessness. This might apply to a lone parent or someone with a disability.

In order to apply for welfare benefits, including Housing Benefit, which funds temporary accommodation, students need a national insurance number (NINO). The Home Office need to issue a biometric residence permit (BRP) before a NINO can be issued by the DWP. A problem arises in that there is often a significant delay between the Home Office awarding status and issuing a BRP. Leading refugee advice agencies have campaigned for the Home Office not to start the 28 day notice period until the BRP has been issued in order to reduce the chance of people becoming destitute at this stage in their claim.

Students may find it hard to access the correct information and advice, due to their situation often not being amongst the most commonly dealt with by student finance or the relevant branch of the DWP responsible for administering welfare benefits.

See **Appendix 8.9** Glossary of Useful Organisations

## Long term

An award of status such as limited leave to remain can be viewed in a very positive light; however, it can also lead to the student becoming destitute for the remainder of their degree programme. A negative decision on an asylum claim can also lead to an indefinite period of destitution for a student.

- Limited leave to remain is awarded and Home Office support is terminated, yet due to their status as a full time student there is no basis upon which to claim welfare benefits; therefore they have no means of supporting themselves.
- ARE (appeal rights exhausted) – might lead to long term destitution, if the student is unable to access support from the Home Office under section 4.

See **Chapter 3** section 3.1 and 3.2 for full details regarding status and support.

Destitution to most people is a frightening prospect. However, in response to the challenging circumstances asylum seekers often face whilst living in the UK, a system of support has been developed by charities, religious institutions and individuals. This is far from an ideal way to live or study; however the project has worked with students who have proven that it is not impossible to study in these circumstances. The next section explores the support that is available and discusses the vital role that universities can play.

## 5.1.3.2 Destitution Support

### Friends, family & support networks

Students in this situation have relied on friends, family and support networks such as charities and religious institutions to provide them with a place to stay. However,



these solutions can be insecure, depending on the circumstances in which support is provided. People seeking asylum sometimes do not have extensive support networks in the UK because they have not lived here long enough to develop them, but this does vary and needs to be explored on an individual basis. An alternative problem might be that many of the people that they do know are also seeking asylum and might not have the resources to help. For example; Home Office accommodation providers stipulate that tenants are not allowed overnight guests; being found in contravention of these rules could put someone at risk of losing their accommodation. It is important to consider these issues when discussing accommodation options in the context of destitution.

If the student was a dependent of their parent/guardian whilst receiving Home Office support, it is not uncommon for the parent/guardian to move on to new accommodation and support themselves through work or welfare benefit entitlement and continue to support their dependents; despite not receiving any income for them. In the experience of Article 26, the need for a student to complete their degree is prioritised by family, extended family and friends.

## Work

If students have refugee status, HP or limited leave they are entitled to work. Full time work and full time study for the duration of an undergraduate degree programme is challenging to sustain. However, part time work to supplement support from family and friends is often more realistic and many students rely on this in order to successfully complete their studies.

## Charitable Support

Projects have been established across the UK in the past ten years to deal with the increasing number of people who have been made destitute as a result of the asylum process. These projects endeavour to provide basic support in the form of food parcels and cash for essential travel costs.

A network of religious institutions provide the backbone of destitution support. In order to establish what is available in the vicinity of your university, a good starting point is the Red Cross website.<sup>1</sup>

The Red Cross coordinates destitution support in many areas and might be able to refer the university or the student to a specific local project. An internet search should also produce more detailed local information.

Destitution support often revolves around the provision of food and small amounts of money. However, there are also projects around the country that provide accommodation. This type of support is limited and can be hard to secure, but it is worth exploring what is available in your area. The UK's national 'No Accommodation Network' is a group of organisations that endeavour to support destitute asylum seekers with a range of issues including accommodation.<sup>2</sup> There is a map on the

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1 <http://www.redcross.org.uk/What-we-do/Refugee-support/Our-services-for-refugees>

2 <http://naccomm.org.uk/>



website highlighting projects within different cities that can provide local advice and support. It is important to be aware that securing accommodation for a destitute asylum seeker is challenging, but also very important and worthwhile to pursue.

## University Support

Long and short term destitution places students in an incredibly vulnerable situation. It is vital that the students' options are fully explored in order to try and minimise the possibility of the student being exploited. For example, a situation could arise in which a student is offered accommodation but on the basis that they engage in illegal activities in order to 'pay' their way. The university can consider helping by:

- Advocating on behalf of the student to the Home Office to request that the 28 day period before support is terminated doesn't start until their BRP (biometric residence permit) has been issued.
- Offering temporary accommodation or a place in student accommodation with a proviso that no rent is paid until student finance application is processed and funds have been received by the student.
- Offering a place in Halls of Residence free of charge, if empty rooms are available.
- Hardship funds - if a student has some form of status they should be entitled to access any support that is available to home students or if they don't have settled status access to discretionary funds.
- Exploring employment options within the university e.g. student ambassador role. If a student cannot be paid because they don't have the right to work, explore the possibility of paying expenses, vouchers or topping up university a pre-payment card for printing, photocopying or catering.



- Refer the student to local & national agencies providing destitution support.

## 5.1.4 Contact Management

Individuals who have not been granted any form of status are often required to report to the Home Office on a regular basis. Home Office contact management is usually referred to as 'reporting' and takes place at either a local police station or a Home Office reporting centre. The government has powers to detain those with no leave to remain in the UK. Many people who report regularly, face the constant fear that whilst reporting they will be detained by the Home Office.

The frequency with which an individual has to report may depend on their personal circumstances, the stage of their asylum claim and whether they have health problems that make it difficult for them to report. People are usually required to report on a weekly, fortnightly or monthly basis. The main claimant on the asylum application must report and sometimes all dependents on the claim are also required to accompany the main applicant. It is at the discretion of the Home Office to decide upon who must report on a regular basis.

Reporting requirements can interfere with students' studies due to timetable clashes. If this is the case, the student can request that the reporting centre change the day or time that they report in order to avoid a regular clash. This will be easier for the student to achieve if they have written evidence from the university in order to support the request. It is unlikely that the frequency of reporting will be changed but a change of time or day is a reasonable request. More substantial grounds are required to change the frequency of reporting. For example, if the student has a medical condition, medical evidence needs to be submitted from their doctor. The decision as to whether reporting times can be changed is likely to be arbitrary and can depend on the individual person making the decision. However, don't give up, even if the Home Office refuse. Go to the next level in terms of management in order to challenge the decision.

In addition to the practical problems that reporting presents, it is also worth noting that for many people reporting is associated with a great deal of stress and the fear of being detained. Students might be reluctant to pursue a change in reporting times if their request is not met the first time. Students have reported that they don't want to draw unnecessary attention to themselves when reporting, as they fear that this could impact on whether or not they are detained. The Home Office has at times responded very positively to requests of this nature. However, Home Office staff have also incorrectly advised students that they are not allowed to study in higher education and questioned the legitimacy of their studies. This can cause considerable distress. It is very important to consult with students, as to how they want to manage their contact with the Home Office.

See **Appendix 8.7** Establishing the Legal Basis for Article 26

### University Support

There are a number of things that universities can do to support students when they report, which can help to make it a less stressful experience.



- Remember! Failure to report can result in detention; therefore it is important that you advise students to continue to report even if they don't want to. It must be a priority.
- Reporting buddy - if a student is fearful of being detained, encourage them to identify a friend or family member who they can notify when they are going to report – notifying them when they arrive at the centre and when they leave. If the person going to report has not notified their friend after two hours, to say they have safely reported and have left the reporting centre, their buddy can then investigate if they have been detained and contact their solicitor, if necessary. It is vital that the buddy has the full contact details for the student's solicitor.
- Legal documents - It is also helpful if the reporting buddy has a copy of all the student's legal documents and essential information, in order that they can act quickly in the event that they are detained. It is inadvisable for university staff to play this role, as it can be very demanding and time consuming.
- National Coalition for Anti-Deportation Campaigns has produced an excellent campaigning toolkit, which focuses on community led campaigns for stopping deportations. They also have some excellent advice on how to manage the reporting process and detention.<sup>3</sup>

See **Appendix 8.9 Glossary of Useful Organisations.**

## 5.1.5 Detention

**Detention is one of the most difficult and controversial aspects of the immigration process. There are three broad categories of people who are liable to be detained:**

- People subject to immigration control who can be detained pending examination and a decision on whether to grant, cancel, or refuse leave to enter.
- People subject to immigration control who have entered the UK illegally or overstayed a visa; have been refused leave to enter; have failed to observe conditions attached to leave to enter; who have used deception in seeking leave to remain can be detained along with their family members who are not British pending examination and a decision on whether to issue removal directions and pending administrative removal. People reasonably suspected of falling within these categories can also be detained.
- People who are the subject of a criminal court recommendation for deportation can be detained at specific stages of the deportation process.

**Article 26 students may fall into these categories. If they have applied for asylum when they are over 18, it is possible that they could be put in the Detained Fast Track for the processing of their asylum claim. This is an accelerated process for**

<sup>3</sup> The tool kit can be accessed at the following address: <http://www.ncadc.org.uk/toolkit/index.html>



the processing of asylum claims in which applicants are detained at an immigration removal centre. There is an increased chance of being detained when someone's appeal rights are exhausted and the Home Office wants to issue removal directions and subsequently return them to their country of origin. A person can be detained when they report or alternatively a team from the Home Office will visit them at home and take them into detention (this usually takes place early in the morning and is known as a 'dawn raid').

Detention and subsequent removal is a significant concern for the project and the students for whom it could potentially impact upon. For universities wanting to retain students, the threat of detention is an unwelcome one. It is important to acknowledge this threat and its potential consequences, but more important to understand what can be done to support students who are under threat of detention or who have been detained. Experience informs us that the impact or period of detention can be reduced by the support an individual receives outside of the detention centre. The very first Article 26 student was detained with his family on four occasions before starting university, yet was awarded status in his final year. Detention is very much a part of the immigration process; however it is important to remember that it does not automatically lead to removal, signify the end of the asylum process or a student's time in the UK.

## Families in Detention

Children are no longer detained as part of the immigration process. The Home Office now has specialist teams responsible for the removal of families from the UK. Once a family is ARE and has no further legal grounds upon which to remain in the UK, a meeting is held with the Home Office who will outline their options concerning return to their country of origin. A follow up meeting takes place 3-4 weeks later. If no action has been taken by the family, the Home Office will detain them for a



maximum of 72 hours, during which time removal directions will be issued and they will be removed from the UK.

## 5.1.5.1 Alternatives to Detention

The main viable alternative to detention is to leave the UK voluntarily. Return is not an option many people will want to consider. In some circumstances people will refuse to engage with the possibility and will not be prepared to return voluntarily under any circumstances. Force will be the only means to remove them. There are certain categories of people who cannot be removed due to the fact that they are stateless, owing to the fact that their country of origin refuses to issue travel documents or accept them back into the country.

Refugee Action delivers the Assisted Voluntary Returns Scheme also referred to as the Choices project. The project works with asylum seekers and irregular or undocumented migrants to explore the options available to them if they choose to return voluntarily to their country of origin. If someone chooses to receive advice from Choices the Home Office will not be notified. They are only contacted once an application to be returned has been submitted. Choices advisors are qualified to provide level 2 immigration advice. Therefore, advisors are qualified to explore any further legal avenues and also make informed referrals to other agencies; if it transpires that a different or more appropriate type of service or support is required.<sup>4</sup>

Refugee Support Network (RSN) does not think that it is in the best interests of young people to be forcibly returned, yet see it happening with increasing frequency. Through their 'Youth on the Move' programme, launched in February 2013, RSN are committed to both documenting what happens to young people after forced removal, and to helping them create a worst-case scenario safety net to better cope with it if they find themselves in the situation. They are assisting young people through the work of a specialist support worker who, whilst helping young people explore routes to remaining legally in the UK, helps them to prepare for the worst-case scenario of enforced return.<sup>5</sup>

Article 26 fully respects and recognises that voluntary return will never be an option for some asylum seekers. The majority of asylum seekers are forced to consider this option due to the threat of destitution and enforced removal. However, it is important to provide information on the advantages of returning on a voluntary basis, both prior to leaving the UK and on arrival in the country of origin.

The process of forced return involves having to board a flight under the supervision of guards and being handed over to security forces upon landing in their country of origin. The advantages of leaving the UK voluntarily include:

- Flying on a normal charter flight without guards/escorts – even if leaving the UK from a detention centre.

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4 For more information see the following link: <http://www.choices-avr.org.uk/>

5 For more information about 'Youth on the Move' see the following link: <http://refugeesupportnetwork.org/content/youth-on-the-move>



- Support with applying for travel documents and booking flights
- Financial support with the flight, and in some cases for temporary help with reintegration.
- Planning for your return - for example the journey from the airport to a home town/village and support contacting family.
- Information on packages of support that may be available in the country upon return; education, employment, training and business packages.

There is up to 3 months in which to plan and prepare for voluntary return and this could potentially extend a student's stay in UK and allow them time needed to complete their degree programme or sit exams. The financial package of support offered under the voluntary assisted returns programme amount to £1,500 for an individual and £2,000 per family member; this could potentially be spent on education. Advice and information can be sought on any issue, including continuing in higher education.

## 5.1.5.2 Detention Support

There are two important aspects of providing support to students, the first is in helping them prepare and plan if the threat of detention has increased. The second is to establish the type and extent of support the university will be able to provide in the event that a student is detained.

### Preparing for Detention

The best preparation for detention is to confront it as a possibility and to talk about it. Given the hugely sensitive nature of the topic many people find this difficult. However, it is important to have these discussions in order to minimise the impact, and for students it will be a relief to know that you are aware of and understand the issues. The sharing of knowledge and discussion on the subject cannot remove the threat of detention, but can directly lead to practical measures being put in place to support a student and bolster emotional wellbeing.

- Openly discuss creating a plan with students if the threat of detention becomes heightened.
- Encourage the student to have a reporting buddy who is aware of when and where they report, in the event they are detained whilst reporting.
- Establish what support you can provide, as a university and the type of support individual students would want to receive. It is very important to focus on and establish individual support needs and to be realistic with students as to what they can expect from the university.
- Refer students to useful websites such as AVID (Association of Visitors to Immigration Detainees), BID (Bail for Immigration Detainees) and Refugee Action - CHOICES project, in order that they can do their own research. It is important that they don't rely on hearsay and rumours

within the refugee community but explore the facts about detention.

