

22 March 2007

Rt Hon Jack McConnell MSP
The First Minister
Scottish Executive
St Andrew's House
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Children of Asylum Seeking Families and Access to Higher Education in Scotland

On behalf of Universities Scotland, I am writing to ask the Scottish Executive to consider a change of policy in respect of the status of children of asylum seeking families, who attend secondary schools in Scotland and qualify for entry into higher education, and to consider them as home students for the purposes of the funding of teaching.

Currently, such applicants are classed as overseas students and are required to pay the overseas rate of tuition fees. This group faces no legal barriers to accessing higher education but the high rate of fees acts as a key financial barrier. If this situation were to be addressed by HEIs awarding fee waivers to all such students, which has been done in a very limited way by HEIs in the West of Scotland, it would effectively mean that universities were teaching these students free and addressing a public moral imperative independently of public financial support.

Universities Scotland believes there is a compelling moral case for ensuring that these young people are given the opportunity to progress to higher education in Scotland with their Scottish peers. We therefore recommend that the Scottish Executive introduces the following change of policy:

1. Children of asylum seeking families who progress through secondary schools in Scotland and qualify for entry into higher education should have the status of home students for the purposes of the funding of teaching. The policy should

apply only to asylum seeking pupils supported by the National Asylum Support Service (NASS). This group should also include those pupils who have been refused asylum but have been offered some form of humanitarian protection or discretionary leave to remain because it is too dangerous for them to return to their countries of origin.

2. Such applicants, like Scottish and EU domiciled students, should have access to public funds for the payment of tuition fees and should be liable to pay the Graduate Endowment on graduation.
3. Such applicants should continue to receive assistance with living costs from NASS. If the student's family were successful in their asylum application, immediately, the student would become eligible for the same statutory funding support as other home students.
4. HEIs should be able to count these students as fundable home students for the purposes of the Scottish Funding Council funding.

To avoid any perception that asylum seekers were displacing home applicants, highly selective programmes in controlled subject areas such as Medicine or Dentistry, would not normally be made available to asylum seekers.

While I am writing as the Chair of Universities Scotland to you on this matter, I would draw to your attention the considerable support for this policy change that exists among the student population, where lobbying campaigns are in preparation, the wider university communities and Glasgow City Council.

For a more detailed presentation of facts and the reasons behind our recommendations please see **Appendix A**.

Muir Russell
Convener of Universities Scotland

Cc Nicol Stephen, Deputy First Minister and Minister for Enterprise and Lifelong Learning, Scottish Executive
Mark Batho, Head of Lifelong Learning Group, Enterprise, Transport and Lifelong Learning, Scottish Executive
Kathleen Robertson, Team Leader-Additional Needs Support Team, Higher Education and Learner Support Division

Appendix A

Due to the dispersal of asylum seeking families to Scotland since 2000, a number of high achieving young people are emerging from Scottish secondary schools who are suitably qualified with Scottish school leaving qualifications and who aspire to access higher education but who face significant financial barriers. It is important to emphasize that this group appears to face no legal barriers to accessing higher education and it is possible for them to enter, as home students, advanced courses offered by FE colleges. The barrier is purely financial. At present, such applicants are classed as overseas students for the purpose of tuition fees, which can range between £5000 and £23,800 per annum. Unable to pay the high rate of fees, these young people are effectively barred from progressing to higher education with their classmates whilst they await a decision on their asylum status by the Home Office. Only if and when they are granted refugee status, are they recognized as Scottish domiciled home students with access to the same funding as their Scottish counterparts.

As a result, these young people who have successfully completed their secondary education and have integrated linguistically and culturally in Scotland, often have to wait a long time, in many cases years, before they can access higher education.

In the academic year 2006-7, Glasgow Caledonian University, Paisley University, the University of Glasgow, and the University of Strathclyde admitted six asylum seekers who were Scottish school leavers to a range of science, and engineering degree courses and agreed to waive the tuition fees and offer support with study and travel costs. All six applicants gained entry to higher education on the strength of their academic achievements in Highers and Advanced Highers obtained from secondary schools in Scotland.

The above Universities have admitted these applicants on an exceptional basis and we believe this arrangement cannot be viewed as a reasonable, long term and sustainable solution to the plight of these young people. (The University of Strathclyde has operated an annual fee waiver scheme for one asylum seeking student for the past three years.)

While we believe that the number of young people who would fulfil the criteria is quite small (see below), the financial cost to the universities of such arrangement is not scalable to the level of need. As, universities cannot admit these applicants as home students, they are unable to include them in their fundable home/EU student numbers which secure the annual teaching grant from the Scottish Funding Council (SFC). Furthermore, universities are unable to claim the fees for them as home students, which are currently £1,700 and £2,700 for non-medical and medical courses respectively.

According to the data collected by Careers Scotland, 17 asylum seeking school leavers have applied to universities in Scotland for the academic session 2007-8 and have received conditional and unconditional offers from the institutions. These school leavers have applied for a range of courses, including biomedical sciences, fashion design, software engineering, computer science, games software development, games technology, law, architecture, nursing, pharmacy, mechanical engineering, immunology, forensic anthropology, medical biology, podiatry, nutrition, building surveying, international business, business studies, mechatronics, systems management, and avionics.

On the basis of these statistics, we believe that the total cost to the Scottish Executive in terms of payment of tuition fees in support of these 17 individuals should not exceed £115,600 for the

duration (4 years) of non-medical degree programmes. We would also expect universities to be able to include these students in their target number of home/EU students.

Although we recognize that uncertain immigration status of these students may prevent them from completing a degree programme, we believe that the risk is worth taking. Ideally, the proposed policy would include a commitment that a student who was accepted with the status of an asylum seeker was allowed to remain, subject to satisfactory progress, until the conclusion of his or her programme, in the event of the application for asylum being rejected while the student was on course.

A change of policy would redress the imbalance in educational entitlement, whereby asylum seekers are eligible for a fee waiver scheme for a part-time advance course at an FE college but cannot progress to HE for financial reasons. We urge the Scottish Executive to remove this inequality in educational entitlement affecting this particular group in the spirit of social justice.

The recent introduction of the New Asylum Model and regionalization of the asylum system by the Home Office is designed to have the effect of decreasing the length of time asylum seekers will have to wait for a decision on their status. This should reduce the number of children who enter and progress through the Scottish education system in future and thus reduce demand for higher education by this constituency. As a result, the proposed policy should be viewed as an interim, humane measure bringing limited and decreasing financial exposure as far as the public purse is concerned.

If asylum seeking students receive a favourable decision from the Home Office, they will be able to complete a course of study and be in a position to make a valuable contribution to the economy of Scotland. In the event that they are unsuccessful, they will return to their home countries with either a university qualification or at least some experience of higher education in Scotland. We believe this experience will contribute to the rebuilding of lives and to the national or local developments of their countries.

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