

Article 26 Conference Report

7th Annual Article 26 Conference

University of Warwick 4th – 6th September 2017





Introduction

This year the 7th Annual Article 26 conference took place at the University of Warwick over three days; 4th – 6th September. The event was a great success and brought together Article 26 students, representatives of universities across the UK, and academics to share experiences, knowledge, develop ideas and network.

We would like to thank everyone who contributed to making the conference a huge success. Special thanks to the University of Warwick for hosting and generously funding the event. The following report represents a compilation of the information presented during the conference and responses to specific requests for information raised during the three days. This report concludes with a timeline for producing the resources discussed during conference sessions.

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1. Setting the Scene; Student Perspective

The Article 26 students used drama to convey some the critical issues they face in respect to their access and participation in higher education. The drama utilised a parallel scenario to demonstrate how aspirations to study are thwarted, as well as the additional struggle to secure a scholarship.

The student drama performance presented the audience with a parallel scenario to reflect the polar experiences of students studying A' Levels, those with settled and unsettled immigration status. The drama portrayed the application process, strong aspirations of HE with a clear education trajectory. Problems then arise for the student with unresolved immigration status when they discover that they have been assessed as an international student for the purpose of tuition fees and that they do not have access to student finance. The student then discovers the possibility of a scholarship and is successful in their application. Upon arriving at university to enrol, the student experiences a humiliating situation where they are told they do not have the right documents for registration. There is a clear reference here to the issues with lack of communication between university departments regarding the scholarships. There is confusion about the requirement for a Tier 4 visa and eligibility to access higher education.

The performance moves on to exam time; the student receives a Home Office letter on the day of their exam informing them that their asylum claim has been refused, with a 14 day appeal period. The drama performance depicts the stress and anxiety that students experience as a result of the asylum process. This powerfully conveys the need for clear pathways and processes for students from a forced migrant background.

The students' moving performance brought home the fact that the challenges faced by forced migrant are frequently unrecognised and that there is a lack of clear guidance for universities in the supporting this group of students. It highlighted the need for clear and consistent processes to be in place.

The conference drama performance developed by the Article 26 students grew from the feedback that came out of group exercises exploring the challenges that the students face in accessing and achieving in HE despite having a scholarship.

The students' feedback is based on their experiences of HE and university life, and their experiences of applying for an Article 26 scholarship. The information summarised below is based on the opinions and experiences of the 17 Article 26 students that participated in the conference, representing universities across the U.K.

The feedback clearly identified three priority issues. More than half of the students that attended the conference raised these issues, as something that they felt needed improvement within their universities.

The first of these issues is a greater awareness of the "Sanctuary Initiatives" and their recipients, within the university and across departments. Seven students highlighted communication within the university, as an issue in addition to a lack of understanding of their circumstances, entitlements by university staff, especially in finance and admissions departments.

The second most commonly raised issue by students was around the cost of accommodation and living costs. Six students highlighted the need for additional financial support alongside a fee waiver in order to be able to attain at university. One student wrote "Fee waiver is amazing! But accommodation and living expenses are big problems". Another wrote "please provide financial support for accommodation and study materials".

The third biggest issue raised by students was the isolation of Article 26 students in universities. This issue came across in two ways, by the number of students (6 in total) requesting a 'club' or 'society' for Article 26 students and additionally, by the number of students (5 students) highlighting a need for support to facilitate Article 26 students' participation in university activities and the student union. One student wrote "all Article 26 students in a university should be introduced so they don't feel so alone". Others stated that an Article 26 student club, society or network would be valuable for students to offer peer support and share experiences.

In addition to the above, five students attending the conference stated there should be more promotion and information available in secondary / high schools and FE about opportunities such as the Sanctuary Initiatives, so that forced migrants are aware of their options at an early stage.

Three students expressed concerns about the date by which students are required to confirm the acceptance of their university accommodation, which was a problem as this date fell before they knew whether they had been awarded a scholarship.

Other comments collated in the student feedback included three students highlighting the need for more general support for Article 26 students. The issues they identified included; finding an immigration solicitor, mental health and counselling, finding work experience opportunities and applying for jobs. Two students also mentioned the need for more support for Article 26 students at registration and university orientation.