## Support in Detention

Perhaps one of the most important things that student services staff will need to consider in relation to this issue is the extent to which they are able to help and support a student once they have been detained. It is important for everyone to be clear and for boundaries to be communicated to students. Being detained is very stressful and upsetting; this may be compounded if students are hoping or expecting to receive help that the university is unable to provide:

- Write a letter to the Home Office in support of the student and providing reasons against their removal (through student's solicitor).
- If the student doesn't have a solicitor, provide details or encourage them to access services within the detention centre or details of local immigration solicitors.
- Involve the students union in a campaign.
- Visit the student in detention or contact AVID and request that they send someone to visit.
- Refer the student to BID or the Choices project.
- Keep in touch – sometimes people are detained for lengthy periods of time.
- If possible, send work and assignments for students to do in order to avoid too much catching up if or once they are released.
- In the event the student is likely to be removed, establish a plan to either accredit their learning to date or enable them to complete their degree from outside of the UK via distance learning or at an accredited institution.
- Provide an academic reference



## 5.1.6 Student Stories

"When I got status, the Home Office gave me notice of 28 days to leave the accommodation.

I got a bit scared and I didn't know who to go to for advice. I didn't have money, I wasn't working and I didn't have a National Insurance (NINO) Number. The Home Office stopped my support before I reached the 28 days notice.

They stopped my vouchers and I didn't have any money to buy food. I contacted the housing officer at The Refugee Council. She gave me an appointment and called the Home Office on my behalf to ask why they had stopped my support. Home Office promised to re-instate it for one week. At the Refugee council, we called the job centre.

When I told them I am full time student, they said I wasn't eligible for any support.

Agnes' Story

By this time it was approaching September, so I went to university to enquire about applying for student finance. The university helped me to apply for a student loan. Then I had to wait. But I still didn't have any accommodation.

In the end the university helped me by giving me access to student accommodation. They said I could go into student accommodation and pay for it after the loan came. The loan came at the end of October..."





Agnes is  
now in her  
final year at  
university.

IMPACT OF THE ASYLUM PROCESS

## Abbas' Story: Reporting

"Since starting university, I have had to report every Thursday at the Leeds reporting centre. It is three miles from my house.

Last term, I had a lecture between 9-10am and another at 11am. I had to miss lectures. There will be very serious consequences for me if I miss reporting but reporting is very, very stressful. You never know what's going to happen.

Sometimes, people go and get the decision on their asylum claim and get detained. I have had panic attacks there. Once I went there and found out my case had been refused. I was arrested and detained.

My situation is made more difficult by the fact that I have to report in Leeds and I study in Manchester. I don't want to ask the Home Office to change my reporting details. They may have a problem with it and try to detain me. It is better for me to keep my head down. You never know when they will detain you. Last time I was detained for 6 months for no reason."



## Abbas' Story: Detention

"When I was first put in detention I had only just arrived in the country and I didn't know anyone. I felt lonely and trapped. When you are in detention, you feel hopeless and helpless. I think it is easier to be in prison.

When you are in detention, there is no date to get out. It's like you are in prison but you haven't committed a crime.

I have been detained three times. Each time I was released from detention, I was granted bail.

There were solicitors in the detention centre that could help you make an application for bail but I think it is easier to do it by yourself. The solicitors won't do the application for you if they think it doesn't have a chance of success. I therefore made my own application.

Access to the internet is restricted to half an hour a day and lots of sites are blocked. The website for the European Court of Human Rights is blocked and other forms of communication are very limited.

It's important to have contact with people and to know someone on the outside. There is a network of visitors. They came to visit me and brought me books. That really helped."





Abbas recently commenced his second year at university and is still required to report on a regular basis.



## The University of Salford's Story

Article 26 does not have experience in supporting students to continue with their degree programme whilst in detention, as none of our students have been detained whilst at university. The University of Salford has experience of supporting a student who was sentenced to a term in prison during his degree programme.

Good practice developed by the University of Salford is included, as it could be adapted to support a student detained as part of the immigration process.

*"In August 2011, I learned that one of my students had been given a prison sentence. I contacted the Vice-Chancellor and suggested that we should continue to support him while he was in prison.*

I believed that we owed him a debt of loyalty. The Vice-Chancellor enthusiastically supported my proposal.

The School took the view that given his record and his situation, he could register as a student while in prison and complete three outstanding modules. It was necessary for one colleague to accompany me on several visits, whereas the other tended to operate the module for which he was responsible more as a 'distance learning' exercise.

I asked HM Prison Service for their help, and they were outstanding in their support for the project. There is no access to the internet, and the use of computers is strictly managed. I did make it absolutely clear to HMP staff that I did not expect any corners to be cut with any of their procedures and that I would be pleased to work with whatever materials that could be made available to me"



## 5.2 EMOTIONAL IMPACT

Understanding the wider and often very challenging context in which students from an asylum seeking background live their daily lives is vital to understanding the barriers they face in concentrating fully on their studies. It is also the basis upon which solutions can be found to alleviate these pressures.

### 5.2.1 Benefits of Higher Education

At the individual level, education allows people from an asylum seeking background to focus on their future, develop new skills, promote emotional wellbeing and reduce isolation. Article 26 has found that people seeking asylum often speak of education as the most positive aspect of their lives and are motivated to progress, primarily because education enables them to focus on the future rather than the past.

Inclusive educational policies promote social integration and societal cohesion, creating significant benefits for host communities and wider society. Refugees bring new cultures, perspectives and skills into our society and education enables and inspires them to give back to the society that has offered them sanctuary. Attending university is an extremely positive step for an asylum seeker and can be an important stage of their integration into the UK.

The impact and benefits of higher education are best expressed by the Article 26 students:

*“Wonderful experience, feels like a dream come true, learning new skills, information and most of all, knowledge. Got really good results- very pleased”*

*“My experience of being at university was overwhelming and was motivating. I feel that I have gained confidence and new skills and personality. I now think and reason differently and talk professionally”*

*“Being in university I have experienced lots of things I like. I have improved my learning and my understanding. I love to study and want to be educated, live a happy life and have a good future”*

See **Chapter 1** section 1.1 Article 26 beneficiaries for the range of different students and the project’s success to date in spite of these challenges.

### 5.2.2 Learning Support

A key role for universities is recognising the stress that Article 26 students may be dealing with and signposting them for appropriate support. Although all Article 26 students have demonstrated an aptitude for academic study and all successfully gained their university place through UCAS, some struggle with the particular nature of academic work in the UK. This might be a student’s first experience of education in the UK. Students can be unfamiliar with the university’s approach to study and what is expected of them. Some of our current partner universities have developed one to one learning support, which Article 26 students have particularly benefited from.



## 5.2.3 Mental Health Support

It is safe to say that most students experience some kind of stress during their university career and that coping with new and challenging work, deadlines and exams whilst being away from their usual support systems can be daunting. There are multiple aspects of seeking asylum that can add to the usual stresses associated with studying in higher education. For many, there is the constant and overarching fear that they might be returned to their country of origin, once fled for fear of persecution. Many asylum seekers experienced traumatic events in their countries of origin, on their journey to the UK and in exile. In addition to this, significant emotional pressures stem from dealing with the complicated process of claiming asylum, uncertainty around the outcome of a claim for asylum and the challenges of adapting to a different culture and building a new life. These pressures often have to be managed against the backdrop of living in sub standard accommodation on a very low income.

Going to university can provide a sense of stability, important positive focus and play an essential role in the healing process. For those who need additional help there are a number of options.

### Counselling

Counselling can prove to be of great benefit but different cultural approaches to mental health issues can mean that the concept and purpose of counselling can be unfamiliar and therefore may need to be explained carefully. It is also important to be aware that there are times when counselling may not be helpful and that focusing on resolving the practical difficulties that are creating stress might be more useful. Where external counselling and support are more appropriate, there are a number of organisations that specialise in working with refugees and have particular expertise in working cross-culturally. There are several useful websites to go to in order to understand some of the specific issues that people from an asylum seeking background might be dealing with and where you can seek specialist help or advice should your students need it.<sup>6</sup>

These websites are not exhaustive resources; the majority of organisations working with refugees and asylum seekers include information pertaining to mental health and emotional well-being. The Refugee Council run the 'Health Befriending Network'<sup>7</sup> and in London deliver therapeutic case work.<sup>8</sup> The Refugee Action website 'Refugee Voices' talks to people about the challenges they have both faced and overcome in order to build a new life in the UK.<sup>9</sup> The potential emotional difficulties that students might experience are impossible to predict. The information contained in this section is therefore included to raise awareness about the range of possible issues that students seeking asylum might present with and how universities can support them. Our experience is that Article 26 students have demonstrated incredible resilience

6 <http://www.freedomfromtorture.org/> ; <http://www.helenbamber.org/> ; <http://www.ecpat.org.uk/>

7 <http://www.refugeecouncil.org.uk/hscvproject>

8 [http://www.refugeecouncil.org.uk/what\\_we\\_do/therapeutic\\_casework](http://www.refugeecouncil.org.uk/what_we_do/therapeutic_casework)

9 [http://www.refugee-action.org.uk/refugee\\_voices](http://www.refugee-action.org.uk/refugee_voices).



to get to the point at which they qualify to access higher education. Interventions such as student support, counselling or quite simply university staff demonstrating a greater understanding or appreciation of the context in which they are studying can make a huge difference.

See **Appendix 8.9** Glossary of Useful Organisations.

## 5.2.4 Peer Support

University can be an isolating experience for people from an asylum seeking background, especially if they are in a small minority at university. Article 26 organises a two day residential for students every summer to enable them to meet others in the same position, share ideas and make friends. This is an essential part of the support that Article 26 offers because having the chance to meet and know other people in their situation and to feel part of a community are all important strategies for coping with day to day challenges.

Universities can assist students by setting them up with peer support. Universities can link students to;

- Existing groups .
- Volunteering opportunities.
- International student societies, whilst recognising their special and specific circumstances.
- External organisations delivering group activities for asylum seekers & refugees.

During one of our residential events, we discussed stress relief with the students. They shared the ways they cope with stress and we have shared it with you, to share with your students.

### Why will these things help?

- Positive distraction.
- Take your mind off your troubles and stress.
- A problem shared is a problem halved.
- Talking helps you think through your feelings.
- You feel more in control when you organise what you need to do.
- You can plan for time off and time to relax.
- Having fun and laughing relieves stress and worry.



# Student Tips for Dealing with Stress.....

Speak to your GP if you're feeling really depressed.

- Share your feelings and worries.
- Have a laugh with friends.
- Talk positively.

Talk to family and friends

Talk to the University counsellor

Visit the temple, church or mosque..

Pray

- Write a list
- What can you do to change things?
- Think about a solution

Plan

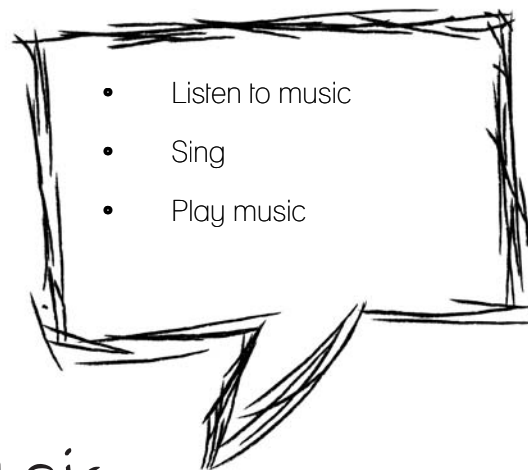
- Tidy your belongings
- Organise your work

Clean the house



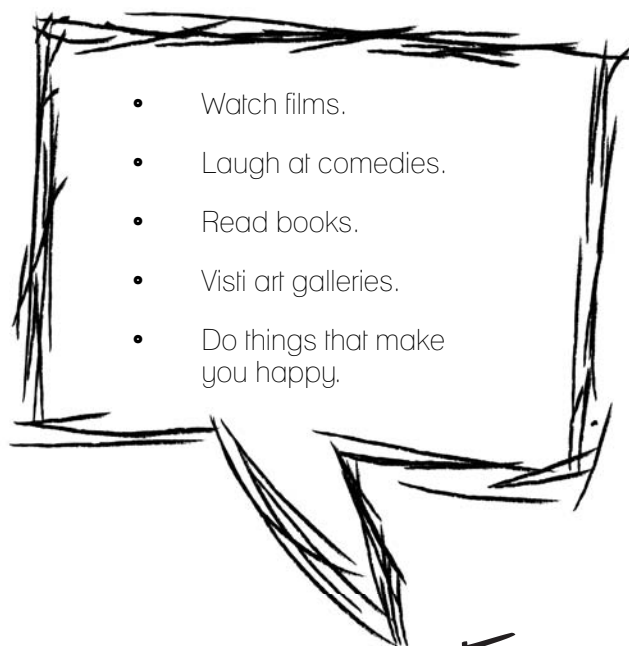


Exercise



Music

Rest and eat good food



Entertainment



## Some Tips for a Happy Life...

### Talk with friends

Share memories.  
Laugh.  
Have a good gossip.

### Make sure you laugh

Watch comedy.  
Tell jokes.  
Don't take life too seriously.

### Get out of the city

Take a bus into the countryside for a walk.  
Enjoy being outside..

### Get active

Dance  
Jump on a bike.  
Go swimming.  
Go to a party.

### Count your blessings

Appreciate what you have  
Try to accept the challenges of life  
Think positive



## 5.2.5 Student Stories

"Working alone is very challenging. I want to work in a group but I don't know people. Last year it was depressing me. It was very difficult.

This new year, the university has learning advisers. They have helped me to write essays. I take my work to them, if it's good or not good they tell me...They show me how to structure my essays.

English is not my first language and I don't have a background in writing reports. Any time I have a need for support; I can go and see them. I go regularly. I book online and there is one hour for each session.

This is a new service. It makes my work better. I have someone to ask, face to face. Sometimes I understand what I am being asked, but don't know how to write it. I'm happy now that I have someone to help me. Any time they have availability they will see you.

I'm not struggling to write like before. Now it is less difficult for me. Learning support is a big improvement. It's good to have one to one support"

Alphas' Story: Learning Support



IMPACT OF THE ASYLUM PROCESS

“Rebecca at Article 26 and one of my friends encouraged me to go to counselling. I had six sessions.

I help people, I counsel people, my mind is strong, so I thought I didn’t need counselling but actually things were very difficult and my mind was not working.

But they listened and I was able to express my feelings.

Sometimes you think it is  
OK, but it's not OK.

## Alphas' Story: Counselling

University work and my immigration situation became too much for me. I felt like I was going mad.

