

## Short Guide for Advisers on Access to Higher Education

October 2010

### 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/policy/briefings/2008/higher\\_education](http://www.refugeecouncil.org.uk/policy/briefings/2008/higher_education)

#### **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 Leave to Remain (RS/HP/DL)

## Eligibility

Asylum seekers granted RS, or refused asylum but given HP or DL 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 or DL you will be classified as a home student for fee purposes and are eligible for Higher Education Funding Council for England (HEFCE) funding.

## Student Support

All of the above groups are entitled to student support, including NHS Social Work Bursaries and Student Bursaries<sup>1</sup>. 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.

## Equivalent and Lower Qualifications

The Equivalent and Lower Qualification (ELQ) policy means that learners wanting to study for a qualification that is at the same level or below that of their highest current qualification will not be eligible for funding. There are exceptions, including initial teacher training programmes.

Where a UKNARIC assessment is below that of a UK Honours Degree, there is a difference between entitlement to student support and HEFCE funding.

- HEFCE: student is entitled to funding for the full course if the university accepts UKNARIC's assessment.
- Student support: student is entitled to maintenance loan but the number of years spent studying in higher education will be used to calculate the level of the fee loan. This may result in the student being ineligible for fee loans for all or part of the course.

## UKNARIC assessment of overseas qualifications at below UK higher education level

Where a UKNARIC assessment of an overseas qualification is at a UK equivalent of level 3 or below (i.e. pre higher education at A' level equivalent or below), then the years spent studying overseas in higher education for that qualification will **not** be used to calculate the level of fee loan. If the student also meets the other criteria, they should be eligible for both fee and maintenance loans.

## Indefinite Leave to Remain through the Case Resolution Programme

A person granted ILR without refugee status will need to have been ordinarily resident for three years before the first day of the first academic year of the course. If a person satisfies the ordinary requirement after starting the course they will not become eligible as home students in the current or any subsequent academic years. This particularly affects people granted ILR through the Case

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

Resolution Programme (also known as Legacy cases), a majority of whom will have been refused asylum previously. A person who has been refused asylum is not considered as being ordinarily resident between the date of refusal and the later grant of ILR according to the higher education funding regulations. If the person has made a fresh claim for asylum (previously known as further submissions) then they should be considered as being ordinarily resident from the date the fresh claim was submitted.

## Change of status during study

### **Tuition fee eligibility**

When a person is granted refugee status, DLR or HP during a course of study and, as a result, 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.

### **Student support eligibility**

If a person is granted refugee status, DLR or HP 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). A person granted DLR or HP will still need to satisfy the three year ordinary

## 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/archive/news/2007/august/20070829>

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.<sup>2</sup>*

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<sup>2</sup> Confirmed by Policy/Technical Services, Operational Support Services, NHS BSA Student Bursaries by email on 17 September 2008

## **Documentation<sup>3</sup>**

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 on 0300 123 4699. Part of the Helpline's remit is to confirm eligibility to work or train in the UK.

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 demonstrating that the application was sent in time.

## **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.

## **Further information**

The following links provide fuller guidance on accessing higher education.

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

<http://www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Seeking%20Support%20Complete.pdf>

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<sup>3</sup> 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/practice/employersguides/employing\\_refugees.htm](http://www.refugeecouncil.org.uk/practice/employersguides/employing_refugees.htm), last searched 20 October 2010