

Cross-Party Group on Migration Annual General Meeting

Date and Time: 06/12/22, 6pm

Minutes

Present:

MSPs

- Bob Doris MSP
- Paul Sweeney MSP
- Mark Ruskell MSP

Speakers:

- Andy Sirel, lawyer from [JustRight Scotland](#)
- Ahmed Alhindi, School leaver and [Our Grades, Not Visas](#)
- Mariam Bafo, Policy, and Public Affairs Officer, [We Belong](#)

Non-MSP Group Members:

- Erin Slaven, Research and Policy Officer
- Pinar Aksu – MIN
- Juliet Enoch -MIN
- Emma Kapusniak- FOSS
- Anwar Arif – MIN
- Aymen Alkhawlani- MIN
- Mohammed Ashraf- MIN
- Patrice Menjo MIN
- Sekou Ouattara- MIN
- Mohamed Mansaray-MIN
- Mohammed Kanu- MIN
- Kostos Vasileiadis- MIN
- Ranjdar Abdul Wahid – MIN
- Ahmed Alhindi - MIN/Student
- Gillian Wilson- community infosource
- Sabah Aslam- British Red Cross
- Ahlam Souidi - Freedom from Torture

- Mursal Noori- Freedom from Torture
- Ramyar Ahmadyan- Freedom from Torture
- Gladys Ngwasabg- Freedom from Torture
- Isatou Ndow- Freedom from Torture
- Gianluca Palombo- Edinburgh University
- Shawn Fernandez, education campaigner
- Mala Fernandez, education campaigner
- Andrew Sirel (JustRight Scotland)
- Deborah Hay (Joseph Rowntree Foundation)
- Doaa Abuamer (VOICES Network)
- Justine Vonpierre- UNHS
- Kate Alexander (Scottish Detainee Visitors)
- Kate Robertson (Outside the Box)
- Kenneth Watt (Red Cross)
- Laura Robertson (Poverty Alliance)
- Maria Jose Pavez (Grampian Regional Equality Council)
- Mariam Bafo (We Belong)
- Rachel Ainsworth (United Nations House Scotland)
- Ruth Ann McCalla (LGBT Health and Wellbeing)
- Stella Kyalikunda (LGBT Health and Wellbeing)
- Sabrina Galella (JustRight)
- Sarah Stewart (FOSS)
- Siobhan (STAR)
- Yolanda
- Yvonne (MORE)

Apologies:

- Alison Philips- UNESCO
- McGeough Ellen- NHS GGC
- Chalmers Sabine- Church of Scotland
- Becky Macfarlane- Glasgow Asylum Destitution Action Network

Welcome and Introduction

- Paul Sweeney MSP

- **Election of Office Bearers**
 - **Convenor - Paul Sweeney MSP**
- Paul Sweeney was re-elected by Bob Doris and seconded by Pinar Aksu.
 - **Vice-Convenor- Bob Doris MSP**
- Bob Doris was re-elected by Paul Sweeney for VC and was seconded by Ahmed Alhindi
 - **Secretariat- Maryhill Integration Network (MIN)**
- Maryhill Integration Network (MIN) was re-elected by Paul Sweeney and seconded by Alham Souidi.

Discussions on the theme: Education

Speaker, Mariam Bafo (We Belong): highlighted the following points:

- We belong was formed because of a law change introduced in 2012 of the hostile environment policies surrounding young refugees and migrants, which states that young people granted refugee status are not entitled to student loan, and universities charge these students the same fees as international students.
- The law applies to those who arrived in the UK as young children and spend their whole primary lives in the UK, under these regulations, young migrants who hold the status of discretionary leave to remain where only eligible for student finance once they have an indefinite leave to remain. This process usually takes at least 10 years
- We Belong took a case, which agreed that the criteria for migrant student fund was discriminatory based on the right to education.
- The outcome of the case was that young people with leave to remain must prove that they have lived at least half of their lives in the UK and have spent 3yrs continuous local status by the time they are ready to start their academic course in September.
- The impact of this was damaging in terms of young people's sense of identity, job prospects and sense of belonging.
- We belong began its campaign as education shouldn't lie on people's status, and the consequences it has in their lives
- After 4yrs of campaigning for changes to these 10yrs legal limbo and with the support of other organisations, in 2021, We Belong secured a short and more reasonable 5yr route of concessions for young migrants who are fully integrated in the UK. Which means that young people who arrive in the UK can get indefinite leave to remain after 5yrs.
- This estimated that over 350,000 children living in the UK are with the right status which makes it easier for us to reach, engage, and raise awareness about the right to education.
- We Belong have been monitoring the implementation of funds and any potential barriers in accessing the funds, training organisations and training