My house mates who live in accommodation with me kept on talking, saying Home Office did this; Home Office did that, talking about their asylum cases all the time. I had to ask them to not talk about it with me because I felt I would go mad.

Counselling like you have here in the UK is not in my country but I didn’t have any difficulties with being understood. My counsellor was a really lovely man. It was like we were friends.”



Alpha is currently in his final year at university.



# CHAPTER SIX: GRADUATION

In this chapter you will find:

- Opportunities after graduation
- Impact of status on career prospects



Graduation marks the successful completion of a student's degree programme and heralds a new stage in their lives. During the course of their degree asylum seeking students might have received status, which would have secured their right to remain in the UK permanently or on a temporary basis and in both cases afforded them the right to work.

Others may still be waiting to receive or appeal a decision regarding their asylum claim, which means that in the majority of cases they cannot enter into paid employment. Students could also be in the position where they have received a negative decision and are facing the possibility of being returned to their country of origin.

Article 26 believes in planning for the future and in preparing for all possible outcomes. Whatever the immigration status of the student, there are always options and opportunities to consider. This chapter explores the next steps, beyond university, that students can take. There are key issues for all graduates from an asylum-seeking background but central to advice and guidance is understanding the opportunities and constraints for each student, based on their individual circumstances.

## 6.1 ACCESS TO WORK AND POSTGRADUATE STUDY

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Status	Access to Work and Postgraduate Study
Students with Refugee Status or Humanitarian Protection	If a student has refugee status or HP they will be entitled to access the same employment and post graduate opportunities open to students from the UK, following the successful completion of an undergraduate degree programme.
Students with Limited Leave to Remain	If a student has limited leave to remain they will be entitled to access the same employment opportunities as mainstream students but can face restrictions in accessing postgraduate funding.
Students awaiting an asylum decision	If a student is seeking asylum they face restrictions on working and accessing postgraduate funding. Asylum-seekers have the right to apply for permission to work if they are still waiting for an initial decision from the Home Office on their asylum claim after 12 months, but the right to apply for permission to work does not guarantee that people will quickly or easily receive this, and even if they do, employment is restricted to certain categories on a 'shortage occupation list'.
Students ARE (appeal rights exhausted)	Students who have exhausted their appeal rights cannot work in the UK and have no access to postgraduate funding.



## 6.2 EMPLOYMENT ADVICE AND SUPPORT

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Students can approach refugee rights organisations for employment advice and support. The two main organisations in England are Refugee Action and The Refugee Council, which has an Employment Advice and Support Service.<sup>1</sup>

As mentioned in **Chapter 1**, Article 26 works in England and recommends that for detailed and completely accurate information in relation to Scotland, Wales and Northern Ireland it is important to access an organisation such as The Refugee Council, as they have offices in each country. Guidance can be sought from The Welsh Refugee Council; The Scottish Refugee Council; and The Northern Ireland Community of Refugees and Asylum Seekers. For full contact details see **Appendix 8.9** Glossary of Useful Organisations.

Make sure asylum-seeking students realise that they are not able to work, unless they have been granted the right to work by the Home Office. If they wish to apply for this they need to seek help from their solicitor. However, students still require advice and guidance from universities as they can undertake voluntary roles and unpaid internships. Careers advice may play a crucial role in helping to overcome the frustration and disappointment of not being able to secure paid work. It is important to help students realise that they can continue to build their experience and skills as they wait for a decision.

Students who have received a negative decision and are Appeal Rights Exhausted (ARE) cannot take up paid work. However, they can also access voluntary positions and unpaid internships. Indeed, these may be vital in helping these students stay strong and focused during an extremely difficult time in their lives. Offering advice and guidance on the possibilities for unpaid positions and demonstrating how to build skills and experience creates hope and a positive distraction at an otherwise bleak time.

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<sup>1</sup> [http://www.refugeecouncil.org.uk/what\\_we\\_do/refugee\\_services/refugees\\_into\\_jobs/refugee\\_employment\\_advice\\_support\\_service](http://www.refugeecouncil.org.uk/what_we_do/refugee_services/refugees_into_jobs/refugee_employment_advice_support_service)

## 6.3 IMMIGRATION AND EMPLOYER DISCLOSURE

Refugees or asylum seekers with permission to work in the UK are not required to disclose their status on an application form. Many students and graduates from an asylum seeking background may not want to disclose their immigration history, for fear of discrimination. However, as the information provided on a CV or application form sometimes leads an employer to conclude that applicants do not have permission to work in the UK, for example because someone came to live in the UK recently, it is important to make their eligibility for work clear and explicit. People from an asylum seeking background may face barriers to employment, including from employers who are uncertain of the impact that different immigration statuses have on people's right to work. Employers can be signposted to the Home Office website for reassurance.<sup>2</sup>

**It is worth noting that telephone numbers for different Home Office departments frequently change. If you direct a student or employer to the Home Office helpline (for clarification on the right to employ them), it is advisable to check the most recent telephone number.**

Graduates can be encouraged by signposting them to useful websites and organisations who offer inspiration and case-studies or who offer advice. The Employability Forum<sup>3</sup> is a good resource for refugees about working in the UK. They publish inspiring case studies of refugees working in various sectors.<sup>4</sup>



2 <http://www.ukba.homeoffice.gov.uk>.

3 <http://www.employabilityforum.co.uk>

4 <http://www.employabilityforum.co.uk/documents/Making%20a%20Difference.pdf>

## 6.4 BUILDING A GOOD CV

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Students and graduates from an asylum seeking background may need particular help writing and formatting their CV as they may have had little prior experience. Additional guidance may be required to help organise and present their extra-curricular activities and experiences alongside coaching on the best presentation. If students do disclose their refugee status on their CV or application form, they can highlight the strengths they have developed as a refugee, for example their determination, motivation, adaptability and problem-solving skills.

Despite not being able to undertake paid work, building a good CV is still vital for graduates in the process of seeking asylum. They will need help to organise their experiences and present themselves in the best possible light in order to access voluntary work and internships. Many asylum seeking students have valuable additional skills, for example, they may speak multiple languages or be able to use their journey to access higher education as proof of their determination and tenacity.

Students who remain in the UK after receiving a negative decision (ARE), for example who are waiting to be able to return to their country of origin, can still undertake voluntary positions. This can help them to build on their skills and experiences whilst still in the UK and, as previously mentioned, can be a valuable way for them to maintain some consistency and focus during a potentially turbulent time.

Students who have received a negative decision (ARE) are in a difficult position. Some may be facing return to their country of origin despite the fact that they may not have lived in that country for many years or do not have any family remaining there. These students need help to best organise their skills and experiences into a CV that will help them once they have left the UK. Building a strong CV can act as useful preparation in preparing for a new life in their country of origin. A degree will be an asset to students in this position, as will the ability to consider their transferable skills and how they can be effectively used in different contexts.

## 6.5 FURTHER AND POST-GRADUATE STUDY

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Students with refugee status can continue on to postgraduate education and can therefore receive the same advice as other students. They must remember that funding is not easy to secure for any postgraduate student, regardless of their background. UCAS provide an excellent and comprehensive overview on access to and funding for post graduate study.<sup>5</sup> The following websites provide information that specifically relates to post graduate study for people from an asylum seeking background:

- UKCISA (UK Council for International Students Affairs).<sup>6</sup>
- CARA (Council for Assisting Refugee Academics).<sup>7</sup>
- Prisoners of Conscience.<sup>8</sup>

As with access to higher education at the undergraduate level, accessing postgraduate study can be difficult for students who are seeking asylum or who have received limited leave to remain. They often cannot access funding to pay for tuition fees or the loans available for post graduate study.

The Economic and Social Research Council (ESRC), is the UK's largest organisation funding research. They state that students are ineligible for funding if there is any limit placed on their leave to remain in the UK. Access to post graduate study for students without secure immigration status will require hard-work and determination on their part. The best starting point is usually the university at which they wish to study, both in terms of possible funding and flexibility over tuition fees.

See **Appendix 8.8** Charitable Trusts for further details regarding potential sources of funding and **Appendix 8.9** Glossary of Useful Organisations.

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5 <http://www.ucas.com/how-it-all-works/student-finance/postgraduate-student-finance>

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

7 <http://www.cara1933.org>

8 <http://www.prisonersofconscience.org/>



# CHAPTER SEVEN: ADAPTING AND INTEGRATING ARTICLE 26

In this chapter you will find:

- Description of the Article 26 model
- Information on how to adapt the model to individual universities



There are several key questions to answer when considering setting up a bursary scheme for students from an asylum seeking background:

- Who does the university want to support? Who are the target beneficiaries?
- What support is required, in order to enable the target beneficiary group to succeed on an undergraduate degree programme?
- How will the opportunity be promoted?
- How will the application and selection process be developed and delivered?



## 7.1 TARGET BENEFICIARIES

The decision as to whom to support is at the discretion of the university and can be whoever they feel is appropriate. At Article 26 we believe that the following issues need to be taken in to account as part of the decision making process.

### 7.1.1 Academic criteria

*UCAS Offer* – Article 2 of the UNCHR states that everyone has the ‘right to life’ and Article 26 of UNCHR refers to the right to education and specifies that access to higher education should be based on merit. For these reasons we believe fair access to university is dependent on students entering into a fair admissions process; in practice this means to submit an application for entry into higher education through UCAS. Every Article 26 student has been accepted onto their degree programme after receiving either a conditional or unconditional offer of a university place through UCAS. This will ensure that academic standards are maintained. We are aware of schemes whereby universities offer students additional credits based on specific criteria i.e. for non-traditional students owing to a variety of factors such as postcode, family history etc. It is perfectly acceptable for students from an asylum seeking background to benefit from existing initiatives. However, we don’t believe any specific concessions should be made based on the fact that the student came to the UK to seek asylum.

*Degree programme* – due to some courses being delivered in conjunction with the NHS or needing additional insurance provision, some universities exclude potential bursary recipients from particular courses e.g. Medicine or Dentistry. One approach is to give prospective students the option of applying to study on courses that are typically undersubscribed in order to reduce the financial cost of a tuition fee waiver to the institution.

### 7.1.2 Eligibility criteria (status)

Article 26 currently defines its eligibility criteria in relation to status as:

- An asylum seeker or the partner/dependant of an asylum seeker; OR
- An asylum seeker or the partner/dependant of an asylum seeker who has been granted limited leave to remain or some other form of temporary status.

**Appendix 8.5** provides a detailed breakdown of the different categories of people subject to immigration control and the associated risks and opportunities in providing support to individuals with different status, to study in higher education. The categories of students currently supported by Article 26 are highlighted. Other categories of people subject to immigration control have been included in order for universities to understand the broad range of immigration status and to make an informed choice regarding the creation of eligibility criteria specific to individual universities.



### 7.1.3 Eligibility criteria (other)

‘Other’ eligibility criteria determined by Article 26 relates to the level of support the project is able and committed to provide, in addition to the tuition fee waiver. This criteria has been designed to give students the best chance of successfully completing their degree whilst studying within the parameters of available support. It is critical that students can demonstrate that they meet the following criteria:

#### Financial Circumstances

**No access to Student Finance:** Article 26 recommend that support is reserved exclusively for those who do not have access to student finance. If an Article 26 student is awarded refugee status or humanitarian protection during their degree programme, they are expected to submit an application for student finance. The student continues to receive practical support and retain their status as an Article 26 student; however, once student finance has been secured, their financial support is suspended and redirected to a new student who is unable to access student finance.

#### Living Costs

Article 26 cannot meet the cost of accommodation and living expenses and nor does the project have the resources to offer them ‘in kind’. This is the reason why we assess students’ current living arrangements and the security or sustainability of these arrangements for the duration of their degree programme. This does not mean that all Article 26 students are securely funded in terms of these costs, but that it is a key consideration during the decision making process.

The project meets costs associated with travel, books and equipment. The cost of travel from the student’s current place of residence to the university is calculated. If the student has the right to work and is able to supplement the cost of travel with income from wages, greater flexibility is applied in regard to the cost of travel. The aim is that the student’s commute is realistic both in terms of distance and cost. Circumstances outside of the students’ control can affect and alter where they live and the support they receive. Article 26 endeavour to make the best possible assessment as to how they will support themselves during their course and the impact that any changes are likely to have, the most significant being an award of or refusal of status.

#### Geographical location

Clear definition of the geographical area from which applications will be accepted could result in students having very low or no travel costs. If there is a significant population of people from an asylum seeking background in the vicinity of the university, this could result in people being able to walk to university or access free or cheap local travel. This could significantly reduce the financial cost of student support. This will work better in some areas of the country than others.

The provision of a place in Halls of Residence could open up the opportunity to students from across the country. The provision of university accommodation would potentially need to be for 52 weeks, as a single person might have to give up their





existing accommodation. This could also potentially jeopardise the support received from the Home Office and would require careful consideration. One of the Article 26 students has reached the end of their three year degree programme and their claim for asylum remains unresolved. If they had been supported in university accommodation, they would now have to deal with potentially becoming homeless. This opportunity would work incredibly well for students that currently live with their families. The family might have temporary status or be supported by the Home Office; however their main accommodation would not be affected as their remaining family would continue to live there. Consideration would also have to be given, as to how the student would fund their additional living expenses, such as food and other essential items.

The eligibility criteria decided upon by your university can be as broad or narrow as you choose. However, an important point to consider when determining the criteria and the provision of student support, is that limitations on who can apply can adversely affect the range of choice you have in terms of prospective students. A preferable alternative might be to keep the criteria broad but have a tight focus on where you choose to promote the opportunity.

See **Chapter 3** status and support for further information to support undertaking an assessment.

## 7.2 STUDENT SUPPORT

Before an Article 26 bursary can be promoted, a decision needs to be taken about the support that will be provided to the successful candidate in order to ensure that they have the best possible chance of completing their degree programme.

### Full tuition fee bursary

Article 26 students are unique in that they have established a life for themselves in the UK, irrespective of their immigration status. In addition to this, most students have resided in the UK for over three years and therefore meet criteria that determine them to be 'ordinarily resident'. In spite of this they are treated as international students for the purpose of tuition fees and are not entitled to student finance. Tuition fees are by far the biggest expense and therefore the greatest financial hurdle that has to be overcome in order for this group of students to study. In order to promote the retention of students from an asylum seeking background, who also meet the Article 26 eligibility criteria, a full tuition fee bursary is the only means by which this particular barrier can be effectively removed. The provision of a full tuition fee waiver affords peace of mind to students, as whatever other challenges arise they will always be able to access university and engage in their studies. In the experience of Article 26 this element of student support is the hardest to fundraise for, as Article 26 has found very few trusts and charities prepared to invest such a significant sum of money in an individual.

