

# Identifying Sanctuary Scholars

'Identifying Sanctuary Scholars' provides information as to how universities can support students within the **various immigration** status categories. The Article 26 project encourages universities to adopt a broad eligibility criteria covering the **full spectrum** of immigration statuses. Together with the wider compendium of Sanctuary Scholarship resources, 'Identifying Sanctuary Scholars' aims to encourage universities to be **as inclusive** as possible in terms making their scholarships **available to** a broad spectrum of people categorised as forced migrants.

The information provided in this resource is intended to provide i) a **general overview** and ii) focuses on the situation in **England**. To make a detailed assessment of an individual forced migrant's eligibility and in order to account for differences between the four countries comprising the UK, we would encourage you to refer to the comprehensive advice and guidance provided by **UCKISA** (UK Council for International Student Affairs): <https://www.ukcisa.org.uk/>.

'Identifying Sanctuary Scholars' sits within the compendium of Sanctuary Scholarship resources developed by the Article 26 project, in collaboration with partner universities. All of these resources can be found on our website <http://article26.hkf.org.uk/policy-resources>.

We would encourage university practitioners to utilise **'Identifying Sanctuary Scholars'** in conjunction with **'Who Needs to Comply?'**, as well as the advice and guidance provided by organisations working in this area (further details below). This resource is an essential guide for universities in the process of designing the **eligibility criteria** for their Sanctuary Scholarship scheme.

In January 2018, the **Immigration Act (2016)** came into force, which gave the Home Office new powers to impose a **'no study'** restriction upon forced migrants bail conditions. Universities need to be aware that a 'no study' condition could affect individuals offered a scholarship. Whilst it is important to check restrictions on the right to study, it is important to remember a couple of key points: i) 'no study' conditions are applied on an **individual basis** and not universally, therefore it cannot be assumed that a 'no study' condition is in place, ii) a 'no study' condition can be **challenged** and potentially removed. Further details and reliable up to date information can be found on the **CORAM Children's Legal Centre website**: <https://www.childrenslegalcentre.com/resources/no-study-immigration-bail/>.

**Refugee Support Network (RSN)** deliver **interactive** and **informative** training which combines technical information about immigration statuses and university **eligibility** with personal stories, practical tools and examples of **best practice**. This training provides participants with comprehensive information, as well as the skills and **confidence** they need to support forced migrants on their **higher education journey**.

Further information can be found here: <https://www.refugeesupportnetwork.org/resources/3-access-to-higher-education-for-young-refugees-training-for-practitioners>

## Leave as an Unaccompanied Asylum Seeking Child (UASC leave)

An asylum seeking child who arrived in the UK on their own. Not recognised as a refugee but granted leave to remain on the basis of there being no adequate reception arrangements in the country to which they would be returned.

A grant of leave is on average for 2.5 years or until age 17.5 (whichever is shorter).

1. Someone with UASC leave is usually in the care of the Local Authority under Section 20 of the Children's Act (1989; 2004).
2. Someone with UASC leave will not usually be eligible for student support.
3. Someone with UASC leave will normally need to pay international fees.

## Limited Leave to Remain (LLR)

Where limited leave has been granted due to the circumstances of the individual but not as a result of their asylum claim.

1. Someone with LLR will not usually be eligible for student support.
2. In England, someone with LLR will need to pay international fees.

The exception to this rule are students who fall under the long residence criteria. Let us Learn provide comprehensive information to assess eligibility: <http://letuslearn.study/access-to-university/>

## Discretionary Leave to Remain (DLR)

DLR is a temporary form of leave to remain that is awarded in a wide range of circumstances.

1. Someone with DLR will not usually be eligible for student support.
2. In England, someone with DLR will need to pay international fees.

The exception to this rule are students who fall under the long residence criteria. Let us Learn provide comprehensive information to assess eligibility: <http://letuslearn.study/access-to-university/>.

## Humanitarian Protection (HP)

Humanitarian protection can be awarded to those who require protection under the Refugee Convention (1951).

