Destitution, Asylum and Insecure Immigration Status in Scotland
NUS Scotland evidence submission

Introduction and Summary
NUS Scotland believes that further and higher education institutions have a vital role to play in mitigating destitution, through educating, aiding integration and providing the skills needed for later employment, whether in Scotland or elsewhere. To do this, we must ensure that asylum seeking and refugee students have the support they need to access and successfully complete their desired level of study.

The Immigration and Asylum Act 1999 defines destitution as below:
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A person is destitute if—
(a) He does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
(b) He has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.”

We firmly believe that access to education, at all levels, is an essential living need. Education is a transformative experience, and our ambitions for ensuring it remains open to the most vulnerable must include a focus on refugees and asylum seekers – potential students relying on education as a means to transform their lives.

Responsibility for educating refugees, asylum-seekers & their children, and ensuring the provision and chance to access those opportunities falls between numerous different authorities in the UK – with the result being that thousands of children seeking asylum in the UK fall through gaps in the system and are denied access to education. Additionally, NUS Scotland has significant concerns about the effect destitution, and the threat of destitution, has on a student’s ability to successfully complete their studies.

In summary:
- Accessing English for Speakers of Other Languages (ESOL) courses provided by a further education institution may negatively impact on their available funding for any future college courses.
- The financial support that is available to refugee and asylum seeking students varies greatly and is often insufficient. Only three universities in Scotland offer accommodation as a component of specific financial support for these students.
- Dedicated pastoral support services is needed to recognise and support the unique issues faced by asylum seeking and refugee students. **Only one university in Scotland has a dedicated support service.**
- Former asylum seekers on Section 4 support have no means to access education and are unable to complete any course that they may have started prior to their application being rejected.

**Financial support**
Refugees and asylum seekers arriving in Scotland with limited or no English skills need to attend and complete full-time English for Speakers of Other Languages (ESOL) course(s). The student support guidance for FE determines that bursary support for full-time FE courses is limited to three years support in any six year period, for all students. By accessing a full-time ESOL course provided by a college, students have begun to use this bursary allocation, reducing the number of years of future funding available and potentially impacting on their ability to progress onto another further education course within the six year period.

An alternative consideration is for more ESOL courses to be provided within the community instead of by colleges. These could be provided by Community Learning and Development partners in Local Authorities, third sector and accredited volunteers with places prioritised for those hoping to progress to higher or further education full-time. Additionally, guidance should be available to prospective students so that they are aware of different providers and their future options for study.

If an asylum seeker or refugee goes on to apply for a visa with an English language ability requirement, there is a further issue relating to ESOL. SQA and SQA ESOL qualifications are not on the list of approved tests and providers. If there is a need to evidence English language ability, the learner must pay for either the Trinity or Cambridge test resulting in additional fees and duplication of effort.

Students who have been granted refugee status, discretionary leave or humanitarian protection are normally treated as home students and have access to mainstream funding. As a result, the majority of scholarships are for asylum seekers.

Where stipends are provided with the award of many scholarships, the amount provided varies by thousands of pounds per year. In many cases the stipend is not sufficient to cover accommodation costs. NUS Scotland research conducted in 2016, found that while 10 out of the 18 universities in Scotland offered specific funding such as scholarships for asylum seeking or refugee students, only three of these – the University of Aberdeen, the University of Dundee
and the University of Glasgow – provided accommodation as part of this award. We have heard anecdotal cases of homeless asylum seeking students requiring shelter from charities as a result of losing government-provided accommodation. For asylum seekers who do not have the right to work and often rely on government support of just £36 a week, it is vital that accommodation is provided as part of any scholarship to allow them to study without fear of destitution.

Case study: The University of Glasgow – Humanitarian Scholarships

The University of Glasgow’s Humanitarian Scholarships are for applicants to the University who are staying in the UK on humanitarian grounds and are facing challenges in progressing onto Higher Education. It is open to undergraduates and postgraduates and is not restricted by nationality. The scholarship includes:

- The full cost of tuition fees for the length of the course
- A £5000 stipend per year
- Accommodation provided for the duration of the course provided university accommodation eligibility criteria is met.