Article 26 believes fee reduction or discount only works when there is a clear and definite plan in place as to how the remainder of the tuition fees will be paid. The project has spoken to many students who commenced a degree programme having paid the first instalment of their tuition fees; however, they were unable to continue beyond the first six months due to the absence of any strategy to pay for the continuation of their degree programme. There are of course exceptions but it is definitely worth exploring the way in which a student plans to pay if their tuition fees are reduced or discounted. Alarm bells should sound if a satisfactory and evidenced plan isn't provided.

Article 26 advises students that the tuition fee bursary will cover their undergraduate degree programme, but does not cover any additional years, if they are, for example, required to re-sit an academic year. The bursary will also end. If at any point they become entitled to and successfully claim student finance; the expectation is that an application for a tuition fee loan and maintenance loan is submitted.

### Travel

Article 26 works with students living across England. Money is provided to all students and is paid twice a year. In some cases travel cards for a semester or an annual travel pass have been purchased on behalf of the student direct from the transport provider. The amount paid to a student or transport provider can be calculated according to the location of your university and depend upon what other type of student support you intend to provide e.g. if accommodation is provided the student might not incur any travel costs.





## Books and Equipment

At the start of every academic year, Article 26 makes an annual payment for books and equipment – or if the student chooses they can receive it in the form of vouchers. The provision of this funding could differ in terms of amount, frequency of payment and type of payment according to your university. One alternative idea is to provide the student with a card which allows them to spend money on printing and photocopying costs at the university book shop, students union or to buy refreshments on campus.

Alternative student support:

- **University accommodation:** this requires careful consideration. However, if a facility is frequently undersubscribed or students 'drop out' and leave their accommodation, the physical cost to the university could be minimal. If the accommodation is on campus it could mean that no travel costs need to be paid. If a student has, for example, limited leave, then they could work to pay for food and other essential items.
- **Nursery/childcare bursary:** this can make the difference between whether a student can study or not. A tuition fee bursary and childcare funding might in some circumstances be the only support a student requires in order to succeed on their degree programme.



## 7.3 BURSARY PROMOTION

Once a decision has been taken as to who is eligible for an award and the type and the amount of support that can be provided, it is important to consider how the university is going to promote and advertise the opportunity.

### Internet

Article 26 promotes opportunities for students via the project's page on the HKF website. We would recommend development of a webpage on the university website or incorporating the details into existing information displayed about funding opportunities. The webpage or bursary information should contain all the relevant details required to enable students to submit a completed application for an award. The information needs to be comprehensive in order that it does not generate multiple queries. It is inevitable that some issues and questions will be raised. Therefore, a contact person needs to be identified but the aim should be that it is perfectly feasible for a student to submit an application based on the webpage details displayed alone. Accurate and clearly communicated information will considerably reduce the work load incurred dealing with viable applications, as will a clear deadline for receipt of applications. It is important to indicate on the website that incomplete applications or failure to provide detailed information around status will void the application. If students have successfully submitted a UCAS application they should be able to follow this process with limited support from the designated member of university staff. The current Article 26 bursary information could be used as the basis for the development of this material.

Article 26 will advertise bursaries at all universities through the HKF website and redirect prospective students to specific university web pages. The bursaries are also promoted nationally via our partners' websites and social networking applications such as Facebook and Twitter. Article 26 will continue to promote places at universities, if individual universities wish the project to do so.

### Direct promotion

Article 26 directly promotes the project and opportunities available with further education colleges, schools, local authorities and voluntary and community groups within the region of the partner university. Each partner university is asked to advise on potential contacts within colleges, schools and community groups. Article 26 also uses its wider contacts through refugee and community organisations to ensure as many prospective students as possible are aware of potential opportunities.

If a university wishes to target a particular age group (e.g. 16 and 17 olds) in further education, promotional activity should focus on schools and FE colleges. However, it is worth bearing in mind that many people from an asylum seeking background experience significant interruption to their education. This is due to conflict, upheaval and spending long periods of time in transit. This might be some people's first experience of formal education in the UK. People from an asylum seeking background have not always had a 'traditional' journey to qualify for higher education, which is why broader promotion can be beneficial in terms of ensuring a range of applicants.



A significant proportion of care leavers come from an asylum seeking background and experience huge barriers (owing to their status) to attend university. Another option is for universities to target care leavers nationally or locally; promotional activity can focus on national care leavers' forums and through the development of relationships with local authorities responsible for their care. This could complement existing work that your university undertakes with this group of students. Local authorities differ significantly in terms of their population of care leavers from an asylum seeking background, again this could limit your choice in terms of prospective applicants.

There is an expectation from some sectors that the support provided by Article 26 and partner universities should be provided by local authorities.

See **Chapter 3** section 3.3 for more detailed information on Care Leavers.



## 7.4 APPLICATION & SELECTION PROCESS

It is important to agree and establish an application and selection process, which will provide universities with the means to collect relevant information in order to decide who should receive a bursary. The following documents are included in the appendix and can be used as reference and/or adapted for use by individual universities.

- See Appendix 8.1 Article 26 Application and Selection process.
- See Appendix 8.2 Article 26 Application Form.
- See Appendix 8.3 Guidance Notes to accompany Application Form.

*Application Form* – the information required to decide who to interview can be collected through an application form. In the experience of Article 26, there is a lot of interest in places but this has never translated into more than 10 viable applications that require consideration per place. Ensure that the website information is clear and comprehensive, as this should make it is easy to identify viable applications.

*Short listing* – once applications are received, short listing needs to take place. Information included in the application and selection process document should help individual universities develop their own criteria. Short listing should result in no more than four candidates (per available place) being invited to attend an interview.

*Interview Process* – this is an essential part of the process, as it facilitates a much deeper understanding of applicants' circumstances and resilience in dealing with challenges, which will provide insight into their suitability to study within the support arrangements provided. A tuition fee waiver and additional help is a very generous opportunity. However, without access to student finance it is inevitably a challenging way in which to study for an undergraduate degree programme. Below is a detailed example of the interview process, as undertaken by Article 26.

Interview outline:

- a. Manage expectations in terms of place/s available.
- b. Explore why the applicant has chosen their particular course of study, why they want to attend this particular university and what their ambitions are for the future.

Exploration of personal circumstance - further detail might be required in order to fully understand the stage of their asylum application. If the student is still actively claiming or appealing a decision on a claim for asylum, a good starting point is to establish the following:

Date arrived in UK? Date claim for asylum submitted? Has a decision been made on the claim. If so, is the student in the process of appealing the decision? If the claim has been refused, have they submitted a fresh claim? If so, how long ago and have they submitted more than one fresh claim?



If the student has been awarded some form of temporary status, when was the award made and for how long? What has the solicitor advised them to do when it expires? Will they apply for a renewal? When will they be entitled to apply for refugee status or humanitarian protection (leading to permanent stay in the UK)?

The answers to these questions will not only provide more factual information but a greater understanding of the student's approach to managing their application for status.

These questions will lead onto establishing how the student will support themselves during their studies. What is the source of their support? Is it from the Home Office, welfare benefits, the local authority or from a more informal source such as immediate or extended family or another charity or benefactor? For people who have the right to work and are employed, it is important to establish if their income is to supplement other support or if they are totally dependent on their wages. Full time employment and full time study is, in the experience of Article 26, an incompatible combination. Wherever the support comes from it is important that confirmation and full details are received. This information will support an assessment of how realistic and sustainable the applicant's plan is to meet essential costs.

iii) Provide details of support available at the university – this will help set in context the previous questions. Article 26 typically bases this section of the interview on the information contained in the student contract. The contract sets out what the student can expect from the university and in return what is expected from them as a bursary recipient.

iv) Contingency plan – a key question is what the student will do if they are not successful in receiving support to study at university. This provides an opportunity to offer advice to the student regarding their plan and it can also be very revealing in terms of understanding their approach to planning and how determined they are to succeed. It is not unusual for the student with the best contingency plan to be successful!

See **Appendix 8.4** Article 26 Student Contract.

**Document Verification:** the interview is also the ideal time to check a student's documents in order to verify what they have told you in regard to their status and support arrangements.

The following list details the types of documents you may expect to see:

#### Status

- Correspondence from the Home Office relating to claim for asylum.
- Documents evidencing limited leave to remain.
- Letter from solicitor confirming current status of asylum application.
- Evidence of submission of fresh claim for asylum.
- ARC (asylum registration card) – this can be particularly useful if you require evidence that the student has received limited leave to remain as the result of an application for asylum.



## Support Arrangements

- Home Office correspondence confirming support arrangements.
- Letter from local authority confirming support.
- Conversation/correspondence with parent or guardian providing support.
- Details of other charities privately or publicly providing support.

**Delivering Decision:** there is a significant chance that criteria relating to personal circumstances will inform the decision on the successful recipient of the bursary, as this is often closely linked to who has the best chance of success. The rationale and reasons behind the decision in the experience of Article 26 is often outside the student's control. Therefore, it isn't helpful to provide feedback along these lines. Article 26 avoids providing feedback, as it often proves unhelpful. We would recommend that feedback is only provided if it will be of direct benefit to the applicant, advising someone that their travel costs are too high or their situation appears to be too precarious is unhelpful. The award is discretionary and not based on entitlement; therefore, Article 26 does not provide students with the opportunity to appeal the decision. It is important to remember that all the students have successfully been awarded a place through UCAS and met the criteria in order to be invited to interview. Nothing should detract from this and the fact that under different circumstances they would be welcome to study at the university.

Decisions can be delivered to students over the phone or via email. Article 26 has always informed candidates over the phone; however these conversations can be very difficult. However the decision is delivered, it is important to keep the lines of communication open or offer additional information as to how the student can defer their place or invite them to consider applying for the next academic year (if a bursary will be available and if the university would consider repeat applicants). The decision could be communicated in a standard email and include an invitation to ring or email to discuss the decision or implications of the decision in more detail. The advantage of this approach is to allow the student to absorb the decision prior to a more practical discussion regarding next steps.

Once an offer has been made, you will need to make arrangements for your student to join the university and consider the ongoing impact of their status and support arrangements on their studies.

You can find information on relevant issues in **Chapters 3, 4 and 5** of this handbook regarding status and support, induction and the impact of the asylum process on the students' experience of higher education. The information contained in these chapters will also assist in decisions around the best means of providing additional support, paying particular attention to ensuring that other sources of support are not jeopardised.



## 7.5 THE UNIVERSITY OF WINCHESTER'S STORY

“The University of Winchester was a founder member of the Article 26 Project and we accepted our first student in 2010. This student graduated in 2013 with upper second class honours. Since 2010 we have recruited six more students. One of these was also from a background in care. Four of the seven were recruited as mature students who had completed Access to HE courses and three joined us straight from the sixth form.

Each year a senior member of staff has interviewed applicants to the scheme and had an overview of arrangements. Once students arrive they are well supported by a designated Student Adviser who meets with them at intervals according to their individual needs. Some need more support than others, as with any student group. As a small university we have been able to respond quickly and effectively to individual needs, with direct support from key members of the Senior Management Team if necessary.

*When it became clear that the role of the Article 26 Project would change from 2014-15 onwards, the University of Winchester designed its own scheme entitled the Sanctuary Award.*

A draft of the scheme was sent to the Senior Management Team, setting out approximate direct and indirect costs associated with accepting either one or two students per year. The SMT agreed to provide resources to accept two per year. Only BSc Social Work was excluded from the scheme and this was due to the logistical and financial problems associated with student placements.

A page on the University's website was created to publicise the scheme and this went live in the second week of October 2013. During the same week an email was sent to all our college and school partners in Hampshire and surrounding areas, directing them to the web page where an application form and guidance notes could be downloaded. The form and guidance were modelled on those previously used by the Article 26 Project, but adapted to reflect the University's new Sanctuary Award details.”

The university is keen to share experiences with other universities offering, or considering, similar schemes. The university web page can be accessed here.<sup>1</sup>

<sup>1</sup> <http://www.winchester.ac.uk/aboutus/communityengagement/wideningparticipation/support-for-asylum-seekers/Pages/support-for-asylum-seekers.aspx>



## 8.1 APPLICATION & SELECTION PROCESS

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### 8.1.1 Application Period

The application period for students commencing their studies in the academic year 2013/2014 runs from 5th November 2012 until 26th April 2013. In the event that we don't find suitable candidates, the application period can be extended to September, in order to allow students the opportunity to apply to university through the clearing system.

### 8.1.2 Promotion of applications

Applications to the Article 26 project can only be made with the support of a school, FE college, local authority or voluntary or community group. In order to apply, a student must be supported by one of these organisations, who must be prepared to provide the student with a reference.

Information regarding bursaries available through Article 26 will be targeted at FE colleges, schools, local authorities and voluntary and community groups within the region of the partner university. Each partner university will be asked to advise on potential contacts within colleges, schools and community groups; the Article 26 Director will liaise with these organisations to ensure that appropriate students are aware of the opportunity to apply. Article 26 bursaries will also be promoted nationally via the HKF and our partners' websites, for example, Refugee Support Network and STAR (Student Action for Refugees) and social networking applications such as Facebook and Twitter.

### 8.1.3 Initial Assessment

Potential candidates will be invited to contact Article 26 via email to confirm their contact information and full details of the degree programme upon which they have been offered either a conditional or unconditional place at one of our partner universities. It will be made clear that no application to Article 26 can progress unless the candidate has secured an offer from a partner university.

The candidate will be invited to undergo an initial assessment to discuss the possibility of making an application. During this conversation, which usually takes place over the phone a member of Article 26 staff will ascertain the candidate's eligibility for the project and will ensure that:

- The student meets the project's eligibility criteria:
- An asylum seeker or the partner/dependant of an asylum seeker; OR an asylum seeker/partner/dependant who has been granted Limited Leave to Remain (LLR) or some other form of temporary status and;
- Has a conditional or unconditional offer from one of our partner

universities for 2013.

- Is currently attending a school, college, community or voluntary group which can provide a reference in support of your application
- Unable to access mainstream funding, e.g. student finance or a local authority grant
- Lives within commuting distance of the partner university.
- Does not require support for living expenses or accommodation.

*If the candidate is not eligible*

Article 26 staff will provide some general advice and signpost to other organisations that may be able to offer support including the Helena Kennedy Foundation.

*If the candidate is eligible*

Article 26 staff will email the candidate the Article 26 application form and guidance notes and provide further information about the application and selection process, including timescales for making an application.

