

Cylchlythyr | Circular

Consultation: Supporting asylum seekers and refugees in Higher Education

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To: All heads of higher education providers in Wales
Response by: 07 February 2020
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This consultation circular provides an overview of UK and Welsh policy as it relates to asylum seekers and refugees and invites higher education providers to work with HEFCW to progress the Welsh Government's refugee and asylum seeker plan 'Nation of Sanctuary'.

If you require this document in an alternative accessible format, please email info@hefcw.ac.uk.



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Introduction

1. This consultation circular provides an overview of UK and Welsh policy as it relates to asylum seekers and refugees and invites HE providers to work with HEFCW to progress the higher-education-related commitments in the Welsh Government's refugee and asylum seeker plan 'Nation of Sanctuary'.
2. The circular invites higher education providers to submit to us information about their support of asylum seeker and refugee staff and students, including case studies. We will use the submitted information to publish a circular on higher education's work in supporting asylum seekers and refugees, including interesting practice case studies.
3. Higher education providers' support for asylum seeker and refugee staff and students in HE will have strategic alignment with institutional priorities, including but not limited to:
 - admissions;
 - widening access and increasing equality of opportunity;
 - supporting well-being and health in higher education for students and staff;
 - tackling violence against women;
 - domestic abuse and sexual violence; and
 - identity-based violence and harassment.
4. In addition to responding to the 'Nation of Sanctuary' commitments, this circular is intended to contribute to HE providers' considerations as they develop key strategic documents, including Strategic Equality Plans 2020-24, Equality and Diversity Strategies and fee and access plans.

Background

5. In March 2010, HEFCW published circular [W10/13HE, Widening Access to Refugees and Asylum Seekers](#). The circular set out some of the barriers faced by asylum seekers and refugees in accessing higher-level study and provided examples of HE providers' effective practice in asylum seeker and refugee support. The legislative and policy context has changed over time and there are now multiple strategic and legislative documents which support the integration of the asylum seeker and refugee population in the UK and Wales. There is also more recent population data available to inform planning and support for asylum seekers and refugees.

Definitions of asylum seekers and refugees

6. The [Welsh Assembly Government's Refugee Inclusion Strategy](#) (June 2008) defines asylum seekers as people who are fleeing persecution in their homeland, have arrived in another country, made themselves known to the authorities and who have exercised the legal right to apply for asylum.

7. Under the 1951 United Nations Convention relating to the status of refugees, refugees are people who, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group, or political opinion, are outside the country of their nationality, and are unable to, or owing to such fear are unwilling to, avail themselves of the protection of that country.
8. The UK Government recognises asylum seekers as refugees when they satisfy the above definition.
9. Once asylum seekers are granted refugee status, they can apply for leave to remain, which provides them with the same level of support as UK citizens. This includes support in relation to education at all levels and training.

The asylum seeker and refugee population in Wales

10. In June 2018, Wales was home to 3,148 asylum seekers and their families living in the four Welsh dispersal areas of:
 - Cardiff (1,458);
 - Newport (571);
 - Swansea (957);
 - Wrexham (162).
11. Since the inception of the [Syrian Vulnerable Persons Resettlement Scheme](#) in late 2015, Wales had also become home to 854 Syrian refugees, dispersed across every local authority.
12. These populations are broadly similar to historic levels of asylum seekers in Wales, following a period of lower numbers between 2008 and 2014.
13. According to data provided by the [Wales Strategic Migration Partnership](#), the top five countries of origin of asylum seekers living in Wales at the end of June 2018 were:
 - Pakistan
 - Iraq
 - Congo
 - Somalia
 - Syria
14. The most common age group of asylum seekers is 25-34 years. Just under half of all asylum seekers living in Wales are female. The place of origin of the majority of refugees and asylum seekers is likely to be Asia, the Middle East and the African sub-continent. The Home Office data for the period to 2016 showed 89% of asylum applicants were from these areas.¹

¹ [Health and wellbeing provision for refugees and asylum seekers, p11](#)