One student mentioned the need for BAME mentors or speakers to inspire and encourage Article 26 students and to help recognise and address issues faced by BAME students in higher education.

Whilst this feedback was collated through consultation with a relatively small proportion of the forced migrants currently in higher education, it is important that the needs of students are central to further developments, and the need to continuously improve their access, participation and success in higher education.

2. Guiding Principles

Presentation by Ben Hudson, Lecturer in Law, University of Lincoln:

‘Guiding Principles on Forced Migrants in UK HE – an Overview’

These guiding principles developed out of a desire identified by universities for overarching guidance that can be used to form the basis of their initiatives for forced migrant students, and the desire of prospective applicants to see more consistency and coherency across the sector, which in turn helps improve accessibility and transparency.

The key aim is to develop a series of principles intended to help guide HEIs in designing, administering and implementing Sanctuary Initiatives. The full draft document of Guiding Principles for Forced Migrants in UK HE is currently out for consultation.

Below is a summary of the Guiding Principles as presented by Ben Hudson:

- Principle 1 – The right to access higher education’
- Principle 2 – Equal treatment and non-discrimination
- Principle 3 – The right to privacy
- Principle 4 – What are Sanctuary Initiatives?
- Principle 5 – Underlying principles for the design, administration and implementation of Sanctuary Initiatives
- Principle 6 – Selection processes and removing procedural barriers
- Principle 7 – Communication
- Principle 8 – Academic, pastoral and professional support
- Principle 9 – Student progress and participation
- Principle 10 – Staff training
- Principle 11 – An invitation to HEIs to adopt the Principles
- Principle 12 – Dissemination and reporting, and the development of an internal Sanctuary Initiatives Policy

3. 'Who Needs to Comply?' and Eligibility Criteria

Presentation by Stewart MacLachlan, Legal and Policy Officer at CORAM:

'Educating students from a forced migrant background '

'[Who Needs to Comply?](#)' is a draft resource produced in collaboration in CORAM Children's Legal Centre; the aim of which is to support university compliance teams working with international student not subject to tier visa regulations. The Guide contains information pertaining to different immigration statuses, how to recognise them and practical suggestions in terms of managing these students participation in Higher Education.

The immigrations status categories detailed in 'Who Needs to Comply?' will be used as basis of the 'Eligibility Poster', a resource that the Article 26 project is developing with the aim to help universities identify and support forced migrant students subject to immigration control.

Below is a summary of Stewart's presentation; outlining and clarifying the right to study of students who are forced migrants subject to immigration controls in the context of human rights and UK immigration law.

Which Students?

- Asylum-seeker – in process of claiming international protection.
- Refugee status – persecution.
- Humanitarian protection – real risk of serious harm.
- Limited leave to remain – temporary permission to stay.
- Refused asylum-seeker (appeal rights exhausted).
- Fresh claim.

Are there any restrictions on asylum-seekers studying?

- No legal bar on studying for asylum-seekers on temporary admission (though note restrictions on working).
- Immigration Act 1971, Schedule 2, para. 21:
So long as a person is at large in the United Kingdom by virtue of this paragraph, he shall be subject to such restrictions as to residence **[F53]**, as to his employment or

occupation] and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

- Home Office accepts that asylum-seekers can study where able to self-fund.
- University is **not** a 'public fund'.
- Right to education.

Future provisions not yet in force

- Asylum-seekers will be on 'immigration bail' and the Home Office will be able to impose 'a condition restricting the person's studies in the UK'.
- Section 61 and Schedule 10, Immigration Act 2016.
- Do not know what will happen in practice or whether they will use this power.

Are there any restrictions on those with limited leave studying?

- Almost always can study. Can impose a condition on a grant of leave but this is rare.
- Immigration Act 1971, section 3(1)(c)(ia)
(c) if he is given limited leave to enter or remain in the United Kingdom, it may be given subject to all or any of the following conditions, namely —
[F4(ia) a condition restricting his studies in the United Kingdom;]
- University is **not** a 'public fund'.
- Right to education.
- Some of those with limited leave now have access to student finance post *Tigere*.
- No suggestion that if you're not a UK national student with access to student finance, you have to have permission to study as a Tier 4 international sponsored student.
- *Kebede v Newcastle City Council* [2013] EWCA Civ 960.
- *R (Tigere) v Secretary of State for Business, Innovation and Skills* [2015] UKSC 57.
- Even if paying international fees, not all foreign national students are Tier 4 students.