young people encouraging them to take a proactive approach into supporting young people in resolving immigration status issues.

- The risk of this discretion is the impact it leaves on these young people, which can affect their study.

Speaker, Ahmad Alhindi (OUR GRADES, NOT VISAS): shared his story:

- It is not fair or feasible to force a migrant S5/S6 student who has the same qualifications as a Scottish student must access higher education at an extraordinary extortion rate amounting to over £120 for a BSC and £250 for medicine.
- With a total of 6A's at higher and 2A's at Advanced higher, 3 unconditional offers to study computer science, I could not accept my unconditional offer because I could not £26,400 per year to study upfront.
- To be regarded as a home student eligible for SAAS finding, a migrant student must have a settled status 'an indefinite leave to remain' which could take up to 10yrs to be granted by the Home Office.
- I will only be able to apply for indefinite leave to remain by the summer of 2026, which will be the time I will be graduating from the St Andrews University with a BSC &MSC having been allowed to go there.
- In September 2021, I contacted my constituent MSP Kaukab Stewart who sent a letter on my behalf to the cabinet secretary for education and skill Shirley-Anne Somerville, to highlight the issues of SAAS remittance requirements.
- Her response 'the Scottish government does not have any plans to review our residency criteria at this time'
- I emailed the cabinet directly to explain the magnitude of the issue, but I got a response from the directorate of trans learning in science with the cabinet secretary's same response.
- Together with Maryhill Integration Network and Just Right Scotland, we have created a campaign to raise awareness on difficulties migrants and asylum seekers face in accessing universities and to also provide data on how many students have been affected. We therefore launched a survey to hear from as many migrants and ASs as possible and have received thousands of responses, some from straight A's students who have gotten unconditional offers to study medicine or engineering. Most of those students have sadly rejected their offer where some have had no choice to beard the financial burden.

Speaker, Andrew Sirel (Lawyer, JustRight Scotland): highlighted the following issues:

- We filed a legal case against the Scottish regulation. These regulations can be found in student support regulations Scotland 2022, which is an amalgamation coupling together other regulations in Scotland dating back to 2007 and put together in one place.
- When it comes to who they allow to access student funding, schedule no 1 has the information of those eligible for access to education