UK and Welsh legislation and policy context

15. The UK and Welsh legislation related to asylum seekers and refugees is attached as **Annex A**.
16. In 2019, Welsh Government published [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#) for Wales. The plan sets out how the Welsh Government aims to increase opportunities for asylum seekers and refugees to access further and higher education. The commitments in the plan include to:
 - i. ensure further education and higher education institutions provide information, advice and guidance to facilitate the application process and financial support available;
 - ii. work towards changes to the Education Maintenance Allowance and Financial Contingency Fund to enable asylum seekers to be eligible from the September 2020 term;
 - iii. ensure refugees continue to be eligible for student support funding as ‘home students’ through Student Finance Wales, as well as exploring potential eligibility for asylum seekers²;
 - iv. work with the Higher Education Funding Council for Wales (HEFCW), Universities and their partners to audit and publish practice on supporting refugees and asylum seekers; and
 - v. work with the Sanctuary in Higher Education group (Higher Education ‘Widening Access’ teams) to identify opportunities to increase participation.
17. A 2019 European Commission report, [Integrating Asylum Seekers and Refugees into Higher Education in Europe](#) states:

‘In the United Kingdom, Wales is the only nation that has developed a central strategy that includes measures to support asylum seekers and refugees in higher education.’

Responding to the ‘Nation of Sanctuary’ Plan and supporting asylum seekers and refugees in HE

18. The Welsh Government asks HEFCW annually to report on higher education’s support for asylum seekers and refugees. In order to respond to the Welsh Government’s requests, support the ‘Nation of Sanctuary’ commitments and to recognise the ongoing work taking place within providers, we are the following information:

² www.studentfinancewales.co.uk/practitioners/undergraduate-students/part-time/eligibility.aspx

- i. what information, advice and guidance, including financial support information, does the institution provide to support the application of asylum seekers and refugees to HE?
- ii. in what ways does the institution support asylum seekers and refugees to and through higher education, including widening access and retention?
- iii. how does the institution attract and support staff from asylum seeker and refugee backgrounds?
- iv. please provide case studies or brief examples of interesting practice in supporting staff and student asylum seekers and refugees in HE (500 words maximum for each case study).

In addition, we would welcome responses related to the impact assessment questions set out below.

Assessing the impact of our policies

19. We have carried out an impact assessment to help safeguard against discrimination and promote equality. We also considered the impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales and potential impacts towards the goals set out in the Well-Being of Future Generations (Wales) Act 2015 including our Well-Being Objectives. Contact equality@hefcw.ac.uk for more information about impact assessments. To inform our policy development please consider:
 - i. Does this policy have any positive or negative impacts or unintended consequences in terms of equality and diversity and the Well-being of Future Generation (Wales) Act's sustainable development principle³, seven wellbeing goals⁴ and five ways of working⁵?
 - ii. What positive or adverse effects will this policy have on:
 - a. **opportunities** for persons to use the Welsh language; and
 - b. **treating** the Welsh language no less favourably than the English language.
 - iii. Could this policy be changed to increase positive effects or decrease adverse effects on:
 - a. **opportunities** for persons to use the Welsh language; and
 - b. **treating** the Welsh language no less favourably than the English language

³ The Future Generations Act defines Sustainable Development as: "The process of improving the economic, social and environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals."

⁴ Future Generations Act goals: A globally responsible Wales; A prosperous Wales, A resilient Wales, A healthier Wales, A more equal Wales; A Wales of cohesive communities; A Wales of vibrant culture and thriving Welsh language; A globally responsible Wales.

⁵ Future Generations Act ways of working; long-term; prevention; integration; collaboration; and involvement.

Timetable

20. Please submit your responses to HEFCW by **7 February 2020**.

Responses

21. Please send responses to Ryan Stokes (ryan.stokes@hefcw.ac.uk) or Savanna Jones (savanna.jones@hefcw.ac.uk).

UK and Wales-specific legislation and policy development

1. The [Equality Act](#) was introduced in April 2010 and specific public sector equality duties (Wales) were introduced in April 2011. The Wales specific duties require HEFCW as a Welsh Government Sponsored Body, to publish a strategic plan every four years and to publish an annual equality report to evidence progress. HEFCW's strategic equality plan 2020 to 2024 will continue to take account of asylum seekers and refugees.
2. [The Well-being of Future Generations \(Wales\) Act \(2015\)](#) ('the Act') seeks to improve the social, economic, environmental and cultural wellbeing of Wales. The Act's sustainability principle is underpinned by five ways of working which require public bodies to: think long-term; work better with people and communities and each other; look to prevent problems; and take a more joined-up approach. The Act's seven well-being goals aim to, amongst other things; make Wales healthier, more equal, globally responsible and more resilient. These goals are particularly relevant to supporting asylum seekers and refugees in HE.

Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act (2015)

3. Asylum seekers and refugees may have experienced torture and/or organised violence that required them to leave their homes.⁶ Such experiences impact on asylum seekers' and refugees' education and/or employment in HE and the Welsh Government is supporting survivors including through its tackling violence against women, domestic abuse and sexual violence (VAWDASV) policy developments. The Welsh Government is:
 - revisiting the recommendations of the [Uncharted Territory: Violence against migrant, refugee and asylum-seeking women in Wales](#) report to ascertain the actions it could take with regards to HE;
 - working with stakeholders to develop a sustainable model for the provision of funding to specialist VAWDASV services, including those working with asylum seekers and refugees to ensure reliable support;
 - ensuring the needs of asylum seekers and refugees are considered within the national VAWDASV communications framework (The overarching theme for its campaign during 2018-20 is control and includes those from diverse communities such as asylum seekers and refugees);
 - directly engaging with black minority ethnic (BME⁷) survivors of VAWDASV, including asylum seekers and refugees, via the

⁶ www.assembly.wales/laid%20documents/cr-ld11012/cr-ld11012-e.pdf

⁷ For our data and guidance to be relevant and useful, we adopt 'BME' (Black and minority ethnic) as a commonly used term to ensure consistency with other public bodies and to benchmark against their data. However, we are aware of the limitations of this term and try wherever possible to put information in context, or disaggregate the data where relevant.

development of [National Survivor Engagement Mechanisms](#) in 2019 which ensures the needs and experiences of survivors of acts included in VAWDASV are understood;

- taking forward a pilot in 2019 for a national survivor engagement panel, which will be developed following further engagement with survivors of VAWDASV including BME and asylum seekers and refugees;
- giving further consideration to whether the [VAWDASV National Training Framework](#) sufficiently addresses the circumstances of asylum seekers and refugees;
- rolling out VAWDASV 'Ask and Act' training to front-line professionals. This training includes information on difficulties faced by BME communities, including asylum seekers and refugees;
- providing advice and support through the 24 hour, 365 days a year Live [Fear Free Helpline](#), which incorporates 'Language Line' support.

Welsh Government strategies and plans

4. Wales as the first 'Nation of Sanctuary' has built on the success of [city of sanctuary](#) groups across Wales. The groups have enabled partnership working between different sectors including universities, health services and Welsh Government in order to support asylum seekers and refugees.
5. [Taking Wales Forward \(2016 - 2021\)](#) is the Welsh Government's five year plan to drive improvement in the Welsh economy and public services, delivering a Wales which is prosperous and secure, healthy and active, ambitious and learning, united and connected. This takes account of Welsh Government's progress towards a Fair Society which aims to continue working with all protected groups to counter discrimination and ensure opportunities for all.
6. In April 2017, the National Assembly for Wales Equality, Local Government and Communities Committee, published [I used to be someone](#), the results of its inquiry into the needs of asylum seekers and refugees in Wales. Among other things the report made recommendations that the Welsh Government should do more to help asylum seekers and refugees access education and employment.
7. In August 2019, the Welsh Government published [The Education \(Student Finance\) \(Amendments to Student Eligibility\) \(Wales\) Regulations 2019](#). These regulations widen the definition of "person with leave to enter and remain". The definition now includes people granted leave to remain on the grounds of family life, in addition to those already covered, it includes:
 - people granted humanitarian protection;
 - discretionary leave; and
 - leave to remain on the grounds of private life and those granted leave outside the Rules after having been refused leave on the grounds of private life.
8. Full details of any additional requirements are on the UK Council for International Student Affairs (UKCISA) website at:

- [Wales: 'Persons with leave to enter or remain' \(humanitarian protection or discretionary leave or private life\), and family](#) [for student finance] see Category 10; and
- ['Persons with leave to enter or remain' \(humanitarian protection or discretionary leave or private life\), and family](#) [for home fee status].⁸

⁸ www.ukcisa.org.uk/Information--Advice/Fees-and-Money/Government-Student-Support?q=student+finance+eligibility&ExactMatch=True#layer-6205