What if a student becomes appeal rights exhausted?

- Retain ongoing leave until final determination, i.e. throughout appeal process
Section 3C, Immigration Act 1971.
- Only become ARE once have no further possibility to appeal – this can take years.

- Submitted a fresh claim?
- Or pursuing a judicial review?

Are there any restrictions on universities?

- Cannot unlawfully discriminate in admissions.
- Free to decide to waive tuition fees.
- Free to provide a bursary, scholarship or financial support.
- Universities' duties under Tier 4 do not extend beyond students in this category.
- Only a couple of general points in guidance.
- *Tier 4 of the Points Based System: Guidance for Sponsors Document 2: Sponsorship Duties.*
- Mostly about sponsored students but note paragraph 2.3:
*'A sponsor has a duty to:
comply with all aspects of the Immigration Rules and sponsor guidance, and support immigration control, including by taking steps to ensure that every student at your institution has permission to study in the UK throughout the whole period of their study.'*
- *Tier 4 of the Points Based System: Guidance for Sponsors Document 3: Tier 4 Compliance.*
- Paragraph 3.15 lists amongst 'compliance failings':
'Operating in a manner that poses a risk to immigration control, such as failing to take steps to ensure non-EEA students have leave to remain in the UK.'
- Adopt a common-sense approach.
- Have systems in place.
- Know about each individual and current progress of case.
- Ask for information and documentation from students.
- Make no presumptions about students' cases.

What information is necessary?

- Not appropriate to request detailed information on the substance of a student's asylum/immigration case.

- Ask students to enter into undertaking to notify changes in circumstances. Student should be advised to seek independent legal advice before entering into an undertaking.
- Ask for solicitor letter to confirm status of case e.g. extension/variation application (original documents with Home Office) or fresh claim submitted.

Where to go for advice

[UKCISA](#) advice line: 020 7788 9214 is open from Monday to Friday, 1300 - 1600 hours (UK time).

Legal advice from university legal department or specialist firm e.g. [Penningtons](#) who run a compliances helpline 1st Wednesday every month.

[CORAM](#) helpline: 0207 636 8505 –10am to 2pm Tuesday, Wednesday and Thursday, or email: mcpadvice@coramclc.org.uk.

4. Outreach Strategy

Lucy Judd, Nottingham Trent University, delivered a session which focused on some of the successful outreach activities targeting forced migrants, delivered by the university.

The Article 26 project is working in partnership with Nottingham Trent University to develop an outreach template. This template is informed by the feedback received during the February seminar (as well as this conference), which highlighted the need to improve internal communications within universities, in the local area and promotional opportunities through national platforms.

Below is a summary of the feedback collected during Lucy's session:

What are you currently doing and if cost no object what would you like to do?

- Reaching students at an earlier stage; early outreach.
- Improve knowledge on student finance in Outreach.
- Professional training to increase awareness among key staff.
- Learning from prospective student's needs.
- Residential targeted at forced migrants

How would you measure the success of Outreach for forced migrants?

- Measuring number of enquiries and applications subsequently made.
- Student's understanding of processes.
- Measuring impact of opportunities for students.

What barriers have you experienced in reaching these students for support and how might we overcome them?

- Identifying prospective student beneficiaries.
- Lack of clarity in the messages conveyed by Outreach.
- Students unaware themselves of what support they may need.
- Not all students want to go to university.
- Ensuring 'Eligibility' poster also accessible to prospective students.
- Exclusion of certain groups of forced migrants – prioritising Syrian refugees.
- Limited knowledge awareness in schools.

- Reaching non-traditional groups i.e. adults and mature students.
- Often HE not the priority of NGO's working with forced migrants.
- Two routes – i) Home students – educated in the UK, ii) International students – educated outside the UK (different approaches required).

5. Selection Framework

Anne-Marie Henderson, Kings College London, delivered a session which focused on of the development of a selection framework, which is also to be developed into a resource to support the recruitment process and standardise the criteria for scholarship candidate selection.

