

Refugee Council

Information



SUPPORTING AND
EMPOWERING
REFUGEES

Short guide on access to further education in England for asylum seekers and refugees

December 2014

Introduction and scope

This information guide deals with eligibility for courses funded by the Education Funding Agency (EFA) and the Skills Funding Agency (SFA), the two agencies relevant to Further Education institutions in England. There are different rules relating to eligibility in Scotland and Wales as education is a devolved issue. This guide is accurate at the date of publication, but it should be noted that rules can change and the information provided by funding agencies at the links below should be updated to reflect alterations in policies.

The guide outlines which learners should be considered as home students for fee purposes, and which students are eligible for fee remission, so that they may have to pay either no fees, or only part of the course fees. In addition some colleges may offer bursaries to assist students with fees, the conditions of which need to be checked with the individual college.

There are no legal restrictions on asylum seekers or refugees studying in the UK. They will have to fulfil the entry requirements of the course, and obtaining a college place is at the discretion of the college in accordance with their admissions policy. However the prospective student will have to show that they are able to pay the course fees, which is likely to be an insurmountable barrier for those not eligible for support to attend EFA or SFA funded courses.

This guide is not comprehensive but covers the main criteria relevant to asylum seekers and refugees. Full guidance can be found on the EFA (<https://www.gov.uk/government/organisations/education-funding-agency>) and SFA (<https://www.gov.uk/government/organisations/skills-funding-agency>) websites.

16 – 18 Year Olds

The funding rules differ for 16 – 18 year olds, and those aged over 18.

The Coram Children's Legal Centre has produced a guide to education which includes a clear explanation of the further education entitlements for those aged 16 – 18 years. The guide can be found at: <http://www.seekingsupport.co.uk/index.php/chapters/education>

The remainder of this guide deals mainly with learners aged 19 years or older. In general where there are age-related criteria it is the age of the student at the start of the course which is relevant.

Eligibility for EFA and SFA funded courses and home student status

Learners aged 19 or older who meet one or more of the following criteria are considered as home students for fee purposes:

- Asylum seekers who after 6 months are still awaiting a decision on their claim or appeal
- Refused asylum seekers who are receiving Section 4 support
- People who have been granted refugee status, humanitarian protection (HP) or discretionary leave to remain (DL), their spouses and dependants
- People with indefinite leave to remain who have been ordinarily resident in the UK for 3 years before the start of the course.

People with refugee status, humanitarian protection, or discretionary leave must be 'ordinarily resident' in the UK, so must have remained (with only short absences) since their grant of status. If they have

one of these immigration grants and have applied for further leave to remain in time they are considered as having continuing leave to remain.

Eligibility for full fee remission

Learners aged 19 to 23

Learners aged 19 to 23 who are considered as home students for fee purposes can have their fees remitted in full, so do not have to pay, if they meet one or more of the following criteria:

- In receipt of Jobseekers Allowance (JSA) or Employment and Support Allowance (ESA) and in the work-related activity group
- In receipt of Universal Credit because they are unemployed and are mandated to undertake skills training
- Unemployed and receiving a state benefit not listed above but who want to enter employment and believe skills training will help them to do so. The college will need to be satisfied that the learning is directly relevant to the individual's employment prospects and the needs of the local labour market
- Studying English and Maths learning aims as part of the new suite of English and Maths qualifications
- Studying for their first full level 2 qualification
- Studying for their first full level 3 qualification
- 'Jumping' to a first level 4 qualification without having first achieved a full level 3 qualification.

The rules relating to English for Speakers of Other Language (ESOL) courses are covered separately below.

The list above is not exhaustive, and for a complete list of criteria the SFA website should be consulted: <https://www.gov.uk/sfa-funding-rules-2014-to-2015-v2-section-4-annex-1>

For more information on levels of qualifications, see <https://www.gov.uk/what-different-qualification-levels-mean/compare-different-qualification-levels>.

Learners aged 24 and over

Fee remission is more limited for students aged 24 and over. If they are studying at level 1 or 2, and are in receipt of an 'active' benefit (JSA or ESA in the work related activity group), they will qualify for fee remission.

For study at level 3 or 4 they can apply for an Advanced Learning Loan to pay their course fees. The loan is similar to that operated within Higher Education by the Student Loan Company. It is not means tested, and the student does not have to start repayments until they are earning over £21,000 after April 2016.

The Money Advisory Service has advice on the loans via the link below and the SFA website should be consulted for full detail of the rules:

<https://www.moneyadviceservice.org.uk/en/articles/loans-for-adults-in-further-education-and-training>

Eligibility for co-funding

Co-funding is where the SFA funding covers part of the fees, typically half, and the learner, or in some cases the learner's employer, is responsible for the rest. It is possible for colleges to decide to waive or reduce the learner's contribution, so individual college policies should be checked.

A full list of the conditions for co-funding can be found in Paragraph 47 of the funding rules on the SFA website (see the link above).

English for Speakers of Other Languages (ESOL)

People who are in receipt of active benefits (JSA and ESA in the work related activity group) are eligible for full fee remission for ESOL courses. Others are eligible for co-funding for ESOL courses which are delivered through classroom learning.

Many colleges run a wide variety of ESOL courses and the fee levels are best checked with the individual college.

The Department of Communities and Local Government is currently funding 6 community based English Language Learning projects, in East & North London, East Birmingham, Manchester, Slough, Luton, Bristol, and towns along the M62 in Yorkshire and Cheshire. Details can be found via the Government website:

<https://www.gov.uk/government/policies/bringing-people-together-in-strong-united-communities/supporting-pages/community-based-english-language-learning>

Apprenticeships

Refugees, people granted HP or DL, are eligible for all SFA funded apprenticeships.

16 - 18 year olds are fully funded and the SFA also considers that 16-18 year old asylum seekers are eligible for apprenticeship funding.

19 year olds and older are eligible for co-funding.

As with other forms of learning it is the age on the first day of learning which determines whether full funding or co-funding is available. Generally learners who are continuing a learning aim will receive the funding as determined at the start. They must not have changed their programme of study, so someone who moved on from an intermediate level to an advanced level apprenticeship would not be regarded as continuing.

Vocational Training

Some SFA funded provision requires permission to work, such as training in an apprenticeship which is part of paid employment. Refugees and people with HP or DL have full entitlements to employment and training.

Asylum seekers, or those refused asylum seekers who are receiving Section 4 support, can access vocational training but are limited to training that does not involve paid or unpaid employment, unless they have permission to work, which is unlikely. They may be able to access training which is part of a college course rather than being work-based.

Higher Education

This guide has focused upon further education. For information about access to Higher Education, contact Refugee Support Network advice line on 07597583228 or 0800 331 7292 on Mondays 2-5pm or Wednesdays 2-5pm or send an email to highereducation@refugeesupportnetwork.org

This guide was one of the outputs from a Nuffield-funded project focusing on access to post-16 learning for refugees and asylum seekers. The research report produced as part of the project can be downloaded at: http://www.refugeecouncil.org.uk/assets/0002/5956/A_lot_to_learn-Jan_13.pdf

About the Refugee Council

The Refugee Council is one of the organisations in the UK working with asylum seekers and refugees. We give help and support to asylum seekers and refugees, and also work with them to ensure their needs and concerns are addressed by decision-makers.

About the Nuffield Foundation

The Nuffield Foundation is an endowed charitable trust that aims to improve social well-being in the widest sense. It funds research and innovation in education and social policy and also works to build capacity in education, science and social science research. The Nuffield Foundation has funded this project, but the views expressed are those of the authors and not necessarily those of the Foundation. More information is available at www.nuffieldfoundation.org