# 8.2 ARTICLE 26 2013 APPLICATION FORM

The following four pages presents the Article 2013 application form

<b>Section 1 - Personal details</b> (student to complete, please print clearly). See guidance Note 1			
First name:	<input type="text"/>	Second name:	<input type="text"/>
Address:	<input type="text"/>	Phone:	<input type="text"/>
POSTCODE	<input type="text"/>	Mobile:	<input type="text"/>
Email:	<input type="text"/>		
Date of Birth:	<input type="text"/>	Age:	<input type="text"/>
		Male	<input type="checkbox"/>
		Female	<input type="checkbox"/>
Please circle to indicate which country you live in:			
England	Wales	Scotland	Northern Ireland
Which college or school do you attend currently?			
<input type="text"/>			
Which course or courses are you currently studying? If you are not currently studying please tell us which qualifications you already hold (Please write courses in full )		School / College or Voluntary / Community Organisation Stamp:	
<input type="text"/>		<input type="text"/>	
<b>University and course choice: See guidance note 2</b>			
In order to apply for a place on the Article 26 project you need to have applied to and been accepted by a university working in partnernship with Article 26. Your offer from the university can be conditional. Please indicate below which university you have been offered a place at and which course you will be studying. Please sign to confirm that you have been offered a place at the university in question.			
UNIVERSITY <input type="text"/>			
COURSE <input type="text"/>			
Signed:	<input type="text"/>		
Date:	<input type="text"/>		

### Personal Statement: see guidance note 3.

Please submit a separate written supporting statement answering the following questions in no more than 500 words (total). We cannot consider your application unless we receive your personal statement and reference. Please send us your personal statement with your application and also email a copy of your personal statement to: [article26@hkf.org.uk](mailto:article26@hkf.org.uk).

1. What are your personal and family circumstances and what barriers have you overcome in order to continue with your education - with specific reference to your current status in the UK? You do not need to give details of the events that led to your seeking asylum unless you wish to do so. Please include information on when you arrived in the UK, what is your country of origin and what is the current status of your application for asylum.
2. Why have you chosen your particular course of study, what are your ambitions for the future and how would the Article 26 project help you to achieve these ambitions?
3. What are your financial circumstances – how have you managed financially whilst at college and how will you support yourself at university? Article 26 cannot provide funding to support your living costs such as accommodation and food costs please explain how you will provide for yourself at university.
4. What additional support will you need to succeed at university?

If you have any doubt about what information to include in your personal statement please contact Rebecca Murray, Project Director .

### Section 2 - Applicant's declaration (student to complete) see guidance note 4

- ☐ I agree that if I am accepted for an award, I will keep in touch with Article 26, inform it of my progress and inform the Project Manager immediately if my circumstances change.
- ☐ I confirm that I have read the Article 26 eligibility criteria and am eligible to apply for an award.
- ☐ I have completed all sections in the application form.
- ☐ I have attached a copy of my personal statement and emailed a copy to [article26@hkf.org.uk](mailto:article26@hkf.org.uk)
- ☐ I have attached my reference
- ☐ My School / College Principal or Senior Manager in my voluntary or community organisations has signed and stamped my application form.
- ☐ I have added the correct postage to my application (Article 26 is unable to collect any mail requiring payment of additional postage.)
- ☐ In order to measure the impact of the support that we offer to students we need to track how well our students do in higher education. By ticking the box and signing below you are giving the university you attend permission to provide the Article 26 Project and the Helena Kennedy Foundation with information relating to your progress and achievement in higher education (for example whether you have completed the course and what degree classification you receive).

Signed:

Date:

Name:

Nationality:

### Ethnic Origin

#### Asian or Asian British

- ☐ Indian
- ☐ Pakistani
- ☐ Bangladesh
- ☐ South East Asian
- ☐ Any other Asian background (please specify)
- .....

#### Black or Black British

- ☐ African
- ☐ Caribbean
- ☐ Any other Black background (please specify)
- .....

#### Mixed

- ☐ White and Asian
- ☐ White and Black African
- ☐ White and Black Caribbean
- ☐ Any other Mixed background (please specify)
- .....

#### White

- ☐ British
- ☐ Irish
- ☐ Other European
- ☐ Any other White background (please specify)
- .....

### Disability / Learning difficulty

Do you consider yourself to have a disability and / or learning difficulty? Please tick the appropriate box.

- |   |   |
|---|---|
| <input type="checkbox"/> None                                   | <input type="checkbox"/> Moderate learning difficulties     |
| <input type="checkbox"/> Deaf or hearing impairment             | <input type="checkbox"/> Severe learning difficulties       |
| <input type="checkbox"/> Visual Impairment                      | <input type="checkbox"/> Dyslexia                           |
| <input type="checkbox"/> Disability affecting mobility          | <input type="checkbox"/> Dyscalculia                        |
| <input type="checkbox"/> Mental ill health                      | <input type="checkbox"/> Multiple learning difficulties     |
| <input type="checkbox"/> Profound / complex disability          | <input type="checkbox"/> Other specific learning difficulty |
| <input type="checkbox"/> Unseen disability or medical condition | <input type="checkbox"/> Emotional / behavioural difficulty |
| <input type="checkbox"/> Other physical disability              | <input type="checkbox"/> Temporary disability after illness |
| <input type="checkbox"/> Multiple disabilities                  |   |

**Discretionary Leave to Remain (DLR)** Please tick the box which best describes your current status in the UK.

#### Refugee

- ☐ Refugee status + Indefinite leave to remain (ILR)
- ☐ Refugee status + 5 years Indefinite leave to remain (ILR)
- ☐ Discretionary leave to remain (DLR)
- ☐ Humanitarian Protection (HP)

#### Asylum seeker

- ☐ Awaiting a decision on application for refugee status
- ☐ Refused Asylum Seeker - application for refugee status has been denied

### Other details

- ☐ I am a care leaver.
- ☐ I am a carer (a carer is someone who, without payment, provides help and support to a friend, neighbour or relative who could not manage otherwise because of frailty, illness or disability)

### How did you hear about the Article 26 Project?

#### Section 4 - Referee's supporting statement, see guidance note 6

##### Student's details (student to complete, please print clearly)

Name:

Phone:

##### Referee's details (referee to complete, please print clearly)

Name:

Organisation Address:

Organisation Phone:

Organisation Email:

Organisation Fax:

Please note that the referees statement is a very important part of the application. We cannot consider an application without a reference. Before completing the reference please refer to the guidance notes (note 6).

Please write a statement of no more than 500 words to cover the following information:

- What are the applicant's personal and financial circumstances and what barriers have they overcome to continue their education?
- How well suited is the applicant to the higher education course they plan to take and how realistic are the student's ambitions?
- What contribution, to your knowledge, has the student made to a) college life and / or b) their community?
- Is there any other information that you believe is relevant to the student's application?
- How do you think the student would benefit from the additional support offered by the Article 26 project?

#### Section 5 - Referee's and Principal / Senior Manager declaration

I confirm that (the organisation) supports this application.

Referee's signature:

Principal's / Senior Manager's name:

Principal's / Senior Manager's signature:

Date:

#### IMPORTANT:

All applications must be signed by a Senior Manager at the Supporting Organisation

## 8.3 ARTICLE 26 2013 GUIDANCE NOTES

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The following three pages present the Article 2013 guidance notes

### Article 26 Background Information

People seeking sanctuary, whether they are separated from or living with their families, are some of the most vulnerable people in the UK (we use the term 'sanctuary' rather than 'asylum' to avoid the negative connotations of phrases such as 'asylum-seekers'). Article 26, a project of the Helena Kennedy Foundation, aims to make higher education a reality for as many of these people as possible. Article 26 refers to article 26 of the declaration of human rights which states that; "Everyone has the right to education. Higher education shall be equally accessible to all on the basis of merit".

Article 26 is working in partnership with a number of universities to enable people seeking sanctuary to progress to higher education. Successful applicants to the project will be provided with:

**Tuition Fee Support:** Successful students will be offered a tuition fee-remitted place at university until such time as they are awarded status that entitles them to access student finance

**Personal Support:** In addition to fee remission, a Personal Support Plan will be developed for each student to enable them to identify and overcome barriers to achievement on their degree programme. Group support and training will be available to cover topics including 'Minimising the impact of the Asylum Process on your higher education course' together with further training in areas such as confidence building, interview skills, revision techniques, stress management and public speaking.

Article 26 will not be able to provide any financial support for accommodation or living costs. Students should only apply if they are able to support these costs themselves during their university course.

### Eligibility criteria and the selection process

Before making an application to Article 26 please ensure that you meet our eligibility criteria as follows:

Article 26 students will be either::

- An asylum seeker or the partner/dependant of an asylum seeker; OR
- An asylum seeker/partner/dependant who has been granted Discretionary Leave to Remain (DLR) or some other form of temporary status and;

Have a conditional or unconditional offer from one of our partner Universities for 2013.

Currently attending a school, college, community or voluntary group which can provide a reference in support of your application

Unable to access mainstream funding, e.g. student finance or a local authority grant.

Live within commuting distance of the partner University.

Not require support for living expenses or accommodation.

Applicants must meet these strict eligibility criteria and be in a position to verify their circumstances in order to apply. Applicants who do not meet the criteria will not be considered for an award.

If you have any questions about whether or not you should apply for an award please contact Rebecca Murray, Article 26 Project Director on 07714 597148 or email [article26@hkf.org.uk](mailto:article26@hkf.org.uk)

### Making an application

Prior to completing the application form, applicants must undergo an initial assessment usually by telephone with a member of Article 26 staff. This assessment is stage one of the application process and no application form will be considered unless the applicant has undergone this assessment.

#### How to apply

- The student should read the guidance notes fully before completing the application form
- The student must give their application to their supporting Referee and ask them to complete a supporting statement
- All application forms must be signed by the Principal of the school or college or a Senior Manager of the voluntary or community group supporting the student's application. All applications must be stamped by the

## Completing the application form

There are five sections to complete in the application form. Please note that the information you provide in the form will be held and processed in accordance with our Data Protection Policy.

### Note 1: Personal details

- Please complete the personal information section of the form – we need this information to contact you about your application. Please print your details clearly and indicate which country you live in (England, Wales, Scotland or Northern Ireland).
- Please ensure that you put your name as you would want to see it on, for example, a certificate, with your first name in one box and your second name in the other. You don't need to include your middle names.
- Please tell us which college, school or community or voluntary organisation you currently attend and which course or courses you are studying (if appropriate). If you are not currently studying please give details of any qualifications that you hold. Please give this information in full and ask your school, college or community or voluntary organisation to stamp in the box.

### Note 2: Higher Education Institution

- Please tell us which university you have applied to and for which course and sign to confirm that you have been offered a place at the university (the offer can be conditional).
- We will ask to see proof of this offer.

### Note 3: Applicant's Personal Statement

When answering the questions in the personal statement section of the form please consider the following. In making a judgement about your application, the selection panel will base their assessment on:

- Your personal and family circumstances and the barriers that you have faced in continuing your education - with particular reference to your current status in the UK
- Your ambitions for the future, why you have chosen your course of study and how the Article 26 project will help you to achieve your ambitions
- Your financial circumstances, including how you have managed financially whilst at college and how you will support yourself at university - Article 26 cannot support living costs, such as accommodation and food - how will you support these costs whilst at university?
- What additional support will you need whilst at university?

Your application to the Article 26 project is completely confidential and the selection panel will only be able to take into account information that is given in your answers to the 5 questions. Whilst the selection panel do need some details of personal circumstances we do not need to know about the circumstances that led to you seeking asylum in UK if you don't wish to provide this information. Your supporting Referee will be asked to give a supporting statement about you but if there is any information that you feel should be taken into account when your application is considered you must include it here.

### Note 4: Declaration of eligibility and checklist

- Please confirm, by ticking the appropriate box, that you meet the eligibility criteria.
- Please confirm that should your application be successful, you will keep in touch with the Article 26 Project and agree to inform the Project Director immediately if your circumstances change.
- Please look through the items in the checklist carefully and tick to indicate that you have met all these requirements.

### Note 5: Equal Opportunities Monitoring Information

- Please complete the equal opportunities monitoring information section of the form – it is important for the project to ensure that we are accessible to all students and we will use this information to monitor whether or not we are reaching a cross section of the student population.

Information you give us will only be used to support your application.

### Note 6: Referee's Supporting Statement

The Referee's Supporting Statement is an important part of the selection process. Please be sure to include all of the requested information and any other information that you believe should be taken into consideration by the selection panel. It is the responsibility of the applicant to provide their referee with a copy of their personal statement.

When completing the referee's supporting statement please consider the following:

- The referee providing the supporting statement must provide their contact details and confirm that the school, college or community of voluntary group that they represent wishes to support the student's application.
- The student's application will not be accepted without a supporting statement.
- The referee's Supporting Statement should be no more than 500 words and should cover the following:
  - What are the applicant's personal and financial circumstances and what barriers have they overcome to continue their education?
  - How well suited is the applicant to the higher education course they plan to take and how realistic are the student's ambitions?
  - What contribution, to your knowledge, has the student made to a) college life and / or b) their community?
  - Is there any other information that you believe is relevant to the student's application?
  - How do you think the student would benefit from the additional support offered by the Article 26 project?

Applications will only be accepted for consideration if they are accompanied by the referee's supporting statement and signed and stamped by the supporting organisation.

### Informing you of the outcome of your application

- Article 26 does not acknowledge receipt of completed applications
- Following initial assessment the Project Director will contact you to let you know whether or not your application will progress to the next stage of the selection process.
- If your application is taken forward, you will be invited to an interview to verify the information you have provided in your application
- If you are successful in being offered a place on the Article 26 Project you will be informed by the Project Manager within two weeks of your interview

For further information on any aspect of completing your application please contact the Article 26 Project Director, Rebecca Murray on 07714 597148 or email [article26@hkf.org.uk](mailto:article26@hkf.org.uk)

## 8.4 ARTICLE 26 STUDENT CONTRACT

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### Article 26 student contract for X

X University and the Article 26 project have a number of expectations of you, as an Article 26 student. You will need to consider this before taking up a place on the project.

This contract outlines what you can expect from X University and the Article 26 Project and what will be expected of you. Please read this information carefully and consider whether or not you can commit to meeting the requirements within it. If you have any questions about this contract please contact Rebecca Murray, Article 26 Director.