Five categories: HE Rationale, Student Finance, Interruptions to Study, Immigration Status and Scholarship Type were used to frame i) factors to consider in the selection process, and ii) use colour to indicate the severity of the factors in terms of the barrier they presented: red = severe, yellow = average and green = minimal.

The table below summarises the feedback from session. This information will be reviewed and incorporated into a design format, which will provide the basis for further consultation.

HE Rationale	Student Finance	Interruptions to Study	Immigration Status	Scholarship Type
Career trajectory – is this HE qualification essential to career aspirations?	Qualify – Does the student qualify for student finance? If not, why not? If they don't qualify is it possible to identify a point at which they will. i.e. academic year when they will qualify as ordinarily resident or secure ILR	Interruptions to study – have there been any interruptions to commence, or continue or complete HE studies (or obtain prior qualifications). Was this due to conflict, transit, immigration status (consider factors internal and external to the UK)	Asylum seeker/ARE fresh claim submitted - Arrival in UK, date initial application? Appeal rights exhausted? Subsequent fresh claim? Number of fresh claims? Awaiting to submit fresh claim or further fresh claim – anticipated date of submission?	Access & Participation - Does scholarship enable full access to HE and participation in degree programme and university life?

Goals – Does this degree support achieving goals?	Other sources of support – Do they qualify as a home student and are there entitled to access charitable/third sector support open to all UK home students? OFFA countable – WP support?	Qualifications – Due to expire i.e. invalid if deferred/ nor further opportunity to delay place on degree programme	Student loses right to remain in the UK - Can fresh claim be prepared? Are there other routes to obtain temporary leave in the UK? Are they eligible for section 4 support due to obstacles to return? Are they liable to deportation and reporting to an immigration centre?	Accommodation - Current living arrangements. What support does the scholarship include? Will it meet the student's accommodation needs and are they able to 'take up' this support? Will their living arrangements realistically allow them to attend university?
HE Institution – Do they need to undertake this HE qualification at this HEI	Right to work – are they entitled to work? i.e. LLR, DLR, HP or ILR?			Living costs - As above - will the scholarship or other sources of support enable them to complete their HE qualification?
Age/ Personal circumstances – Does the applicant need to start their course immediately due to age/career aspirations VS 18 year old just out of college who has more time to apply/can	Student's full spectrum of support needs – accommodation, living expenses, travel, course expenses			

do so in the following year.				
<p>Family history of HE– Are they the first in their family to access HE or is there an academic precedent in the family</p>		<p>Impact - Is it possible to measure the emotional impact of interruptions?</p>	<p>LLR or DLR - Establish timeline – arrival in UK? Date asylum application? Date first award of status and length of award? Number of s of LLR and how many years until eligible for ILR?</p>	<p>Employment during studies - Is the only source of income through employment? Is it feasible to work the suggested number of hours and undertake the degree / HE qualification? Is there any benefit entitlement or current benefits that would be affected by FT student status?</p>
<p>Previous experience within HE – Do they already hold a degree? How are these qualifications or partial qualifications validated/ recognised in the UK? DO they have physical evidence e.g. certificates?</p>		<p>Impact of delay on education - Was the interruption towards the end of a degree programme? Was there a significant gap due to the time spent and trauma endured in transit (no need to ask specific questions, but establish the length of time taken to transit to UK.</p>	<p>Reporting conditions - Does the student have to report? Frequency? Location of reporting centre i.e. ease of access? Potential to impact upon studies - if frequent are there any timetable clashes?</p>	

<p>Alternative routes – Are there any non HE routes to achieve goals which are either more feasible or appropriate?</p>			<p>Impact - Impact of decision (positive or negative) during degree programme? Dependent or dependents to consider? Refer to chapters 3 & 4 'Education for All'.</p>	
			<p>Existing support arrangements - Potential for scholarship to impact upon / jeopardise existing support arrangements?</p>	
<p>Motivation to study – is the motivation for the experience of learning? Does the student want to fill time whilst awaiting a decision?</p>	<p>Home student – Do they qualify as home student?</p>	<p>No delays to education - Recently completed qualifications to access HE. No GAP year or deferral.</p>	<p>Refugee status/ILR - When was ILR awarded and is 'Safe Return Review' (towards end of 5 year period of ILR) imminent?</p>	<p>No barriers - is the student a dependent on an asylum claim / LLR award? Are they supported practically and financially by family members? No award will impact upon current circumstances - they will either remain with their family or take up a full scholarship and live in university accommodation?</p>

6. Additional Information

Access to SFE upon award of status

Please refer to page 67 of '[Education for All](#)', section 4.1 'Refugee Status & HP'; detailed information is provided on access to student finance once students have been awarded Refugee status or Humanitarian Protection.