- The category Ahmed and I are talking about is those with limited leave to remain in the UK.
- The regulation states that you need to be leaving in Scotland, you need to generally have been leaving in the UK for 3yrs before your course starts, you need to have indefinite leave to remain or you have to have limited leave to remain and meet one of these additional criteria; if you are under 18 in the first day of your course to need to have live in the UK for 7yrs, if you are over 18yrs you need to leave have live in the UK half your life or if you over 18 and you qualify for the first one you were 17 when you started your course, you can get access to funding. Or you have a partner or a child of someone with settled status.
- The regulations allow for many other students to access student funding, EU Nationals, folks with Refugee status or people with refused Asylum but granted other forms of discretionary or limited leave because of their Asylum Claim. Example trafficking victims, Syrian relocation scheme, Afghan citizen scheme, Ukrainian scheme.
- Folks with limited leave to remain who do not fall in the above categories have additional barriers to accessing these funds
- We bought a case called JASIMIN vs the Scottish Ministers, which was basically challenging the long residence rule. Orla was an Iraqi born young woman, 19yrs. She moved to Scotland with her family when she just turned 11 years old, she and her family have limited leave to remain, and next year they are eligible to apply for indefinite leave to remain. She was a straight A's student accepted to study medicine at Dundee university. The course start date for funding purposes was August 1st, that means when she had started medicine, she was 17 yrs old, she needed therefore 7yrs residence, what she had was 6 yrs 10 months. She was 58 days short. We said, use your discretion, be pragmatic and grant funding. The answer was NO, the rules do not allow discretion in these cases. Dundee university is a very pragmatic and understandable university so they accepted her as a home fee student. However, those costs were still very high for her family and her family went through significant hardship so she can study in the first year. She applied for SAAS in the second year after realising she's been here for more than 7yrs, SAAS still said no because there's something that exist called the year 1 rule, which means your qualification for funding is always dependent on what you were on the first day of your first year of your course.
- To what extent is the length of residence an appropriate measurement of integration in Scotland?
- In England only few % student go to university when they are 17, in Scotland about 40% go when they are 17
- Is the year 1 rule fair?
- Do these regulations violate the European convention on human rights and are discriminatory on the basis of migration status?
- YES, they are a violation of the European convention on human rights
- What is important to note is not just how long they've been here but their future. The contribution that can be made by these young people is enormous. Length of residence is a crude way to classify knowledge.
- From the parliamentary perspective, there was no assessment or consultation on when these rules were changed. Which was against the wishes of one of the parliamentary committees at the time

- What happens next: there are two key changes that arise after the case. SAARS are putting in place an interim scheme for this academic year that allows young people who were refused funding to re-apply, and the second key change is that the law is going to change. The government is going to have to conduct an impact assessment of the regulations and how many people are affected.
- Data is important, which is the reason for 'Our Grades Not Visas' campaign to find out how many people have been affected
- The government is also going to conduct a consultation on the new regulations which will happen in the spring. They hope to draft a new regulation by March 2023, pass it through parliament in June and they will be enforced in August.
- I will encourage those who can proactively engage with MSPs, colleges, communities, universities, trade unions to put forward NEWS on the quality impact assessment.

Question/Answers/comments:

Bob Doris MSP: When I got into office in 2007, I remember where the Scottish government and the education secretary had a discussion, I thought will secure a deal with SAAS and the universities, that if the universities were prepared to accept those in the asylum process as home student that SAAS will step in and pay the funding. That was the case, most times the universities are accommodating but that seems to have changed over the years, so any clarity on that will be helpful. Are the universities accepting students on the basis that they are overseas students at the point that they accept them or are they deemed to be a home student at the point they accept them? Because universities see international students as cash cows.

Andrew, JRS: there were regulations in place that allow people in the Asylum System to get support for tuition to go to the university but not for people with limited leave to remain and that rule still exists which is a cliff edge. The consultation responses will reflect the experiences of people going through the Asylum system and wanting to access education. The question of universities seeing international students as cash cows, I don't know about that, probably the universities will be in the best position to answer that.

Yvonne, MORE: We had a consultation with a minister of education 5yrs ago and the response we got was the Scottish government has no desire to support. We raised a campaign and as result of that the university of Glasgow created the widening participation team to allow migrants and people in the Asylum seekers get funding. I will suggest a platform to create awareness for issues surrounding funding for ASs, migrants, and refugees.

Mursal, Freedom from Torture: I want to highlight the difficulties young asylum seekers face in accessing education, due to their ineligibility for SAAS funds, I have a colleague studying full time who pays over £16,000 because he was classed as an international student and is not eligible for SAAS funding. We want to plead with the Scottish government to investigate these.

Shawn Fernandez: There should be equality and equity when it comes to practice of human right law in the UK. ASs shouldn't be left out when it comes to accessing higher education. There are still age restrictions and certain criteria to be eligible for

this. ASs are the most deprived in the society and therefore they shouldn't be restrictions for accessing higher education. The universities should stop focusing on profit yielding but helping the most vulnerable in the society, the Scottish government should stop the blame game and provide support for asylum seekers to access education.

