

# Refugee Council

## Information



SUPPORTING AND  
EMPOWERING  
REFUGEES

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

September 2017

## Introduction and scope

This information guide deals with eligibility for courses funded by the Education and Skills Funding Agency (ESFA), the agency 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 will then 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 ESFA 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 ESFA website at:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

The ESFA was established in April 2017 by the merger of the Education Funding Agency and the Skills Funding Agency.

The Coram Children's Legal Centre has produced a guide to the rights and entitlements of separated children in England, which has a section on education, including further and higher education. The guide can be found at:

<http://www.childrenslegalcentre.com/wp-content/uploads/2017/05/Seeking-Support-2017.pdf>

The UK Council for International Student Affairs has detailed information regarding fees in further and higher education. This can be found at:

<https://www.ukcisa.org.uk/Information--Advice/Fees-and-Money/Home-or-Overseas-fees-the-basics>

**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 on the 31<sup>st</sup> August in the funding year during which the course starts which is relevant.**

## Eligibility for ESFA 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
- Asylum seekers who 6 months after lodging an appeal are still awaiting a decision on the 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, civil partners and children
- People with indefinite leave to remain (ILR)

People with refugee status, humanitarian protection, discretionary leave or indefinite 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 case of ESA are in the work-related activity group
- In receipt of Universal Credit, earn less than a specified minimum amount, and are in the All Work-Related Requirements Group, the Work Preparation Group, or the Work-Focused Interview Group
- 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, or employed but wanting to progress into more suitable employment and are earning below a specified minimum amount. 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 at GCSE level, or Functional Skills English, or Maths from entry to Level 2, or a stepping stone qualification in English or Maths approved by DfE or EFSA.
- Studying for their first full level 2 qualification
- Studying for their first 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 ESFA website should be consulted.

The rules for funding eligibility can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/640223/Adult\\_education\\_budget\\_funding\\_and\\_performance\\_management\\_rules\\_version\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/640223/Adult_education_budget_funding_and_performance_management_rules_version_2.pdf)

For 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, ESA in the work-related activity group, or in some cases Universal

Credit), they will qualify for fee remission. Otherwise, if studying at level 1 or 2 they may be eligible for co-funding.

For study at higher levels 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 although there are interest charges on the loan.

The Money Advisory Service has advice on the loans via the link below:

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

## **Co-funding**

Co-funding is where the ESFA 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.

## **English for Speakers of Other Languages (ESOL)**

People over 18 who are unemployed and in receipt of JSA, ESA (in the Work-related Activity Group), or Universal Credit (with some conditions), 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.

From 2013 to 2016 The Department of Communities and Local Government funded 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. The funding has been extended for a further period. 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, and people granted HP, DL, or ILR are eligible for all ESFA funded apprenticeships. The key issue is that they have the right to work in England. They are not subject to the three year residency requirement which often applies to apprenticeship eligibility.

Asylum seekers are eligible if they have lived in the UK for 6 months or longer and no decision has been made on their claim, or if they have appealed against a refusal and no decision has been made within 6 months of lodging the appeal. Refused asylum seekers in receipt of Section 4 support are also eligible.

Young asylum seekers in the care of a local Authority and who are being supported under the Children Act or National Assistance Act are eligible.

The rules governing apprenticeship funding can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/612159/PROVIDER\\_V3\\_1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612159/PROVIDER_V3_1.pdf)

As with other forms of learning it is the age on the first day of learning which determines what funding or co-funding is available. Generally learners who are continuing a learning aim will receive the funding as determined at the start. It must be continuing, and not continued learning which involves changing a programme, so someone who moved on from an intermediate level to an advanced level apprenticeship would not be regarded as continuing.

## **Vocational Training**

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

Asylum seekers, and 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](mailto:highereducation@refugeesupportnetwork.org)

## **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.