### What you can expect to receive as an Article 26 student

**As a student on the Article 26 project you will receive the following support:**

From X University:

- Tuition Fee Support: the university will offer you a tuition fee-remitted place at the university for a maximum of the normal duration of the undergraduate programme for which you have been admitted or until such time as your asylum claim is resolved and / or you can access student finance.
- Pastoral support: will be determined by the university, but your entitlement will be exactly the same as any other student.

From the Article 26 project:

- The development of a personal support plan to enable you to identify and overcome barriers to achievement on your degree programme.
- Annual group support and training to cover topics including 'Minimising the impact of the Asylum Process on your higher education course'.
- Financial support to assist you with the cost of travel to and from university and essential books and equipment. The amount you receive will depend on your individual needs but will not exceed 600 per year for travel and 100 per year for books and equipment. Financial support will be withdrawn if your tuition fee support is withdrawn.

***Article 26 will not provide any assistance for accommodation or living costs – you must be able to support yourself during your university course.***

## What will be required of you as an Article 26 student?

**As a student on the Article 26 Project you must commit to meeting the following requirements:**

What the university will expect:

- The university is making a considerable investment in you by supporting your tuition fees for the duration of the undergraduate programme for which you have been admitted. You will be expected to demonstrate commitment to your studies and to the university, maintaining high levels of conduct and attainment and acting as a positive ambassador for the university and the project.

What the Article 26 Project will expect:

- You will be expected to keep in touch with the Director and to inform her immediately of any changes in your personal circumstances.
- Article 26 needs to be able to discuss your circumstances with the university; in order to try and ensure your ongoing support should any difficult issues arise.
- You will be expected to inform the Director of any issues that arise which may impact upon your ability to study at university so that she can offer help where possible.
- You will be expected to work with the Director and HKF staff to identify any barriers you face in successfully completing your university course and commit to working with her to address these issues.
- You will be expected to work with the Director and HKF staff to identify the most cost effective means of travelling to and from university and buying essential books and equipment. These costs **MUST** be agreed in advance by the Director. Expenditure that you make which has not been agreed in advance will not be reimbursed.
- You must keep all receipts of agreed expenditure and provide them to the Director or HKF staff on request.
- You must attend the Article 26 Project Group Training Day each year to ensure that you benefit from the additional support offered by the project and provide the required feedback.
- You will be asked to contribute towards the development of the Article 26 Project. Our aim is to increase the number of university places available to students seeking sanctuary in the UK and your assistance will be vital to achieving this. Any commitment to support the project will be in keeping with your other time commitments and what you are comfortable with doing – but could involve allowing your story to be used in publicity information, taking part in events or supporting a new student progressing to your university. Any expenses for these activities will be met by the Project if they are agreed in advance with the Director.

## Agreement by X

- I would like to accept the place on the Article 26 Project that I have been offered and agree to the above requirements.
- I understand that I will receive funding to cover travel to university and essential books and equipment and that this will not exceed the stated amount.
- I understand that Article 26 will not provide any financial support for accommodation or living costs and I confirm that I am able to support myself for the duration of my university course.
- I give my informed consent for Article 26 and the university to disclose information relating to current circumstances and any changes in my circumstances at any point during my degree programme.

Signed: \_\_\_\_\_ Date: \_\_ / \_\_ / \_\_

Name: \_\_\_\_\_

## 8.5 ELIGIBILITY STATUS & RISK ASSESSMENT

The table below outlines the different categories of immigration status alongside the opportunities and risks to universities in providing support to different migrant groups. The highlighted categories include those covered by the current Article 26 eligibility criteria. The other categories of immigration status have been included in order to support individual universities to make an informed choice regarding which categories to incorporate into their own eligibility criteria. Following on from the table are details of the rationale behind the Article 26 status eligibility criteria and some further points to be considered by universities when defining this element of their own criteria.

Status	Description	Opportunities	Risks
Limited leave to remain (previously referred to as discretionary leave to remain – DLR)	Temporary status awarded as the result of a claim for asylum but outside of the immigration rules. See <b>Chapter 3</b> status and support for further information.	An award of limited leave to remain is usually for 2.5 years (previously it was for 3 years), resubmission often leads to a further award of 2.5 years, at which point an application can be submitted for permanent stay in the UK. Check when leave was awarded i.e. if it is the first or second award and the student applied for the first award before July 2012, as the student could be on the cusp of receiving permanent stay and therefore in the near future be entitled to student finance.	Low
Limited leave or DLR – non asylum	Temporary status awarded as the result of a migrant applying to regularise their stay / right to remain in the UK..	Periods of leave and their relevance change, it is important to check the most up to date information.	Low
Limited leave or DLR – application for extension pending	An award of limited leave has ended and an application for an extension (further award) has been submitted.	As above BUT application could be based upon application for an extension from UASC post age 17.5. If their application is pending, there is a risk that it will be refused.	Low/med

Asylum seeker	<p>Awaiting a decision on an initial claim or in the process of appealing a decision on a claim for asylum.</p> <p>See <b>Chapter 3</b> status and support for further information.</p>	<p>Decisions on applications for asylum and the appeals process can take years in some instances (although there is no guarantee, as the Government is constantly trying to speed up the process). Once an asylum seekers' appeal rights are exhausted on their initial or first claim for asylum, if they have fresh evidence they might be in a position to then submit a fresh claim for asylum.</p> <p>See <b>Chapter 4</b>, section 4.4 Appeal Rights Exhausted.</p>	Low/med
Asylum seeker – ARE + fresh claim	<p>Appeal rights exhausted on first / initial claim for asylum and a fresh claim for asylum has been submitted.</p> <p>See section 3.1.3 and section 4.4 for further information.</p>	<p>Fresh claims can sometimes take a long time to be processed; however they can also be dealt with very quickly, especially given that the claimant has already been refused. It can depend upon the strength of the fresh evidence that they have submitted.</p>	<p>Med/high Need to consider –</p> <ul style="list-style-type: none"> <li>i) How many fresh claims have been submitted?</li> <li>ii) How many years have they been in the UK?</li> <li>iii) Is the claim based on Article 8 'right to private life'?</li> </ul>
Asylum seeker – ARE + no fresh claim	<p>Appeal rights exhausted on first / initial claim for asylum and NO fresh claim for asylum has been submitted.</p> <p>No active claim for asylum. Uncertain as to the basis upon which they can remain in the UK.</p> <p>Liable to be detained</p> <p>See <b>Chapter 5</b>, section 5.1 for full details on removal, return &amp; detention.</p>	<p>Current Article 26 students have spent periods of time in this position, when they have effectively been 'in between' claims for asylum.</p> <p>Article 26 has never accepted a new student who cannot evidence an active claim for asylum.</p>	<p>High A student might be in the process of preparing fresh evidence to support a fresh submission. However, it could be difficult to ascertain an exact timeframe. The student could be viewed as being unlawfully in the UK – Home Office could apply Tier 4 rules to the university, despite there being no legal basis for them to do so.</p> <p>See <b>Appendix 8.7</b>.</p>

Refugee status / HP (humanitarian protection)	<p>Entitled to student finance prior to degree commencing and if Refugee Status or HP is awarded during degree programme.</p> <p>See <b>Chapter 4</b>, section 4.1 for impact of a positive change to status during a student's degree programme.</p>		None
Undocumented migrants	<p>Migrants might have lived in the UK for decades and managed to achieve the qualifications required for a degree programme.</p> <p>Many different motivations / reasons / circumstances through which people have arrived and live in the UK.</p> <p>They are likely to be unlawfully in the UK and therefore have no entitlement to mainstream benefits, Home Office support or student finance.</p>	Likely to lack documentation.	<p>High Tier 4 rules might be applied.</p> <p>See <b>Appendix 8.7</b>.</p>

## 8.6 RATIONALE FOR ARTICLE 26 ELIGIBILITY CRITERIA

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**When Article 26 began the eligibility criteria relating to status focused on people seeking asylum. No one with any form of temporary status was considered for support.**

- The decision by Article 26 to support asylum seekers who have exhausted their appeal rights (ARE) but who have submitted a fresh claim, is based on the fact that these individuals have an active claim for asylum and are actively working towards securing their status in the UK. In the project's experience a significant number of students have been able to study and subsequently received status through the successful submission of a fresh claim for asylum.
- Article 26 students have at times been 'in between' asylum claims, i.e. gathering evidence, preparing submission and making the fresh submission of evidence in support of a fresh claim for asylum. The priority for the project has been that they continue to manage their asylum claim and try to secure status in the UK. Article 26 has never accepted a student who at the time of application/interview did not have an active claim for asylum.
- February 2011, saw a change in legislation that resulted in students with limited leave to remain no longer being eligible for student finance and the government recommended that universities charge these students tuition fees at the international rather than the home rate. At this point Article 26 reviewed its eligibility criteria and decided to include people who had been awarded limited leave to remain or other forms of temporary status, but only if awarded as the result of a claim for asylum.
- The places that Article 26 has negotiated with universities have all been on the basis that students eligible for support will have sought asylum in the UK. Conversations with Vice Chancellors have alerted us to the concerns they have about opening up support to non-asylum seeking migrant groups. In Oct 2012, Article 26 held a focus group with representatives from 13 different community organisations established by asylum seekers. They felt very strongly that Article 26 support should be reserved for people seeking asylum.
- Undocumented migrants are likely to be unlawfully in the UK and there is a high risk of the Home Office imposing Tier 4 penalties if they realise they are studying at a university. Universities have a duty to report students whose visa has expired or who have no visa.
- The category of migrant that Article 26 would consider advocating on behalf of are young people who have limited leave to remain and are in or have been in the care of a local authority. The project has spoken to numerous young people who were born abroad but due to a variety of circumstances have been brought up in the care of a local authority in the UK. In these circumstances social workers sometimes support them to claim asylum, in other instances their status remains unresolved until the decision is taken to regularise their stay and an application for limited leave to remain is submitted.
- The founding principle of Article 26 is to support people who, at the start of their degree programme, are not entitled to student finance.

***What do universities need to consider when defining their eligibility criteria in relation to status:***

- Open criteria allows you to meet a broader range of candidates and make an assessment based on individuals.
- Universities have open to them resources that are beyond the bounds of Article 26, that have the potential to improve on that which is currently offered by the project.

## 8.7 ABRIDGED VERSION OF 'ESTABLISHING A LEGAL BASIS FOR ARTICLE 26'

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Refugee Support Network (RSN) and the Brent Law Centre were commissioned by Article 26 to write a report exploring the legal basis upon which people from an asylum seeking background can study in higher education. A summary of the report is provided below:

### 8.7.1 What legal framework supports the right to higher education for asylum seekers?

There are various provisions in international treaties and declarations containing a universal “right to education”. These are often an aspiration rather than a concrete right which an individual can enforce. A detailed analysis of these numerous treaties would require more time but the strongest basis for claiming human rights in the UK is the Human Rights Act 1998.

The Human Rights Act 1998 incorporates the European Convention on Human Rights (“ECHR”) into UK law. Protocol II, Article 2 of the ECHR contains a generic provision that “no person shall be denied the right to education (...)”. Despite being phrased negatively, this provides a right of access to educational institutions existing at a given time<sup>1</sup>. It does not prevent a State from regulating it, however, as long as the restriction does not “injure the substance of the right to education nor conflict with other rights enshrined in the Convention”<sup>2</sup>.

The right to education does not as a general rule affect the system of immigration control at national level. For example, Section 50 of the Border, Citizenship and Immigration Act 2009 states that a condition restricting studies is one of the conditions that may be imposed on limited leave to enter or remain in the UK. In the case of *15 foreign students v UK*<sup>3</sup>, it was held that the “refusal of permission to remain in the country cannot [ ] be regarded as an interference with the right to education, but only as a control of immigration which falls outside the scope of Article 2.” In another case, the removal of a failed asylum seeking Polish family to Poland under immigration law was not affected by the argument that their daughter would face educational difficulties if returned to Poland<sup>4</sup>.

There is, however, some support to say that a state would be in breach of the Convention if it were to bar access to education for asylum seekers who are within

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1 Belgian Linguistics case (No 2) (1979-80) 1 E.H.R.R. 252

2 Ibid, p. 282

3 19 May 1977, 9 D.R. 185

4 R. (Holub) v Secretary of State for the Home Department [2001] 1 W.L.R. 1359

the jurisdiction. In a Russian case<sup>5</sup>, *Timishev v Russia*, where children had been excluded from school because their parent was forced to surrender his migrant card validating his residence, the European Court of Human Rights held that Article 2 had been infringed. Although this case was in the context of primary education and the court pointed out that Russian law did not allow the exercise of the educational right by children to be made conditional on the registration of their parents' residence, it does support the view that an asylum seeker has a right to education. For our purposes, it is important to note that Article 2 has been held to apply to higher education institutions<sup>6</sup>.

## 8.7.2 Are there any restrictions in the UK on asylum seekers accessing higher education?

There appears to be no particular restriction on asylum seekers accessing university education. Against the background of *Timishev v Russia* and the Convention right itself, it is highly questionable whether a law passed by the UK preventing asylum seekers from accessing education could be justified in any case.

In the absence of any provisions to the contrary, in the same way that a UK student can apply to go to university, there should be no reason why an asylum seeker who is lawfully in the UK should not be able to go to university provided he or she meets the admissions criteria. Some helpful information to support this generic assumption can be gleaned from the laws and guidance relating to university fees.

## 8.7.3 Support for asylum seekers attending university

Even though there is no clear legal provision affirming an asylum seeker's right to study, the practical application of the law relating to the classification of university students for fee purposes by the UK Council for International Student Affairs ("UKCISA") shows that there has at least been the practice of allowing asylum seekers to study. There is legislation<sup>7</sup> permitting a university to charge higher fees for students, who do not qualify as "home students". Among those falling within the definition of "home students" are refugees who are ordinarily resident in the UK on the first day of the first academic year of the course and have not ceased to be ordinarily resident since being given leave to remain in the UK. Whoever was their spouse and child (under 18) at the time of the refugee's asylum application is also included. Similar provisions exist for those granted humanitarian protection.

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5 *Timishev v Russia* 2005-XII, 44 EHRR 776

6 *Leyla Sahin v Turkey* 2005-XI; 41 EHRR 109 GC

7 Education (Fees and Awards) Act 1983; Education (Fees and Awards) (England) Regulations 2007

UKCISA on its website for “Fees, funding and Student Support”<sup>8</sup> explains that you can become a “home student” after starting your course as an “overseas” fee payer, if you become a refugee, or your asylum application is refused but you are granted another specified form of leave, or this happens to a relevant member of your family and you meet the relevant “family condition” on the date of their asylum application. This clearly pre-supposes that the asylum seeker was already engaged in studying before gaining status as a refugee. While this has no legal effect, this goes some way to showing that the practice has been to allow asylum seekers to study.