Someone who is granted HP will usually be eligible for home fees if:

1. Ordinarily resident on first day of first academic year; and
2. Recognised as in need of HP by the first day of an academic year.
3. Have not ceased to be ordinarily resident since being given HP status.

Will only be eligible for student support where:

1. Ordinarily resident on first day of first academic year.
2. Have HP leave and have been ordinarily resident since being granted HP leave.
3. Have been ordinarily resident in the UK for 3 years prior to the first day of the first academic year of the course.

## Refugee Status

A refugee is someone who has a recognised need to protection under the Refugee Convention (1951).

Someone awarded refugee status is usually given home fee status if:

1. Ordinarily resident on first day of first academic year; and
2. Recognised as having refugee status on the first day of an academic year; and
3. They have not ceased to be ordinarily resident since being given refugee status.

Refugees are usually eligible for Student Finance (England) where they are ordinarily resident on the first day of the first academic year of their degree programme.

## Indefinite Leave to Remain (ILR)

ILR is the most settled and secure immigration status, an award is not time limited and is the closest in terms of rights and entitlements, to British citizenship.

Someone who is granted ILR will usually be eligible for home fees if:

1. Ordinarily resident on first day of first academic year; and
2. Recognised as having ILR on the first day of an academic year; and
3. They have not ceased to be ordinarily resident since being granted ILR.

Individuals awarded ILR are usually eligible for Student Finance (England) where they are ordinarily resident on the first day of the first academic year of their degree programme.

## Refused Asylum Seeker (fresh claim submitted)

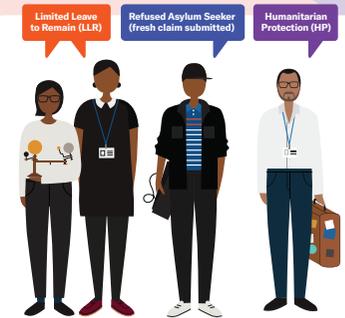
Where a fresh claim has been submitted, acknowledged and is awaiting a decision as to (a) whether it is accepted as a fresh claim for asylum or (b) whether status is granted as a result of the fresh claim.

1. Someone who has submitted a fresh claim for asylum will not usually be eligible for student support.
2. In England, someone who has submitted a fresh claim for asylum will need to pay international fees.

## Asylum Seeker

Someone who has submitted a claim for asylum and is awaiting a decision from the Home Office and is therefore lawfully present in the UK until such time as any appeal is finally resolved.

1. Someone who is an asylum seeker, will not usually be eligible for student support.
2. In England, someone who is an asylum seeker will need to pay international fees.



To learn more about the experience of Sanctuary Scholars and their statuses, flip this poster to read some of their stories.

# Student Stories

The advantage of adopting a broad and diverse eligibility criteria for a Sanctuary Scholarship scheme is that it encourages prospective students to apply, or at least inquire about their eligibility for a scholarship and find out exactly what support the university can provide. In an ideal world these categories would not be needed, however the Article 26 project understands that universities require a framework within which to develop a set of Sanctuary Scholarship eligibility criteria. However, what we don't want is for these categories to detract from the unique circumstances of each individual student.

The four student stories presented here were produced by students who received support through a Sanctuary Scholarship to achieve their higher education goals. The aim is that these stories provide context and connect what are often deemed to be abstract immigration status categories to the reality of these students' needs.

Our partners:



## Limited Leave to Remain (LLR)



### Fatou's Story

I was born in the Gambia and was brought to the UK when I was 4 years old. I came with my mum and we joined my dad who had moved here a few years before. We came to the UK on a visitors visa but after a while this expired and I lived without any official immigration status throughout my schooling until I tried to renew this in my late teens.

When I applied to university, I had limited leave to remain. This was granted to me because I had lived for so long in the UK and the award was for 2.5 years, after which I have to renew it.