Our research also found that there is a heavy reliance on discretionary funds for funding for refugee students. Access to discretionary funds is limited to those with refugee status, Discretionary leave or Humanitarian Protection and they are intended as support for living costs and cannot be used towards tuition fees. Discretionary funds can play an important role in bridging any gaps in support when a student transitions from asylum seeker to refugee status, and allowing students to afford accommodation where this has been lost as a result of the change in asylum status. Where this is the sole funding available to these students they may not have adequate support to undertake and complete a programme of study.

The experiences of respondents featured in the Scottish Refugee Council’s 2013 ‘In Search of Normality: Refugee Integration in Scotland’ Report cited the financial difficulties they had faced in education, showing that current provision is not enough. One respondent had been forced to leave university as a result of issues with his wife’s benefit and his family no longer having enough support. Switching to a part-time course was considered to take too long to be practical. Another respondent chose to leave their course early, at a point that allowed them to leave with a NQ, due to the financial pressures they experiences. Although this individual had

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1 http://www.scottishrefugeecouncil.org.uk/assets/0000/5790/final_report.pdf
intentions to return to education after working for a period, other respondents who had had to drop out questioned whether their financial situation would ever allow them to return.

We welcomed the SNP’s commitment in their 2016 Scottish Parliament manifesto to examine the current rules surrounding support for asylum seeking and refugee students and to enable them to qualify for free tuition. As part of the wider efforts to ensure education is a key component of integrating refugees and asylum seekers, and particularly to battle any fears of destitution, NUS Scotland has worked closely with the ‘New Scots’ group, leading the Scottish Government’s integration strategy, and led on the development of a report into the known barriers of refugees and asylum seekers in accessing education and how to address these.\(^2\)

**Pastoral Support**

In the event that a student has the financial means to stay in education, they may still face a significant lack of pastoral support. Our research found that the majority of Scottish universities did not have a specialised support service for asylum seeking and refugee students. This suggests a wider lack of understanding of the unique challenges facing these students and the support they may need to successfully complete a course.

Of the 18 universities that were asked about non-financial support, only one has a dedicated support service.

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Even when financial support is in place, other commitments, such as childcare, can prevent a potential student from accessing or completing their course. Asylum seekers, especially those new to the country, are further disadvantaged as they are likely to have few social connections and no family in the surrounding area, resulting in fewer opportunities for informal childcare arrangements. In addition to a lack of finances to pay for external childcare, the lack of informal childcare opportunities means refugee and asylum seeking parents are unlikely to be able to access even part-time courses.

NUS Scotland is campaigning for childcare provision for all student parents, following the publication of our ‘The Bairn Necessities’ report. This report was the largest survey ever undertaken of student parents in Scotland, as well as interviews with students and freedom of information requests to universities and colleges and made a number of recommendations on the actions institutions need to take to recognise the issues faced by and support student parents.

Section 4 Support
For asylum seekers who have had their claim rejected by the government but are unable to be repatriated, continuing in or commencing further or higher education is a near impossibility. If a
rejected asylum seeker meets very strict criteria, including being able to show why they cannot leave the UK and that they are currently or likely to become destitute, they will be given Section 4 support. Former asylum seekers eligible for Section 4 support face international fees and are not eligible for either tuition fee or living-cost support, creating insurmountable financial barriers.

Any previous funding that had been won, for example scholarships, may be tied to asylum status and therefore lost once a student’s asylum claim is rejected. Failed asylum seekers who are on Section 4 support face international fees and are not eligible for either tuition fee or living-cost support.

While basic accommodation is provided under Section 4 support, only one option is offered and refusing this for any reason can result in support being withdrawn. The accommodation offered may require the applicant to relocate, potentially moving the recipient away from a current place of study and any external support networks.

The weekly support allowance of £35.39 per person is loaded onto an ‘Azure’ payment card that can only be used in certain shops to buy essential items. No cash support is provided, the recipient of Section 4 support will be housed within 3 miles of a shop that accepts ‘Azure’ cards and are expected to walk to and from the shop, a potential round journey of 6 miles. ‘Azure’ cards are not accepted on public transportation so, even if a potential student was able to overcome the numerous financial barriers to education, they are unlikely to be able to travel to university or college.

One of the recommendations in the British Red Cross' 'Can't Stay. Can't Go.' Report is for former asylum seekers to be granted discretionary leave, the right to work and access higher education if they are complying with the system and the reasons they remain in the UK are out with their control. NUS Scotland supports this recommendation and would also like to see guarantees for students who are currently studying at the time their asylum claim is rejected to be able to finish their course without disruption.

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