

# Refugee Children's Consortium

## Briefing on Access to Higher Education for Refugee Young People

### Overview

There are two main categories of fee status in Higher Education: Home Fees and Overseas Fees. Publicly funded Higher Education institutions may charge full-time home students up to £3,375 (to increase to up to £9,000 for 2012/13) a year for tuition fees. Fees for overseas students will be significantly higher. According to the Universities UK International Student Fee Survey 2010, undergraduate fees ranged from £8,500 to £29,200<sup>1</sup>.

Student Support is the name given to financial support provided by the Government to some students in the UK. If an individual meets the eligibility criteria for claiming statutory student support they can apply for a Tuition Fees loan to cover tuition fees, and for a Maintenance loan to cover living costs. Depending on income, a non-repayable Maintenance Grant is also available. Student support is not 'public funds' as defined in paragraph 6 of the Immigration Rules.

Previously, student support and eligibility for 'home' fees has been available to both those with 'refugee status' and those with leave to enter or remain<sup>2</sup> who originally applied for asylum but this has recently changed. Of the separated children<sup>2</sup> who apply for asylum in the UK (roughly 3,000 a year), from countries such as Afghanistan, Iran and Iraq, less than 10% will be granted refugee status - most will instead be refused but granted discretionary leave to remain until they are 17 ½, on their grounds that there is no-one to care for them in their country of origin. Before reaching 17 ½, they can apply for an extension of this leave to remain for another three years, after which they will apply to stay in the UK indefinitely. Before February 2011, these young people paid the same as UK citizen students for university fees and were granted access to student loans.

Recent changes via the *Education (Student Fees, Awards and Support) (Amendment) Regulations 2011*, on which there was no government consultation or announcement, have meant **that young people with Discretionary Leave to Remain in the UK must now pay the same as international students and will not be able to access student loans for a higher education course in England.**

### Why are these changes significant?

Most separated refugee children will be looked after by children's services as they are in the UK without parents or carers. They will have arrived alone and without any means of financial support. Unlike other care leavers, those that are permitted to stay by the UK government will now be completely excluded from the higher education system at a crucial point in their lives. Instead, they will have to wait until they are granted 'indefinite leave to remain' (which may not be until they have been in the UK for over six years in total).

### Why should 'non-UK citizen' children be able to go to university in England?

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<sup>1</sup> Universities UK - International Student Tuition Fees survey 2010-2011:

<http://www.universitiesuk.ac.uk/Newsroom/Facts-and-Figures/International-student-tuition-fees/Pages/Surveyresults2010-2011.aspx>

<sup>2</sup> Separated children are children under 18 years of age who are outside their country of origin and separated from both parents, or their legal/customary primary caregiver.

As outlined above, these children will be without their families and will have been in the care of a local authority since arriving in the UK. At 18 they will then be entitled to leaving care support, and local authorities have a duty to 'former relevant children' to, if his/her 'welfare and educational and training needs require it, provide financial assistance to enable him to pursue education or training. The number of care-leavers accessing higher education is relatively small, and the Government has recognised the need to encourage more students from disadvantaged backgrounds into university<sup>3</sup>, especially care-leavers. At the start of 2011, Education Minister Tim Loughton, asked in a Ministerial speech:

*"...doesn't a talented care leaver deserve the same chance to go to one of our top universities as anyone else? Why deny young people in care the same educational opportunities we would want for our own children?"*

Research has proven that once in the UK, education is a high priority for most refugee children and young people. School, college or university provides stability and normality which can mitigate the negative effects of traumatic experiences and support them to overcome isolation and build resilience<sup>4</sup>. Research<sup>5</sup> has found that the continuation of education was associated with lower levels of anxiety and that meeting new friends was protective against depressive symptoms. Also, education opens up vital opportunities for integration, as well as social and economic development in later years.

Furthermore, the exclusion of these young people from higher education in the UK is nonsensical in light of the government's spending on education in the context of international development.

The Department for International Development's (DfID) education strategy highlights the important role of higher education in developing countries. Their work in this area includes the investment of £3 million per year in the Development Partnerships in Higher Education programme, which "aims to strengthen capacity of higher education institutions in the south to act as catalysts for development and poverty reduction"<sup>6</sup>. Countries receiving support to higher education institutions include: Afghanistan, Democratic Republic of Congo, Ethiopia, Sudan, Vietnam and Zimbabwe. DfID is also currently running a project to "encourage enterprise through higher education links" in Iraq until next year, costing £120,000<sup>7</sup>. Coincidentally, these are the countries of origin for many unaccompanied asylum seeking children in the UK. While the Government clearly sees the value in young people accessing education in Afghanistan and Iraq, this does not extend to helping the same young people who have been forced to flee their home country.