I finished my A Levels last year with 3 As in Physics, Maths and Chemistry and was due to begin my Physics with Astrophysics course at Manchester that September. I couldn't take up my place because despite the fact that I've never left the UK since I arrived, I will not be eligible for student finance for three more years, when I will meet the three year ordinary residence criteria and be eligible under the 'long residence' category.

## Limited Leave to Remain (LLR)



### Aminata's Story

I arrived in the UK and applied for asylum. My application was refused by the Home Office and with the support of my solicitor I appealed their decision. My case went to the Immigration Tribunal and whilst my application for asylum was refused I was granted LLR for 2.5 years based on my circumstances.

I had applied to university and was offered a place on an undergraduate degree to study Biosciences. However, I discovered that with LLR I was classed as an international student and not entitled to Student Finance.

I applied for an Article 26 scholarship and the university provided me a full tuition fee waiver and a bursary for living costs. I was awarded the scholarship and able to start my degree programme. A few months before my 2.5 years of LLR came to an end I applied for further leave to remain, and I was granted a further award of 2.5 years placing me on the 10 year route to citizenship.

I completed my Biosciences degree course and graduated with first class honours. I currently work full time in clinical research as a Clinical Quality Manager.

## Refused Asylum Seeker (fresh claim submitted)



### Nuradin's Story

When I started going to college I was an asylum seeker, waiting for the Home Office to make a decision on my case.

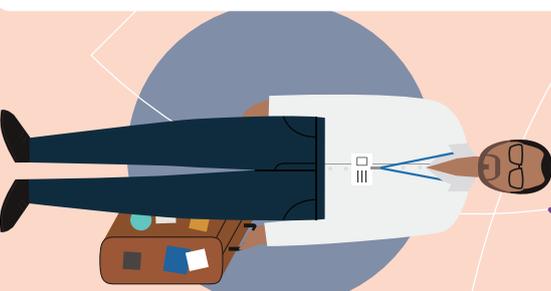
I applied for asylum upon arrival in the UK. Whilst waiting for a decision on my case I started studying in college. My asylum claim was refused but I submitted an appeal.

I applied to University and in 2009, half-way through my second year in college I got offers, including one to study for a Physics degree at the University of Manchester. However, I couldn't take up the offer, because I had no way to access student finances and the university classed me as an international student. I deferred my place that year and the following September (2011) I deferred again.

In March 2012, I became aware of Article 26 through the Refugee Council and I submitted a scholarship application. At this point I could not defer my university offer again. My asylum appeal had been refused and I was required to report at an immigration reporting centre on a regular basis. I had submitted a fresh claim for asylum and was waiting on a decision from the Home Office. I was fortunate enough to be selected by Article 26 for a scholarship. They did thorough checks to ensure that I had an application for asylum pending with the Home Office.

Finally I managed to join the 2012 cohort at the University of Manchester where I graduated 4 years later with a first class MPhys Physics with Theoretical Physics. My asylum claim remained unresolved throughout my university studies. I am currently doing my second year of a PhD at Manchester University.

## Humanitarian Protection (HP)



### Ismael's Story

I came to the UK as an unaccompanied minor and was initially granted discretionary leave (DL) until age 17 and a half, after which I applied for further leave and was granted Humanitarian Protection.

I applied to Kings College London (KCL) to study on a foundation degree and was offered a place, however, I found out that student finance did not cover the cost of a foundation degree.

KCL offered me a scholarship that included a tuition fee waiver and money towards living costs which enabled me to start my foundation degree.

I have found KCL to be a really supportive environment. The foundation degree course that I am doing includes 16 hours contact time so I get a lot of support from the course tutors. Additionally I know that I can contact them any time if I have any problems, which is really reassuring. I also receive a lot of support from the English Language centre in the university, they are always checking in with me, making sure I am ok.

I am in the process of submitting my UCAS application to start my UG degree next year. I am very pleased and I must say that without the Sanctuary Scholarship I wouldn't have been able to study.

Higher education is very important in order to realise my dreams. I want to work in international relations, making a difference and helping vulnerable people worldwide.