The same UKCISA website addresses what happens in terms of your funding if you applied for asylum and were granted Discretionary Leave. The answer states that you will no longer be eligible for “home” fees for a higher education course in England due to a change introduced by government. The fact that no suggestion is made that these students can now no longer study, coupled with the fact that the “home” category used to be extended to those with discretionary leave to remain and still is in Wales, Scotland and Northern Ireland, suggests that these students have in practice been allowed to study.

## 8.7.4 Is there an impact from the Tier 4 student category?

There is no clear legal provision which would suggest that the university’s duties and responsibilities under Tier (4) extend to asylum seekers or failed asylum seekers or that their dealings with asylum seekers would jeopardize their Tier (4) license. Paragraph 521 of the Tier 4 Sponsor Policy Guidance makes it clear that “(s)ome duties apply to all sponsors under the points-based system, others are specific to sponsors who are licensed under certain tiers or categories.” Given that the asylum system is separate to the points-based system, it is difficult to see how the Tier (4) sponsorship duties and responsibilities are relevant to asylum seekers.

However, there is some concern that a failed asylum seeker could be equated to a student under Tier 4 who has overstayed their visa – both essentially having no right to be in the UK. The extent of the duties under Tier (4) is such that a university would be expected to report a student who has overstayed their student visa (for example, duty to report significant changes in a sponsored student’s circumstances<sup>9</sup>). Paragraphs 456 to 459 of the Sponsor Policy Guidance specifically deal with overstaying and state that the university should be aware that a student who has overstayed by more than 28 days would be refused further leave. In the spirit of the Policy, it can be expected that the university would have to not only report a student who overstayed their visa but also refuse further study if the student attempted to continue studying.

A cautious approach would be to apply this reasoning to failed asylum seekers who continued to study. However, as stated above, the Tier system is a separate system to that of claiming asylum and no explicit reference is made to asylum seekers. A

8 [http://www.ukcisa.org.uk/student/fees\\_student\\_support.php](http://www.ukcisa.org.uk/student/fees_student_support.php)

9 Paragraph 554 of the Tier 4 Sponsor Policy Guidance, see footnote 13 above

definite answer about the risks to a university that permits failed asylum seekers to continue studying cannot be provided.

## 8.7.5 When does an asylum seeker cease to be “lawfully” in the UK?

Given the general positive assumption that asylum seekers have a right to study, it is important to examine a) whether there is a point at which an asylum seeker ceases to be an asylum seeker, i.e. is in the UK unlawfully, and b) even if the asylum seeker ceases technically to have a right to be in the UK, whether this means they can no longer study.

The Home Office’s “Full guide for employers on preventing illegal working in the UK” and “Guidance for employers on preventing illegal working in the UK: asylum seekers and refugees”<sup>10</sup> provide a useful comparison in this context. They both make an interesting reference to failed asylum seekers in the context of volunteering. The relevant sentence<sup>11</sup> reads “*On the grounds that a failed asylum seeker should not be in the UK at all they should not be volunteering following a final decision on their claim or if they have exhausted all their appeal rights.*” (Emphasis added)

Refugee Action, supported by a number of large charities, wrote a letter<sup>12</sup> to the Home Office pointing out that the previous guidance had clarified this sentence by saying that “Although there is no specific legal power to prevent a failed asylum seeker from volunteering, the normal course of action should be for the Border and Immigration Agency to issue removal directions and to discourage further voluntary activity.” The letter goes on to say that as far as they understand the legal situation has not changed and therefore the Home Office still does not have legal authority to prohibit volunteering by refused asylum seekers.

The Home Office guidance quoted above suggests that an asylum seeker who currently does not have an active claim/ appeal/ fresh claim has no right to be in the UK. The problem with this broad statement is that this may be only temporarily true until an asylum seeker submits a fresh claim for example.

The second problem with the Home Office guidance, as picked up by the charities, is that the Home Office itself previously acknowledged a lack of specific legal power to prevent a failed asylum seeker from volunteering despite the fact that the failed asylum seeker technically no longer had a right to be in the UK. The Home Office clearly wishes to discourage failed asylum seekers from volunteering but appears to lack the legal backing.

Applying this to the educational context, there again appears to be a lack of specific legal power by the Home Office to prevent a failed asylum seeker from studying even if technically he/ she may no longer have a right to be in the UK. In addition, the right to education is a specific human right under the ECHR whereas there is no equivalent

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<sup>10</sup> Both available at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/>

<sup>11</sup> p. 44 and p. 12 respectively

<sup>12</sup> Available at <http://www.volunteering.org.uk/policy-and-campaigns/what-we-are-saying/2357-latter-to-the-home-office-regarding-asylum-seekers-and-volunteering>

for volunteering.

## 8.7.6 General recommendations from the report:

a) Article 26 and its partner universities can be confident that people with DLR or any other form of temporary status awarded as a result of a claim for asylum, and asylum seekers (including those who are Appeal Rights Exhausted- ARE) who have an ongoing claim, are lawfully present in the UK. There are no legal grounds for them to be denied access to higher education, even though they are not entitled to “home” fees or student finance.

b) Article 26 and its partner universities have grounds to argue that ARE asylum seekers who have not submitted a fresh claim should not automatically be barred from higher education, in spite of the Home Office’s assertion that they no longer have the right to be in the UK. There appears to be a lack of specific legal power by the Home Office to prevent a failed asylum seeker from studying even if technically he/ she may have no longer has a right to be in the UK.

c) Article 26 should bear in mind that while the Home Office lacks specific legal power to prevent asylum seekers with Appeal Rights Exhausted- ARE (no fresh claim submitted) from accessing or continuing in higher education, the support of such students could possibly lead to suspensions or revocations of universities’ Tier (4) licenses due to ambiguities in the policy guidelines about universities’ general obligations to the Home Office regarding issues of immigration control.

d) Article 26 and universities could choose to seek clarification from the Home Office about some of the ambiguity in its Tier (4) policy guidelines insofar as this ambiguity could have potentially negative impacts on all students who are subject to immigration control. However, it must be acknowledged that uncertainty in this area may be better than seeking clarification from Home Office which may a) be negative and b) not necessarily legally justified.

e) Article 26 should, in response to HTS status universities’ fears about entering into contractual relationships with asylum-seeking students and those with DLR or other forms of temporary status resulting from a claim for asylum, continue to highlight the difference between asylum-seeking students and international students who have come to the UK for the express purpose of studying.

### 8.7.7 Article 26 Good Practice

Article 26 recommends the following steps in order to support the process of keeping up to date with the status of a student claim for asylum or an extension/continuation of leave to remain in the UK:

- i) Regular checks of immigration documents either at the start of each semester or on an annual basis in line with enrolment.
- ii) Define and discuss with students their contractual obligations to the university outlined in the student contract.

iii) Maintain regular contact with students in order to establish and develop an open and trusting relationship, in which they feel comfortable disclosing information pertaining to changes in their immigration status.

iv) Develop a short policy collating the steps taken by the university to document and monitor changes to students immigration status. In the event that it is required internally or externally to provide reassurance regarding the management of these students within the institution.

## 8.8 GLOSSARY OF CHARITABLE TRUSTS

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### Search engines for grants

- [www.turn2us.org.uk](http://www.turn2us.org.uk)
- [www.fundfinder.org.uk](http://www.fundfinder.org.uk)
- [www.grantsnet.co.uk](http://www.grantsnet.co.uk)
- [www.studentcashpoint.co.uk](http://www.studentcashpoint.co.uk)
- [www.family-action.org.uk/section.aspx?id=21211](http://www.family-action.org.uk/section.aspx?id=21211)

### Al-Mizran Trust

**This grant funder supports disadvantaged people across the UK, regardless of their religion or cultural background. Students can submit applications to their General Welfare Fund, which accepts applications throughout the year for grants of up to £500.**

[www.almizrantrust.org.uk](http://www.almizrantrust.org.uk)

### Charlotte Marshall Charitable Trust

**Part of their remit covers grants for education and training.**

Sidney Little Road,  
Churchfields Industrial Estate  
St. Leonards on Sea  
East Sussex TN38 9PU

### Children Today Charitable Trust

**Help to fundraise for individuals with disability who are under the age of 25 and in need of equipment.**

[www.childrentoday.org.uk](http://www.childrentoday.org.uk)

### Dr Meena Sharma Memorial Foundation

**Applications in writing are accepted from disadvantaged young people and women from India and the UK, for amounts ranging from £100-£250. Write to:**

Mr. Vivek Sharma, Executive--The MSM Foundation,  
14 Magdalene Road,  
Walsall, West Midlands WS1 3TA (U.K.)

[www.msmf.chandri.com](http://www.msmf.chandri.com)

## The Leathersellers Company Charitable Trust

**Awards for individuals to study on a full-time UK degree programme, with courses in London given priority.**

[www.leathersellers.co.uk](http://www.leathersellers.co.uk)

## Prisoners of Conscience

Originally established in 1962 as the relief arm of Amnesty International, they are a separate charity and the only agency in the UK making grants specifically to prisoners of conscience - individuals who have been persecuted for their conscientiously-held beliefs, provided that they have not used or advocated violence. Grant recipients include political prisoners, human rights defenders, lawyers, environmental activists, teachers and academics who come from many different countries such as Burma, Zimbabwe, Sri Lanka, Tibet, Iran, Cameroon and Eritrea.

Their aim is to raise and distribute money to help them and/or their families rehabilitate themselves during and after their ordeal. Financial grants cover general hardship relief, furniture, medicines, travel costs, family reunion costs, education, requalification and resettlement costs and medical treatment and counselling after torture.

PO BOX 61044

London, SE1 1UP

Central number: 0207 407 6644

Email: [info@prisonersofconscience.org](mailto:info@prisonersofconscience.org)

<http://www.prisonersofconscience.org>

## Refugee Council

**The John Frank Fund provides up to £100 per person for those, who without assistance would be unable to pursue their field of study.**

[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

## Ruth Hayman Trust

**Provide educational grants to adults who have come to settle in the UK and whose first language is not English.**

[www.ruthhaymantrust.org.uk](http://www.ruthhaymantrust.org.uk)

## Saint John Southworth Fund: The Diocese of Westminster

**Accept applications throughout the year for those in urgent need of financial assistance**

<http://rcdow.org.uk/coritas/st-john-southworth-fund>

## Schwab & Westheimer Trusts

The Schwab and Westheimer Trusts provide educational funding in the form of grants to young asylum seekers and refugees where alternative sources of funding are inadequate

Awards do not normally exceed £2000. These awards are discretionary and the amount of funding given to an application will depend upon the assistance required.

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

## The Follett trust

**‘One off’ grants paid to students in higher education. Applications in writing only.**

M D Follett  
17 Chescombe Road  
Yatton, Bristol  
BS19 4EE

## The Tiko Foundation

The TIKO Foundation is an educational charity organisation set up to offer grants to candidates from non-privileged backgrounds allowing them to discover and achieve their educational potential.

The grant will finance the candidates’ tuition and accommodation expenses for the duration of their academic course.

Outstanding academic ability and performance are the principal criteria on which each candidate will be assessed, though other factors such as sporting and social achievements will be considered

TIKO Foundation, Vicarage House,  
58-60 Kensington Church Street,  
London,  
W8 4DB

Contact number: (0) 207 368 1642

Email: [info@tikofoundation.org](mailto:info@tikofoundation.org)

<http://www.tikofoundation.org/>

## 8.9 GLOSSARY OF USEFUL ORGANISATIONS

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### Article 26: a project of the Helena Kennedy Foundation

**HKF exists to overcome social injustice and ensure access to higher education by providing financial bursaries, mentoring and support to disadvantaged students from the further and adult education sectors, enabling them to complete their studies in higher education and move on successfully into employment.**

Helena Kennedy Foundation  
Room 243A, University House,  
University of East London,  
Stratford Campus,  
Water Lane, Stratford,  
London, E15 4LZ  
Central number: 0207 223 2027

<http://www.hkf.org.uk/hkf-awards/article-26-awards>

### Asylum Aid

**Asylum Aid was founded in 1990 to provide desperately-needed legal representation to those fleeing persecution abroad. They have provided legal advice to more than 30,000 people in the last twenty years, and are committed to continuing this work. Research, policy consultations and public campaigns all contribute to Asylum Aid's work, as well as advocacy with government, MPs, the media and the public.**

**The advice line offers free one-off advice to individual asylum seekers and to any organisations working with asylum seekers and refugees.**

Club Union House  
253-254 Upper Street  
London, N1 1RY  
Central number: 0207 354 9631  
Advice line (Tues 1300-1600 and Thurs 1000-1230): 0207 354 9264  
[http://www.asylumaid.org.uk/pages/our\\_aims.html](http://www.asylumaid.org.uk/pages/our_aims.html)

### AVID: Association of Visitors of Immigration Detainees

**AVID is the national network for volunteers and groups visiting those detained under Immigration Acts in the UK. We are a membership network, with 19 member visitors groups (over 400 volunteers) as well as many individual members, who give their time to befriend and support immigration detainees across the country. Our members visit in every Immigration Removal Centre (IRC) in the UK, but also in 'Short term' holding facilities and even mainstream prisons. All visitor groups are independent, but work with AVID and each other to share best practice and to promote a collective voice for change based on detainees' real life experiences.**

Archway Resource Centre  
1b Waterlow Road  
London N19 5NJ  
Contact number: 0207 281 0533  
[www.aviddetention.org.uk](http://www.aviddetention.org.uk)

## B.I.D: Bail for Immigration Detainees

**Bail for Immigration Detainees is a registered charity that works with asylum seekers and migrants to secure their release from detention. Their offices between them work with detainees in all removal centers in the UK, and with many immigration detainees held in prison at the end of their sentence.**

28, Commercial Street  
London, E1 6LS  
Central number: 0207 247 3590  
[www.biduk.org](http://www.biduk.org)

## British Red Cross

**The Red Cross supports refugees in a wide variety of ways, from offering emergency provisions to those facing severe hardship to giving orientation support and friendly advice to the most vulnerable. Central projects are focused on destitution, orientation, support for young people and women, family reunion and resettlement**

UK Office  
44 Moorfields  
London, EC2Y 9AL  
Central number: 0844 871 11 11  
[www.redcross.org.uk](http://www.redcross.org.uk)

## CAB: Citizens Advice Bureau

**With offices around the UK, they provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities. Advice given spans debt, employment, welfare benefits and housing**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)  
Website to get advice or find your nearest office: [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## C.A.L.M: Campaign against Living Miserably

**CALM, campaign against living miserably, exists to prevent male suicide in the UK. CALM offer a free, confidential and anonymous phone line and texting service, open 5pm – midnight, 7 days a week; they also offer information on their website covering a huge range of issues that may help, from eating disorders and sexuality to work issues and bereavement, and all things in between.**

PO Box 68766  
London, SE1P 4JZ  
Help line: 0800 58 58 58  
[www.thecalmzone.net](http://www.thecalmzone.net)

## CARA: The Council for Assisting Refugee Academics

CARA was established in 1933 by leading British academics and scientists of the day to provide refuge and support for academic colleagues who were being forced by Nazi discrimination and violence to leave Germany and Austria.

