

Short Guide for Advisers on Access to Higher Education

August 2009

Overview

This information paper provides a brief overview for advisers and applicants on eligibility for home student fee status and student support. It ends with further links to sources of more comprehensive guidance.

Asylum seekers

Eligibility

Asylum seekers are entitled to study in higher education provided they meet the entrance requirements to the course and pay the course fees.

Fee status

Asylum seekers are classed as overseas students for fee purposes. However, a university can decide to charge home student fees or waive the fees altogether.

If you have been classed as an overseas student for fee purposes, contact the university and ask if this is their admissions policy. If the university does not have a policy of charging home fees to asylum seekers, then contacting the relevant Department/School/Faculty directly can be beneficial in requesting a reduction in fees.

When contacting the Department, you will need to present a strong case for them to support your request to be considered as a home student for fee purposes. This can include your academic ability, relevant work and life experiences, local connections to the university's town or city.

An example of a model letter written for advisers supporting the application of an asylum seeker to access a higher education course is at <http://www.refugeecouncil.org.uk/highereducation.template>

Student Support

Asylum seekers are not entitled to student support – student loans for tuition fees and living costs, childcare, etc. However, asylum seekers are eligible to apply for a University's hardship fund.

Refugee Status, Humanitarian Protection and Discretionary and Indefinite Leave to Remain (RS/HP/DL/ILR)

Eligibility

Asylum seekers granted RS, or refused asylum but given HP, DL or ILR are entitled to study in higher education provided they meet the entrance requirements to the course and pay the course fees.

Fee Status

If you have been granted RS, HP, DL or ILR you will be classified as a home student for fee purposes.

Student Support

All of the above groups are entitled to student support, including NHS Social Work Bursaries and Student Bursaries⁷. However, there are differences as to when you become eligible:

Refugee status: immediately eligible

HP/DL/ILR: after being ordinarily resident in the UK for three years before the start of the academic year. This period includes time spent claiming asylum.

Student Support and Postgraduate Study

Students currently undertaking or applying for postgraduate study do not have the same entitlement to student support as undergraduate students. However, some courses do currently have funding attached to them, specifically Initial Teacher Training², Social Work and some medical or healthcare disciplines³.

For the academic year 2010/2011, the Department for Business, Innovation and Skills has recently announced that financial support for new postgraduate entrants, and those pursuing Initial Teacher Training, will be aligned with support currently available for undergraduate study.⁴

Change of status during study

Tuition fee eligibility

When a person's status changes during a course of study and, as a result, they are recognised as a home student for fee purposes, they only become eligible for home fees in the following academic year. For example, if a person is paying overseas student fees and is granted indefinite leave to remain half way through the first year of a three year degree, they would qualify as a home student in years two and three only.⁵

Student support eligibility

If a person's status changes within three months of the start of the current academic year, they are eligible for student support. If the change occurs after three months, they become eligible in the following academic year(s).⁶

¹ <http://www.nhsbsa.nhs.uk/Students/984.aspx> - last accessed 20 August 2009

² For further information see:

http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/Applyingforthefirsttime/DG_171531 - last accessed 20 August 2009

³ For further information on Social Work and other medical or healthcare disciplines, see:

http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/StudentFinance/Applyingforthefirsttime/DG_171537 - last accessed 20 August 2009

⁴ Written Ministerial Statement by the Right Honourable David Lamy *Education (Student Support) Regulations* 1 July 2009. See <http://www.slc.co.uk/pdf/Written%20Ministerial%20Statement%201.7.09.pdf> – last accessed 20 August 2009

⁵ The Student Fees (Qualifying Courses and Persons) (England) Regulations 2007. See http://www.opsi.gov.uk/si/si2007/uksi_20070778_en_1, last searched 21 August 2009

⁶ The Education (Student Support) Regulations 2008. See http://www.opsi.gov.uk/si/si2008/uksi_20080529_en_1, last searched 21 August 2009

Applications for further leave

Home student fee and student support eligibility, including NHS bursaries

Since 30 August 2005, asylum seekers granted Refugee Status have received an initial five years leave to remain before their case must be reviewed. Refugees, along with other people with Humanitarian Protection, Discretionary and Exceptional Leave to Remain, will need to apply for further leave to remain before their current leave expires.

The Department for Business, Innovation and Skills has issued guidance confirming that applications for further leave to remain should be considered as satisfying the definition of a person with leave to enter or remain. People within this category remain classified as home students for fee purposes and are eligible for student support. See the following link for further details

<http://www.refugeecouncil.org.uk/news/news/2007/august/20070829.htm>⁷

NHS Bursaries has also confirmed that those who have made in time applications for further leave to remain continue to be eligible to apply for support:

*Where an applicant for a NHS bursary has been granted Discretionary Leave to Remain in the UK and has submitted a further application to remain in the UK prior to the expiry date, they would be eligible to access NHS support if they are still awaiting a decision from the Home Office. In addition they would have to meet the residency requirements of having been ordinarily resident in the UK or Islands throughout the three years preceding the start of the course and being ordinarily resident in any UK country on the first day of the first academic year of the course.*⁸

Additional advice on eligibility

Children of refugees

Children of refugees must have been under 18 on the date on which their parent made the application for asylum in order to be eligible for home fee status and student support. If not, they will need to have been ordinarily resident in the UK for three years before the start of the academic year.

In the case of family reunions, separated children may have been under 18 when their parent claimed asylum. However when arriving in the UK as part of a refugee's family reunion, they may be over 18. The relevant age for student support purposes is how old the child was when their parent first claimed asylum in the UK.

Documentation⁹

People applying for further leave to remain will have sent their original documents to the Home Office as part of the process. The Home Office does not send out a standard confirmation as a matter of course.

In situations where it is difficult to obtain written confirmation from the Home Office, we have been advised that the higher education institution contacts the Employers' Helpline. Part of the Helpline's remit is to confirm eligibility to work or train in the UK.

Employers' Helpline: 0845 010 6677

⁷ Last searched 21 August 2009

⁸ Confirmed by Policy/Technical Services, Operational Support Services, NHS BSA Student Bursaries by email on 17 September 2008

⁹ The Refugee Council and the Equality and Human Rights Commission have published a guide for employers which provides examples of the documents refugees are likely to have and information on applying for further leave to remain. This can be found at:

<http://www.refugeecouncil.org.uk/Resources/Refugee%20Council/downloads/practice/Employing%20Refugees%20Guide.pdf>

In addition, if you are applying for student support through a local authority (LA), we have been advised by the Department of Business, Innovation and Skills that the LA can contact the Evidence and Enquiries (E&E) Unit by fax - **020 8604 5783**. LAs will need to be registered with the Unit.

However, delays in applying for further leave to remain and being registered on the Home Office's database, to which the Helpline and Unit have access, do occur. If they cannot confirm that a person has made an application for further leave, we recommend that the training provider considers evidence from a legal representative demonstrative that the application was sent in time.

Further information

The following links provide fuller guidance on accessing higher education.

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

<http://www.londonmet.ac.uk/ragu/ragus-publications.cfm#5>

<http://www.childrenslegalcentre.com/Refugee+and+Asylum+Seeking+Children/Advising/Advising/FAQ/Furtherandhighereducation/question4.htm>