We also recommend contacting UKCISA with any queries regarding individual cases: <https://www.ukcisa.org.uk/>.

NASS and 'In Kind' Support

Confusion exists in regards to NASS asylum and the support provided by universities. In general any income would be taken into account when applying for NASS support. This would include money for travel, accommodation etc., however, if the support is provided in the form of a physical bus ticket or voucher for books, the Home Office policy does not reference this type of 'income' and the application for NASS support require the applicant to declare this type of support.

Cash support paid directly to student has to be declared and their asylum support would be reduced accordingly. If the cash support they receive exceeds £36.95 then the student would apply for accommodation only support.

This is the direct link to the government's destitution policy:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590502/Assessing_Destitution_Instruction.pdf

There is also much confusion over the right to rent. If universities are providing accommodation free of charge then there would be no rent agreement. The following briefing is provided by ASAP:

[http://www.asaproject.org/uploads/June 2017 - Briefing note -
The right to rent.pdf](http://www.asaproject.org/uploads/June_2017_-_Briefing_note_-_The_right_to_rent.pdf)

If the student enters into a rental agreement with the landlord (accommodation provider), checks would need to be made:

- Contact the Home Office (through landlord checking service)
- A decision should be made within 48 hours if the person does not have the right to rent. If they do have the right the Home Office may or may not confirm! If there is no negative response then they can rent.
- If the student is ARE (appeal rights exhausted) the procedure is the same, however a positive response and permission to rent accommodation is very unlikely.
- Education for All is a useful guide to help understand the various types of NASS support and the potential impact of scholarships. Please refer to chapter 3 of '[Education for All](#)'

Pockit Card

Since 2014, restrictions have been imposed on who open a bank account and many banks refuse to open an account for someone who does not have 'leave to remain'. As a consequence, many students who are in the asylum system or in the process of regularising their status are unable to open a bank account. This can prove to be problematic in respect to receiving the financial component of a scholarship.

The Pockit Card is a credit card that can be applied for online. It does not require the applicant to have a bank account nor any particular form of ID. It does involve a credit check. There is a 99p charge to apply for the Pockit Card, which can be paid by SMS, and the only information that needs to be provided when applying is name, date of birth and address (address checks are performed).

The card does charge for ATM withdrawals, but it offer a potential solution for students unable to open bank accounts.

To apply go to <https://www.pocket.com/>

For more information on restrictions relating to opening bank accounts for people subject to immigration controls see this fact sheet:

<http://www.childrenslegalcentre.com/resources/bank-accounts/>

7. Qualifying for HE: Project Updates

English Language Scholarships

Presentation by Sarah Rogerson 'Access to English Initiative', Cambridge English Language Assessment Centre

MOOC providing information on access to HE and support for English Language teachers:

<https://www.futurelearn.com/courses/aim-higher>

This MOOC is designed to give volunteers an understanding of the backgrounds, current situations and needs of refugees from a wide range of contexts. The course provides strategies and techniques for supporting the diverse needs of refugees and has a specific focus on language support, which may be provided in formal or informal settings (e.g. classrooms or informal support groups). The course has been developed by a group of experts from Crisis Classroom and Cambridge English:

www.futurelearn.com/courses/volunteering-with-refugees

Bursaries

Cambridge English Advanced

- 50 bursaries
- C1 level
- Accepted by all UK Universities as proof of language skills
- No expiry date
- 4 hours long (Reading / Writing / Listening / Speaking)
- UCAS points! (A = 32 points)
- Free access to online practice material

Eligibility

- Refugee or asylum seeker status
- Currently in the UK
- At approximately the right level (TBC)