CARA assist academics who have been, or are, or are at risk of being, subject to discrimination, persecution, suffering or violence on account of race, religion, nationality, membership of a particular social group, or political opinion, to relieve needs among them and their dependants and ensure that their specialist knowledge and abilities can continue to be used for the benefit of the public.

They aim to advance education by supporting academics and their educational institutions in countries where their continuing work is at risk or compromised, to ensure that such academics and institutions can continue to fulfill their critical role as educators for the public benefit.

London South Bank University,  
Technopark  
90, London Road  
London, SE1 6LN  
Central telephone number: 0207 021 0880  
Email: [info.cara@lsbu.ac.uk](mailto:info.cara@lsbu.ac.uk)  
<http://www.cara1933.org>

## Coram Children's Legal Centre

Coram Children's Legal Centre provides free legal information, advice and representation to children, young people, their families, carers and professionals, as well as international consultancy on child law and children's rights.

The Migrant Children's Project at Coram Children's Legal Centre promotes the rights of migrant, asylum-seeking and refugee children and young people and works to ensure that they receive the protection and support they need. We provide one-to-one advice through an advice line and outreach advice work, a range of free resources and online information, and training to practitioners working with young refugees and migrants.

48 Mecklenburgh Square  
London  
WC1N 2QA

Migrant Children's Project Advice Line: 0207 636 8505 (or contact [mcp@essex.ac.uk](mailto:mcp@essex.ac.uk))  
Migrant Children's Project factsheets: [http://www.childrenslegalcentre.com/index.php?page=migrant\\_children](http://www.childrenslegalcentre.com/index.php?page=migrant_children)  
Factsheet on right to work: [http://www.childrenslegalcentre.com/userfiles/file/Employment\\_volunteering\\_30\\_04\\_13.pdf](http://www.childrenslegalcentre.com/userfiles/file/Employment_volunteering_30_04_13.pdf)  
Factsheet on limited leave to remain for unaccompanied asylum seeking children: [http://www.childrenslegalcentre.com/userfiles/file/limited\\_leave\\_unaccompanied](http://www.childrenslegalcentre.com/userfiles/file/limited_leave_unaccompanied)

[children\\_04\\_13.pdf](#)

Factsheet on the asylum and immigration process: [http://www.childrenslegalcentre.com/index.php?page=faqs\\_asylum\\_process](http://www.childrenslegalcentre.com/index.php?page=faqs_asylum_process)  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

## Daycare Trust

**The Daycare trust is a national charity that campaign for affordable, quality and accessible childcare. Its projects include advice for parents and research and campaign work.**

The Family and Childcare Trust  
2nd Floor, The Bridge  
81 Southwark Bridge Road  
London  
SE1 0NQ  
Central number: 0207 940 7510  
[www.daycaretrust.org.uk](http://www.daycaretrust.org.uk)

## Disability Rights UK

**They work to strengthen the voice of disabled people to make their rights real, as an effective national organisation led by people with a wide range of impairments or health conditions**

12, City Forum  
250 City Road  
London, EC1V 8AF  
Central number: 0207 250 3222  
Disabled Student's Helpline (Tues 11.20-13.30 & Thurs 13.30-15.30): 0800 328 5050  
[www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

<http://www.disabilityrightsuk.org/personal-independence-payment-pip>

<http://disabilityrightsuk.org/employment-and-support-allowance-overview>

## ECPAT UK

**ECPAT UK is a leading children's rights organisation campaigning against child trafficking and exploitation in the UK and on its international aspects. In particular, they focus on the protection of trafficked children and children exploited in tourism and the prevention of such crimes in a number of ways.**

Grosvenor Gardens House  
35-37 Grosvenor Gardens  
London, SW1W 0BS  
Central number: 0207 233 9887  
[www.ecpat.org.uk](http://www.ecpat.org.uk)

## Employability Forum

**The Employability Forum is an independent organisation that promotes the**

employment of refugees and the integration of migrant workers in the UK.

**Employability Forum works with specialist agencies across the country, employers and government, using evidence from its network to develop practical policy recommendations**

356 Holloway Road  
London, N7 6PA  
Central number: 0207 697 4110  
[www.employabilityforum.co.uk](http://www.employabilityforum.co.uk)

## Freedom from Torture: Medical Foundation for the Care of Victims of Torture

**Freedom from Torture, formerly the Medical Foundation for the Care of Victims of Torture, has been working for 25 years to provide direct clinical services to survivors of torture who arrive in the UK, as well as striving to protect and promote their rights**

111, Isledon Road  
London, N7 7JW  
Central number: 0207 697 7777  
[www.freedomfromtorture.org](http://www.freedomfromtorture.org)

## Gov.UK

**Directory for all government services, for example benefits and tax credits. This website has replaced DirectGov.**

Living costs for adults- to claim via Jobcentre Plus, Department for Work & Pensions:  
<https://www.gov.uk/contact-jobcentre-plus>

Earnings to-up- claimed through Her Majesty's Revenue and Customs: <http://www.hmrc.gov.uk/taxcredits/>

Living costs for children- claimed through Her Majesty's Revenue and Customs: <http://www.hmrc.gov.uk/childbenefit/> & <http://www.hmrc.gov.uk/taxcredits/start/who-qualifies/children/>

Housing costs- claimed from the local authority: <https://www.gov.uk/housing-benefit/overview>

Disability costs- claimed through the Department for Work and Pensions: <http://www.dwp.gov.uk/publications/specialist-guides/pip-toolkit/about-pip/forms.shtml>

For more information about universal credit see [www.cpag.org.uk/universal-credit-factsheet](http://www.cpag.org.uk/universal-credit-factsheet)  
[www.gov.uk](http://www.gov.uk)

## The Helen Bamber Foundation

**The Helen Bamber Foundation is a human rights charity based in London, which was founded in 2005. Their specialist team of therapists, doctors and legal experts hold an international reputation for providing therapeutic care, medical consultation, legal protection and practical support to survivors of human rights violations.**

Bruges Place,  
15-20, Baynes Street (Entrance via Randolph Street)  
London, NW1 0TF  
Central number: 0203 058 2020  
Email: [reception@helenbamber.org](mailto:reception@helenbamber.org)  
<http://www.helenbamber.org>

## Home Office

**The Home Office is a ministerial department, supported by 27 agencies and public bodies (including HOME OFFICE). It leads on immigration and passports, drugs policy, crime policy and counter-terrorism. The website has information on their work and policies.**

<https://www.gov.uk/government/organisations/home-office>

## MEDACT

Medact is a global health charity tackling issues at the centre of international policy debates. Led by its health professional membership it undertakes education, research and advocacy on the health implications of conflict, development and environmental change. It runs the Refugee Health Network (RHN), which aims to share information, resources and support for those trying to ensure that some of the most vulnerable people in the UK today receive the health care they need, which is increasingly threatened by the present changes in the NHS. Many members have years of professional experience and are willing to share this expertise with others.

The Grayston Centre  
28, Charles Street  
London N1 6HT  
Central number: 0207 324 4739  
Email: [info@medact.org](mailto:info@medact.org)  
[http://www.medact.org/medact\\_information.php](http://www.medact.org/medact_information.php)

For information about the Refugee Health Network: [http://www.medact.org/ref\\_about\\_network.php](http://www.medact.org/ref_about_network.php)

## The Migration Observatory

**Based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides impartial, independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The website includes news and commentary, briefings, data and carts, policy primers and reports.**

<http://www.migrationobservatory.ox.ac.uk>

## NACCOM: agencies assisting asylum seekers to find housing

**NACCOM** is an informal network of agencies providing accommodation for migrants who have no recourse to public funds. These are people who have been made homeless and destitute. The website has details of up and coming meetings and of the regional projects that are involved.

[www.naccomm.org.uk](http://www.naccomm.org.uk)

## NCADC: National Coalition of Anti-Deportation Campaigns

Founded in 1995, NCADC is a national human rights organisation which supports community-led campaigns for justice in the asylum and immigration system. NCADC can provide free and confidential information about campaigning to stay in the UK: they can give advice on the benefits and risks of a public campaign, campaign strategies, non-public campaigning options, and can help publicise a public campaign. NCADC cannot provide legal advice, or run a campaign, but they can provide you with the tools you need to campaign

NCADC

At Praxis Community Projects

Polt Street

London E2 0EF

Central number: 0207 749 7616

[www.ncadc.org.uk](http://www.ncadc.org.uk)

## NUS: National Union of Students

The National Union of Students (NUS) is a voluntary membership organization. It is a confederation of [600 students' unions](#), amounting to more than 95% of all higher and further education unions in the UK. Through member students' unions, they represent the interests of more than seven million students.

NUS HQ

Macadam House, 275 Grey's Inn Road,

London, WC1X 8QB

Central number: 0845 5210 262

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

## Refugee Action

**Support asylum seekers and refugees by providing advice and support throughout the process. There are advice services and offices across England. See the website for full details**

Victoria Charity Centre

11, Belgrave Road,

London SW1V 1RB

Advice line: 0800 917 2719

[www.refugee-action.org.uk](http://www.refugee-action.org.uk)

## Refugee Community Organisations (RCOs)

Refugee Community Organisations can be a useful support for asylum seekers keen to make links with people of a similar cultural or ethnic background. RCO's are local organisations, therefore we cannot print a definitive list. Contact local refugee organisations or carry out an online search for specific groups.

## Refugee Council

With a number of offices and advice services (including separate councils for Scotland, Wales and Northern Ireland) the Refugee Council offers practical support to asylum seekers and refugees in the UK. Projects focus on asylum seekers, refugees, children, therapeutic casework, health befriending, refugee community organisations and working with partners

Head Office:

PO Box 68614

London E15 9DQ

Central number: 0207 346 6700

[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

Refugee Council Service Directory (to search for useful services in your region):

<http://www.refugeecouncil.org.uk/services>

Northern Ireland: <http://www.nicras.btck.co.uk>

Scotland: [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

Wales: [www.welshrefugeecouncil.org.uk](http://www.welshrefugeecouncil.org.uk)

## RSN: The Refugee Support Network

RSN work with young people affected by displacement and crisis, enabling them to access, remain and progress in education at all stages of their migration journey. In the UK, they run educational mentoring schemes and offer education advice and support and social activities for young refugees, asylum seekers and victims of trafficking. These programmes work predominantly with separated children and young people, who are in the UK without a responsible adult. They also run a higher education programme, helping young refugees; asylum seekers and victims of trafficking who have the academic potential to go to university overcome the barriers they face.

Internationally, they are developing partnerships with local and international organisations in order to improve access to and quality of education for children who remain in, or return to regions of the world affected by displacement and crisis. Alongside these programmes we provide training, research and consultancy on issues connected to the education and experiences of young refugees, asylum seekers and victims of trafficking.

Suite 1.6, The Chandelier Building,  
8, Scrubs Lane  
London, NW10 6RB  
<http://refugeesupportnetwork.org>

## Samaritans

**Samaritans Vision is that fewer people die by suicide. They work to achieve this vision by making it their mission to alleviate emotional distress and reduce the incidence of suicide feelings and suicidal behaviour**

The Upper Mil  
Kingston Road  
Ewell, Surrey  
KT17 2AF  
24 Hour Support Line: 08457 90 90 90  
[www.samaritans.org](http://www.samaritans.org)

## SERCO

**SERCO is one of the main Home Office contractors, providing accommodation and support to asylum seekers.**

Serco Group plc  
Serco House  
16 Bartley Wood Business Park  
Bartley Way  
Hook  
Hampshire  
RG27 9UY  
United Kingdom  
Main switchboard: 01256 745900  
[generalenquiries@serco.com](mailto:generalenquiries@serco.com)  
[www.serco.com](http://www.serco.com)

## STAR: Student Action for Refugees

**STAR is the national charity of 12,000 students working to improve the lives of refugees in the UK, they:**

- Volunteer at local refugee projects
- Campaign to improve the lives of refugees
- Educate people about refugees and asylum
- Fundraise to welcome refugees

Resource for London  
356 Holloway Road  
London N7 6PA  
Central number: 0207 697 4130  
[www.star-network.org.uk](http://www.star-network.org.uk)

## UCAS

**UCAS provide application services across a range of subject areas and modes of study for UK higher education providers.**

Rosehill  
New Barn Lane  
Cheltenham  
Gloucestershire  
GL52 3LZ  
Undergraduate central number: 0871 468 0468  
<http://www.ucas.com>

## UKBA: The UK Border Agency

**The agency was the department of the UK Home Office that dealt with visas and immigration as well as immigration enforcement. Even though it no longer exists and its functions are now dealt with by the Home Office, many asylum seekers and refugees will have documentation issued by the UKBA. Some might also have documentation issued by the UKBA's predecessors: the BIA (Border and Immigration Agency) and the IND (Immigration and Nationality Department).**

[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

## UKCISA: UK Council for International Student Affairs

**UKCISA monitor and influence government and education sector policy through close contact with senior officials, policy makers, MPs, partner organisations and sector bodies throughout the UK. They produce regular electronic and print publications which keep members and students up to date on current legislation, regulations and resources. They deliver high quality advice line services (for both members and students/members of the public) and training which both assist with immediate areas of difficulty and contribute to greater professional expertise.**

9-17, St. Albans Place  
London N1 0NX  
Advice line: 0207 788 9214  
[www.ukcisa.org.uk](http://www.ukcisa.org.uk)

## UNHCR: The UN Refugee Agency

**For up-to-date facts and figures about refugees worldwide.**

United Nations High Commissioner for Refugees  
Case Postale 2500  
CH-1211 Genève 2 Dépôt  
Suisse  
[www.unhcr.org](http://www.unhcr.org)





# article 26

A project of the Helena Kennedy Foundation