

Education

Pre-school, primary and secondary provision

UN Convention on the Rights of the Child – Article 28

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child.

www.unicef.org.uk

Eligibility to education

Children seeking asylum, refugee children and children subject to immigration control, have the right to attend pre-school and school education provided by their local education authority. They have the same right as a Scottish resident child.¹

They are automatically entitled to the same free provision accorded to all families who are in receipt of income-based benefits.² This provision includes part-time nursery provision from age 2 onwards.

Eligibility criteria for school clothing grants are set locally by individual councils. Local Authorities can use their discretion to provide free-school meals and clothing grant to children of asylum seeking families. For example, Glasgow City Council assist asylum seeking families with both clothing grant and free school meals –

www.glasgow.gov.uk/index.aspx?articleid=17885

Additional support

Children of both asylum seeking and refugee families are entitled to additional support for learning provided by their local education authority to suit their specific needs.³ Requests for additional support for learning under the Additional Support for Learning Act 2004 are made to individual schools and/or educational authorities. The Act and the supporting Code of Practice set out the rights of children and parents and also provide the framework for schools, local authorities and other agencies to follow.

Support can include, but is not limited to, internal support within school using school resources, for example to assist with language (English as Additional Language). It can also include external support such as assistance from social workers or physiotherapists.

1. *United Nation Convention on the Rights of the Child* (UNCRC), www.unicef.org.uk/what-we-do/un-convention-child-rights/; *European Convention on Human Rights*, www.echr.coe.int/Documents/Convention_ENG.pdf; Children and Young People (Scotland) Act 2014, www.legislation.gov.uk/asp/2014/8/section/2/enacted; Standards in Scotland's Schools etc. Act 2000, www.legislation.gov.uk/asp/2000/6/section/1/enacted
 2. 'Help Paying for Childcare', myscot.gov, www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare/; 'School Meals', myscot.gov, www.mygov.scot/school-meals/
 3. 'Supporting Children's Learning: Code of Practice (2017)', Scottish Government, <https://beta.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/>

Engagement

Education authorities must “*seek and have regard to the views of*” pupils and parents, voluntary organisations, and others as the authority thinks appropriate, in order to identify additional learning needs and put in place an effective plan to meet those needs.

Further Education – people seeking asylum

There is no legal restriction that prevents people seeking asylum from accessing further education, provided that they meet the academic requirements to be offered a place. However, access to Further Education will be limited due to asylum seekers’ eligibility to free tuition fees and support with travel and study costs. Such eligibility is limited to:

- A full-time or part-time English for Speakers of Other Languages (ESOL) course
- Part-time advanced or non-advanced courses.⁴

If asylum seekers wish to attend other courses, they will be charged International Students fees.

Higher education – people seeking asylum

People seeking asylum have no legal limitation to accessing Higher Education however they will not be considered home students for fees purpose and will not be eligible for support from the Student Award Agency for Scotland (SAAS). They will be charged international fees to study unless an institution has adopted a consistent policy of charging asylum seekers ‘domestic’ fees.⁵ Individual institutions can offer scholarships to prospective asylum seeking students, and there is no legal restriction on people accepting these, however it is best for such scholarships⁶ to offer support in kind so they do not impact on entitlements for Home Office support.

Further and Higher Education – refugees

People with refugee status, Humanitarian Protection, or Discretionary Leave to remain in the UK can access further and/or higher education on the same basis as Scottish residents.

They are therefore entitled to ‘domestic’ fee status and SAAS (Student Award Agency for Scotland) loans and bursaries, subject to the same conditions as other students who are resident in Scotland, providing that they:

- Have been resident in the UK since they were granted status; and
- Are ordinarily resident in Scotland.

Refugees are exempted from the three years residency rule to be deemed a ‘home student’.

Additional support

Scottish Refugee Council

Scottish Refugee Council’s Services and Helpline can be contacted for advice – more information is available here:

www.scottishrefugeecouncil.org.uk/what_we_do/refugee_services

Skills Development Scotland

SDS supports individuals across Scotland to build their career management, work-based and employability skills, throughout their career journey, from school, into further learning opportunities and employment.

www.skillsdevelopmentscotland.co.uk/

Bridges Programmes

The Bridges Programmes supports the social, educational and economic integration of refugees, asylum seekers, migrants, and anyone for whom English is a second language.

www.bridgesprogrammes.org.uk/

4. Further details and clarification on terms such as ‘advanced’, ‘non-advanced’ and ‘part-time’ can be found in ‘*Support for Asylum Seekers in Further and Higher Education*’, Scottish Government. This document is updated annually. www.sfc.ac.uk/web/FILES/Funding_Streams_Student_Support/Support_for_Asylum_Seekers_in_Further_Higher_Education.pdf

5. There are some very limited circumstances in which young people aged 25 or under, and whose families applied for asylum prior to 1st January 2006, may be eligible for domestic fees. Full details can be found at the document in footnote 4 above.

6. Strathclyde University offers scholarship to asylum seeking students – www.strath.ac.uk/studywithus/scholarships/asylumseekersscholarship/