Higher education must be an experience and investment open to all. Universities must do everything they can to ensure that those with the ability and potential to succeed in education, regardless of background and financial circumstances, can do so. At the same time, the government must not frustrate this process by preventing young people in the UK from accessing any means they may have of supporting themselves through their studies.

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<sup>3</sup> Institute of Education, *Young people in care now face a harder struggle to reach university*, 1 September 2011, at <http://www.ioe.ac.uk/newsEvents/55908.html>

<sup>4</sup> For example, Refugee Council, *Daring to dream: Raising the achievement of 14 to 16 year old asylum-seeking and refugee children and young people*, 2005; UNICEF, *Levelling the Playing Field*, 2010

<sup>5</sup> Hasanovic M, Sinanovic O, Pavlovic S. Acculturation and psychological problems of adolescents from Bosnia and Herzegovina during exile and repatriation. *Croat Med J* 2005; **46**: 105–15

<sup>6</sup> DfID, 2010. "Learning for All: DfID's Education Strategy 2010-2015", p 40, at <http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Media-Room/News-Stories/2010/DFID-launches-new-education-strategy/>, quoted in Refugee Support Network, "From local to global: why access to higher education for refugee young people in the UK benefits everybody", forthcoming.

<sup>7</sup> DFID, Project Details, DELPHE Iraq – Support to British Council Higher Education Partnership Programme, <http://projects.dfid.gov.uk/project.aspx?Project=200902>

## **If they have temporary leave to remain, how can we guarantee that a young refugee will finish their course?**

There are no guarantees that *any* student will finish their course, but research has illustrated the commitment to education that many young refugees have<sup>8</sup>. Furthermore, any young person who receives an extension of discretionary leave to remain will have said leave for three years, after which they can again apply for an extension, eventually being able to apply for settled status and indefinite leave to remain. Their immigration status should have no bearing on their ability to finish their studies.

## **How many young people are in this situation?**

The numbers of refugee young people who receive an extension of discretionary leave is low – around 290 over the past five years<sup>9</sup>. At present, most local authorities in the UK have 1 or 2 individuals in this situation<sup>10</sup>. However, authorities, such as Hillingdon, which take in a significantly higher number of children seeking asylum, have 15 young people in this situation. If these young people are not able to support themselves through higher education with a student loan, it may fall to the local authority to support the young person through education as part of its leaving care duties, in essence shifting the cost on to local government.

## **What are the cost implications?**

There are unquantifiable short term and long term benefits to educating this group of young people, both for the UK and for their countries of origin should they choose to return later in life. In turn, the cost to the government of these young people studying as home students and accessing student support should be low, as if they are able to access student loans and pay home fees they will be able to fund their own studies and then subsequently repay the loans. By comparison, for 100 young people a year to be supported through higher education by the local authority in whose care they have been would cost between £2.7 million<sup>11</sup> and £6 million<sup>12</sup> on fees alone.

## **What needs to change?**

**The RCC is calling for the same opportunities to access higher education for refugee young people as for all others in England – that is, that they should be charged the lower home fees and that they should be able to access student loans.** We feel that this is all the more vital for former separated children seeking asylum because of their status as care-leavers. In this light, we suggest that the Regulations be amended once more to ensure that ALL care-leavers with leave to remain, including those with in-time applications pending<sup>13</sup>, in England are eligible for home fees and student support, regardless of immigration status.

<sup>8</sup> UNICEF, *Levelling the Playing Field*, 2010

<sup>9</sup> Statistics provided by Helen-Marie Fraher at UKBA by email to Kamena Dorling, Children's Legal Centre, 18<sup>th</sup> August 2011

<sup>10</sup> Statistics gathered for 2011 from the following local authorities: Hampshire, Dudley, Central Bedfordshire, Reading, Peterborough, Northumberland, Dorset County Council, Somerset, Plymouth, Brighton, Cambridgeshire, Oxfordshire, Hertfordshire, Herefordshire, Hounslow, Westminster, Redbridge, Newham, Tower Hamlets, Islington, Kingston, Wandsworth, Richmond, Haringey, Harrow, Hillingdon.

<sup>11</sup> Estimate based on Home Fees over 3 years of £9,000 a year

<sup>12</sup> Estimate based on Overseas Fees over 3 years of £20,000 a year

<sup>13</sup> By virtue of section 3C of the *Immigration Act 1971* these young people should be treated as still having leave to remain.

