

Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 5 Rhagfyr 2017
Petitions Committee | 5 December 2017

Research Briefing: Review support for asylum seekers accessing further education

Petition number: [P5-05-789](#)

Petition title: **Review support for asylum seekers accessing further education**

Text of petition:

We call on the National Assembly for Wales to urge the Welsh Government to review the Educational Maintenance Allowance (EMA), the Financial Contingency Fund (FCF) and the Welsh Government Learning Grant (WGLG) to allow for more asylum seekers to be able to participate in further education.

In these difficult times when inflation is on the rise and daily items getting more and more expensive for UK citizens too, it is almost impossible for asylum seekers to progress further in their higher / access education. We (Asylum seekers) are just given just over £5 a day from Home Office and from this amount they have to buy food, clothing, daily transport costs and the list is ongoing. Even if we try somehow (by cutting down on food or any other important things) the transportation cost for the whole course including any other charges like registration, child care are just too much to digest. My point is that there should be no discrimination between an asylum seeker and any other person living in Wales if both are trying to go to college for higher education / access courses. If a Welsh person is getting FCF and WGLG then an asylum seeker should also receive these both or any other related help which will enable them to move forward in their lives. Because of previously mentioned costs I have seen so many asylum seekers turned down their plans to go for higher education. It also means that they will be doing nothing fruitful as work is not permitted and sitting at home will make them more frustrated. I also would like to mention a recent example when a destitute (whose asylum case is refused and his / her cash support and house from Home Office has been withdrawn) has committed suicide. He was living in this situation for some time and he was not able to make use of his life. I believe if he was given an opportunity he might not have gone that far. Enabling more asylum seekers into education will not only give them some purpose for life but it will also enrich the community where they live. After all when we got our residence permit we will be independent and free to work and this education will help us in many ways to shape our families and communities in much better ways.

Overview of statutory student support in further education

Persons seeking asylum in the UK are **currently ineligible**¹ for the statutory financial support offered by the Welsh Government to students in further and higher education.

The petition is calling for asylum seekers to be eligible for the following financial support for further education students.

Educational Maintenance Allowance

The Welsh Government pays the [Educational Maintenance Allowance \(EMA\)](#) to 16–18 year olds undertaking full-time FE courses of at least 12 guided hours per week, lasting 10 or more weeks. **£30 is paid per week** during term time, with payments made every two weeks. Courses can be either academic or vocational but must lead to a qualification up to and including Level 3. There are eligibility thresholds relating to household income:

- If the student is the only young person in the household, household income must be £20,817 or less.
- If there are any additional young people eligible for child benefit in the household, household income must be £23,077 or less.

The EMA is not available to persons seeking asylum who do not have refugee status or who have not been granted Humanitarian Protection or Discretionary Leave by the UK Government.

Welsh Government Learning Grant FE

The [Welsh Government Learning Grant in Further Education](#) (WGLG FE) is available to FE students aged 19 or over who are studying courses of at least 275 hours in the academic year at an eligible college. For part-time students whose household income is less than £18,370 per year, between £300 and £750 per year is available. Full-time students (courses of 500+ hours) under the maximum income threshold can get between £450 and **£1,500 per year**.

As with the EMA, the WGLG FE is not available to persons seeking asylum who do not have refugee status or who have not been granted Humanitarian Protection or Discretionary Leave.

Financial Contingency Funds

The Welsh Government provides **money to FE colleges to administer** Financial Contingency Funds (FCF) which are discretionary funds to be used to provide **financial assistance to those students who need extra help to meet costs** which are not already being met from other sources of funding; to provide emergency payments in respect of unexpected crises; and to

¹ Refugees are eligible for student support but asylum seekers are not. An explanation of the difference between these two terms is given at the end of this briefing.

assist in cases where a student may be considering leaving their course of study because of financial problems.

Asylum seekers are not eligible to receive FCFs unless they have refugee status or have been granted Humanitarian Protection or Discretionary Leave by the UK Government. See section 3 of [Open University / Welsh Government guidance notes](#).)

Legal position

As the response to the Committee from the Minister for Welsh Language and Lifelong sets out, the EMA, WGLG FE and FCF schemes are all established by subordinate legislation made under sections 14–16 of the [Education Act 2002](#). Section 14(c) gives the **Welsh Ministers powers to give financial assistance** for the purpose of enabling any person to undertake any course of **education** within the further education sector.

The Welsh Government cannot alter the respective categories of immigration, which are a reserved matter for Westminster. The provision of financial support generally to asylum seekers is also not devolved (the UK Government gives asylum seekers £36.95 per week for all living costs). However, given that the determination of financial support to students is devolved, it would be open for the Welsh Government to consider whether it could make its student financial support schemes more accessible to more asylum seekers. If the Welsh Government were to consider making such changes, it would have to do so in a way that was non-discriminatory way and in compliance with EU law and the European Convention on Human Rights.