Next Steps

- Rerun MOOCS
- Operationalise bursaries & extend
- Volunteer teaching: one-on-one
- Refuaid partnership
- Explore new projects

For more information contact Sarah on rogerson.s@cambridgeenglish.org

Open Learning Initiative (OLive) at UEL

Presentation by Aura Lonasmaa, University of East London

REIs – Open Learning Initiative

- Erasmus+ €400,000 to provide preparation to HE for refugee and asylum seeker students in Central European University Budapest, University of Vienna and University of East London Dec 2016 – Nov 2018
- 5 weekend preparatory programmes and one year full time programme
- EU-level and national advocacy for refugee/asylum seekers students

Organisation of the course

- 10 Saturdays 29/4-1/7
- 9.30-5.00pm
- 6 teachers, volunteer lecturers,
- NGO visits,
- volunteer students, student placements
- UEL's newest building
- IT access during IT classes

Students

- 46 students registered
- Approximately 35 attended weekly and 40 received certificates
- 1/3 women
- 7 already received offers for full-time programmes in Universities September 2017 (2 postgraduate Syrian scholarships in UEL)
- 2 applied for OLLive Up

Civic Engagement

- UEL Civic Engagement supported student volunteering through their budget and initiative for £5,000
- 8 students who volunteered on the days, provided lunch, took registrations, interviewed students and contributed to web resources
- Budget covered creation of website, training for students and staff, lunch and small travel bursaries

Web Resources

- <https://www.uel.ac.uk/schools/social-sciences/olive>
- OLLive blog <https://olivecourseuel.wordpress.com/>

Challenges

- UEL Library access
- Long days, parallel sessions
- Child care
- Retaining volunteers
- English language levels
- Who is a refugee?
- Progression and funding

OLLive UP

- 8 places for full year foundation programme – level 3
- Currently in Social Sciences only

- Student support

The Compass Project

Presented by Naureen Abubacker, Birkbeck University of London.

The Compass Project reaches out to the forced migrant community with a focus to:

- Engage and raise profile of HE
- Provide a springboard onto other education opportunities
- Support the whole student journey

The Compass Project Fund will provide 20 asylum seekers, who are not eligible for student finance, with a scholarship to study a university-level programme at Birkbeck, University of London.

Successful applicants will receive:

- a **full tuition fee waiver** for relevant courses
- additional [financial support](#) to cover costs such as transport, childcare and books

<http://www.bbk.ac.uk/about-us/outreach/compass-project>

<http://www.bbk.ac.uk/student-services/financial-support/compass-project-fund>

ERASMUS

Erasmus is offering universities and other organisations the opportunity to request OLS licences for refugees. Delegates who came from universities might find it easier to speak to their Erasmus Co-ordinator, usually located in their Study Abroad Office depending on how large the university is or using the information below, other organisation can request licences for individuals to use. The plan (Newman University) is to request licences and then

offer support such as access to a computer room with volunteer student mentor so encourage and answer queries.

Another useful, free and fun language tool [Duolingo](#), is an app that can be used on a phone tablet or PC. It covers reading, writing, listening and speaking and although it just looks like a game is very good for building vocabulary alongside a more formal programme.

The main link for the Online Linguistic Support (OLS) for refugees is here

<https://erasmusplusols.eu/ols4refugees/>

8. Summary and Next Steps

At the end of an inspiring conference we celebrated the graduation of four Article 26 students, three of whom are continuing on to post graduate study.



Various efforts and initiatives of Article 26 students contributed to making the conference extra special and memorable; Article 26 graduate and one of the chairs of this year's conference, Daniel, shaved his beard off and raised an impressive £1000 in the process! And another one of our fantastic Article 26 students, Ajay, performed his wonderful poem.

Over the next few months we intend to produce the resources discussed to support universities establish, implement and sustain scholarship opportunities. This includes:

- 'Guiding Principles'
- 'Who Needs to Comply?'
- 'Eligibility Poster'
- Outreach Activity Template
- Application Form
- Interview & Selection Criteria

An essential part of the development of these resources is your input and feedback. Over the next months we will be circulating draft resources for your feedback. 4th December 2017, we will be holding the next Working Group, which will be hosted by Kings College London.

Thank you, once again for your ongoing support of Article 26!