## Conclusion

One of the express fundamental aims of the Higher Education Funding Council for England (HEFCE) is “to promote and provide the opportunity of successful partnership in higher education to everyone who can benefit from it. This is vital for social justice and economic competitiveness”. This HEFCE also expresses a commitment to ensuring quality of opportunity for all ethnic groups. To be faithful to this, it is essential that this also extend to those seeking asylum in the UK – whom the UK Border Agency has recognised can’t return to their country of origin – so that they are prepared for multiple possible futures, and able to make a positive contribution wherever they are.

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**The Refugee Children's Consortium (RCC) is a group of NGOs working collaboratively to ensure that the rights and needs of refugee children are promoted, respected and met in accordance with the relevant domestic, regional and international standards. Its members are:**

*Action for Children, Asphaleia Action, Asylum Aid, AVID (Association of Visitors to Immigration Detainees), Bail for Immigration Detainees, BASW – The College of Social Work, BAAF (British Association for Adoption and Fostering), Catch 22, Children and Families Across Borders, Children's Legal Centre, Child Poverty Action Group, Children's Rights Alliance for England, The Children's Society, DOST, Family Rights Group, The Fostering Network, The Immigration Law Practitioners' Association (ILPA), JCORE, Medical Justice, The Medical Foundation for the Care of Victims of Torture, National Care Advisory Service, NCB, The Prince’s Trust, RAMFEL, Refugee Council, Refugee Support Network, Royal College of Paediatrics and Child Health, Scottish Refugee Council, Student Action for Refugees (STAR), Voice, The Who Cares Trust, Welsh Refugee Council.*

## Appendix 1: Case studies

### Individual case studies

1. Ling is 18 years old and from Vietnam. She was a separated child in the care of children's services and has been in the UK since she was a young teenager. Ling loves school, and has done exceptionally well: despite having English as her second language and facing many personal difficulties, she gained two As and a B in her A-Levels, and has won various awards. She is precisely the type of student universities welcome with open arms. Ling has an unconditional offer to study at university this year: but only as an international student. She has Discretionary Leave to remain and so is not entitled to home fees or student support. This means that Ling will not be able to go to university - a young person with no family in the UK simply cannot afford to pay international fees, or live without the help of student support.<sup>14</sup>

2. George is 19. He came to the UK to seek protection when he was 14 and has been in care since then. When he arrived he spoke no English. He has been involved in numerous volunteer projects helping to support other young people. He was granted Discretionary Leave to Remain in 2011, however this meant he was not able to access student finance when he was offered a place to study accounting at university. With advocacy support, George was accepted as a 'home fees' student to attend university next year<sup>15</sup>, but he is still unable to apply for a student loan. He has ambitions to work in politics and international development.

3. Lisa is 18 and has dreamt of studying medicine since she was a child. She came to the UK at 16 with her younger brother. When she arrived, she spoke no English but she quickly learnt and secured a place at university this year. However, because she was granted discretionary leave, she was anxious that she would not be able to meet the international fee requirements. The only way she was able to access university was because The Children's Society offered her a grant and advocated to the university that she should be accepted as a home student. Lisa started studying this September<sup>16</sup>.

### Local authority case study

4. In Haringey, the implementation of the amended regulations will have a profound effect on unaccompanied asylum-seeking children. Haringey has one of the highest numbers of care leavers in higher education in the whole of London and unaccompanied asylum-seeking children tend to constitute approximately 60% of this group at any one time. Indeed, of the 40 care leavers currently in higher education in the Haringey's 18+ Service, 24 are unaccompanied asylum-seeking children. Those working in Haringey believe that such high numbers result from the fact that unaccompanied asylum-seeking children recognise higher education as a way out of poverty and a means of extending life opportunities and employability. Hence they overcome their experiences of trauma, adversity and many other care related barriers to achieve degrees, enter employment and make a good contribution to society.

Currently, Haringey has nine unaccompanied young asylum-seekers leaving care and hoping to go to university. This figure includes young people who have completed a level 3 further education course and are aiming to go on to higher education in 2012. One young person has already commenced her degree course while another is in the second year of his degree course. Thankfully, on this occasion, the universities have chosen to exercise their discretionary powers to treat them as home students. However, relying on universities to arrive at similarly charitable decisions in the future as cuts to HE funding begin to bite is not a solution<sup>17</sup>.

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<sup>14</sup> Case study taken from Refugee Support Network, *"I just want to study": Barriers to accessing Higher Education for refugee youth in the UK*

<sup>15</sup> Case study provided by The Children's Society

<sup>16</sup> Case study provided by The Children's Society

<sup>17</sup> Case study provided by Haringey Council