National Assembly for Wales Action

The National Assembly's Equality, Local Government and Communities Committee undertook an **inquiry into the support for refugees and asylum seekers in Wales**. Its report, ['I used to be someone'](#) (PDF 1 MB) was published in April 2017.

The Committee made **19 recommendations** aimed at improving the support available in Wales, including a speedy and comprehensive consultation revision of the Welsh Government's [Refugee and Asylum Seeker Delivery Plan](#) and adopting the ['Seven Steps to Sanctuary'](#) as set out by the Welsh Refugee Council.

The Committee considered the barriers facing asylum seekers in accessing education. Two of its recommendations included:

Recommendation 6: The Welsh Government should consider **extending concessionary transport schemes to refugees and asylum seekers**, including children, to enable them to have greater access to education, employment, and volunteering opportunities.

Recommendation 15. The Welsh Government should do more to help refugees and asylum seekers **access education and employment** by:

- promoting the Credit and Qualifications Framework for Wales as widely as possible, both to refugees and asylum seekers and service providers;
- requiring Welsh universities to treat refugees as home students; and
- creating more opportunities for public sector internships and volunteering opportunities designed for refugees and asylum seekers. [Research Service emphasis]

The Welsh Government's response

The Welsh Government is **revising its Refugee and Asylum Seeker Delivery Plan**. In its [response to the Equality, Local Government and Communities Committee's inquiry report](#) the Welsh Government said it will work with the new Asylum Rights Programme, which is funded by the Welsh Government and led by the Welsh Refugee Council, to ensure the Delivery Plan is developed in collaboration with refugees and asylum seekers. The Welsh Government intends to publish the **new plan in January 2018**.

The petition refers to travel costs. The Welsh Government **rejected Recommendation 6 about concessionary travel**, responding:

Refugees can already access benefits support, including for travel, on the same basis as other Welsh residents. The Welsh Government would not be able to mandate concessionary travel for asylum seekers without legislative change. The Home Office provides asylum seekers with financial support of £36.95 per week, which includes a very small amount for transport costs. **Any concessionary transport funding should be provided by the UK Government.** [Research Service emphasis]

The Welsh Government **accepted in principle Recommendation 15** about doing more to help refugees and asylum seekers **access education, employment and volunteering**, responding:

The Welsh Government recognises the importance of education and employment for effective integration into society. The Credit and Qualifications Framework for Wales ('CQFW') is now managed by a strategic operational partnership comprising the Welsh Government, Higher Education Funding Council for Wales ('HEFCW') and Qualifications Wales. Operational objectives are agreed and set annually by members of the CQFW Advisory Group.

We have proposed, as part of a CQFW Communications Plan, additional key promotional messages targeted at refugees and asylum seekers and service providers.

Under the Education (Student Support) (Wales) Regulations 2017, refugees who meet the residency requirements and who are ordinarily resident in Wales are eligible for student support funding from Student Finance Wales.

HEFCW encourages universities to take account of the Supporting Professionalism in Admissions good practice briefing to Higher Education Institutions on refugees and asylum seekers. The guidance note provides information on the issues and principles of fair admissions for refugees and asylum seekers of all ages, including providing advice to universities on issues such as transition and support arrangements, qualifications, overcoming language barriers, tuition fee status and financial support available.

The Welsh Government's Strategic Equality Plan 2016–2020 includes the aim for the Welsh Government itself to become an exemplar of diversity and inclusion by 2020. One of the key aspects of this is to attract a more diverse field of applicants to the Civil Service in Wales. We will use our Outreach programme, detailing educational, cultural and community groups we will engage with when recruiting to the Welsh Government. This will include refugee and asylum seeker support groups. We hope to use this programme to encourage other public sector bodies to take a similar approach.

We will also work with the Third sector to assess the value of volunteering by refugees and asylum seekers to their organisations and to Welsh society as a whole. The Asylum Rights Programme will offer increased volunteering opportunities for refugees and asylum seekers as part of that service.

The Minister for Welsh Language and Lifelong Learning's letter to this Committee states that **Welsh Government officials will 'continue to explore whether additional support can be given to enable participation in education services'**.

Definition of Refugee and Asylum Seeker

- **Refugee:** a person who has fled armed conflict or persecution, and who is recognised as needing of international protection because it is too dangerous for them to return home. Refugees are protected under international law by the 1951 UN Refugee Convention, and are entitled to the same social and economic rights as any UK citizen. Refugees have full access to medical treatment, education, benefits, housing and employment, and they are not required to live in any particular area.
- **Asylum seeker:** someone who has lodged an application for protection on the basis of the UN Refugee Convention or Article 3 of the European Convention of Human Rights (ECHR), and is awaiting a decision. They are required to live in specific accommodation in designated dispersal areas in the UK.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.