Andrew, JRS: to Shawn, the 7yr rule has been ripped off by the court case and there's going to be a replacement. My question for everyone's how are these going to influence what replaces them? To Mariam, what advice will you give to people in the room and the community about advocating for change on this issue

Mariam, We Belong: it is not for us to decide, but for those who experience it to decide and that is what has guided us in our campaigning because they know what change should look like. I will advise that people should speak to their communities, universities, and trade union because there are people out there willing to share their stories

Mark Ruksell, MSP: To Andrew, what is the outcome of the court case? If the court rules that immigration status should not determine students' funding. What is the risk? What will replace these rules now that they've been stuck down? What will be a fair set of rules?

Ahmed: by the end of January, we are going to launch our campaign. Please keep an eye on Maryhill Integration network and Just Right Scotland websites and our new website for 'our grades not visas' campaign that will be going live by the end the December

Pinar, MIN: we will be contacting those who filled the online survey for 'our grades not visas' to invite you to discuss further actions

John Luka, MIN: what are the major milestones or time scales involved and how do we make sure we are able to provide intervention for these consultations at the right time to get people's voices?

Mohammed, MIN: How do people in colleges who are in the Asylum system access SAAS funds? Can I apply for PES?

Andrew: to Mohammed, unfortunately the way the rules are now, if you are in the asylum system there is no student funding available to study. Some universities and colleges provide sanctuary scholarships for people in the Asylum system, I will advise you to look out for that. To mark, it was not immigration status that was being talked about, but the length of time a person has been in Scotland. The point is someone who has lived in Scotland for 7yrs knows more than someone who is just settled as a refugee, they should both get access to funding.

Mariam: A standardised approach in clarity of regulation should be followed. I will suggest engaging MSPs, stakeholders to ensure that barriers are identified and, and following up the parliamentary to act upon the change implemented. It's time for those in the parliament to connect with young people like Ahmed who are going through this process.

Emma, FOSS: my main concern is for the groups we are supporting in Falkirk, which is just basic education. Unlike asylum seekers in Glasgow, they don't get any support for ESOL, and we are trying our best with the local council and college to get

that support, but we will not be able to achieve that without some sort of intervention. How can the Scottish government support councils and local charities to get ahead of these?

Ruth, LGBT health and wellbeing: my major concern is, we have a lot of young people, are we going to allow them waste all because of these immigration rules? Are we going to deny people seeking international protection knowledge? People come here with a lot of skill and knowledge that the country could benefit from.

Paul Sweeney, MSP: there is a potential change in legislation coming up in the next year considering the court judgement, I'll review how best to affect the influence using the parliament. Firstly, I would like to invite 'our grades not visas' campaign, Just Right Scotland, we belong, and MIN to consider a parliamentary petition as a means of creating parliamentary time to try persuading them to change the regulation to what we think is best. The second mechanism is trying to persuade members to introduce a motion for debate, we can also welcome written questions and impact assessment from 'our grades not visas'. The above are just suggested actions to the change we want.

Mark Ruskell, MSP: I understand the court has given 3 dates for the review of the rules, but we want clarity on what the actual date is and start to work around that. That will give us time to hear and learn people's different experiences whiles we are considering extension of rights for limited leave to remain and will give us the opportunity to go into negotiation with Ministers

Maria, Grampian Regional Equality Council: just to agree to what Mariam said about using a standardised approach in clarity of the regulations, now that dispersals are being extended to localities there are no provisions made for access to ESOL, access to literacy support. We need to also ensure that infrastructures provided at the local level meet the needs of those asylum seekers.

Siobhan, STAR: I just want to echo the points made by Mariam about the risk of discretion which will apply to any rule placed on SAAS funding, anything that will put a burden on an applicant, that illustrate the impact that these rules are having on their education. STAR campaign to improve access to university and we are happy to support the efforts and gather information. We'll also love to discuss the possibilities of extending to other parts of the UK.

Paul Sweeney, MSP: Another important point I would like to mention is looking at the parliamentary questions due particularly on education, looking at what MSPs are being elected to ask those questions and emailing them suggested questions might help bring some points to the attention of the minister.

Thanked everyone for coming along and brought a meeting to a close.