



—Our Grades Not Visas—

# March 2023 Survey Report

Supporting access to education for people seeking asylum and migrant students

## Authors

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### More information

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—Our Grades Not Visas—

# Introduction

The Our Grades, Not Visas campaign was founded by Ahmed Alhindi, with support from Maryhill Integration Network and JustRight Scotland. The campaign seeks justice for people seeking asylum and others like Ahmed who live in Scotland and are denied the opportunity to develop themselves and contribute to society by enrolling in further or higher education. This report includes findings from a survey of people with complex and insecure immigration status that are affected by current tuition fee restrictions. The report also includes recommendations for research, campaigning and Scottish Government

## Case Study 1

**Name:** Riya

**Age:** 18 years old

**Course information:** Medicine student

**"I remember breaking down and absolutely bawling my eyes out at school when I realised I would be paying around 50k a year for a Medicine degree."**

**"It felt as if all the effort I'd put into being the perfect, overachieving, straight-A student were for nothing. While I did not choose to come to Scotland, I am choosing to stay."**

**"It is heartbreaking that I am not treated the same as my peers."**

**"Education should not be exploited - especially not when it is meant for the betterment of all people."**



# Survey Figures

Total respondents: 78

Asylum Seeker: 41

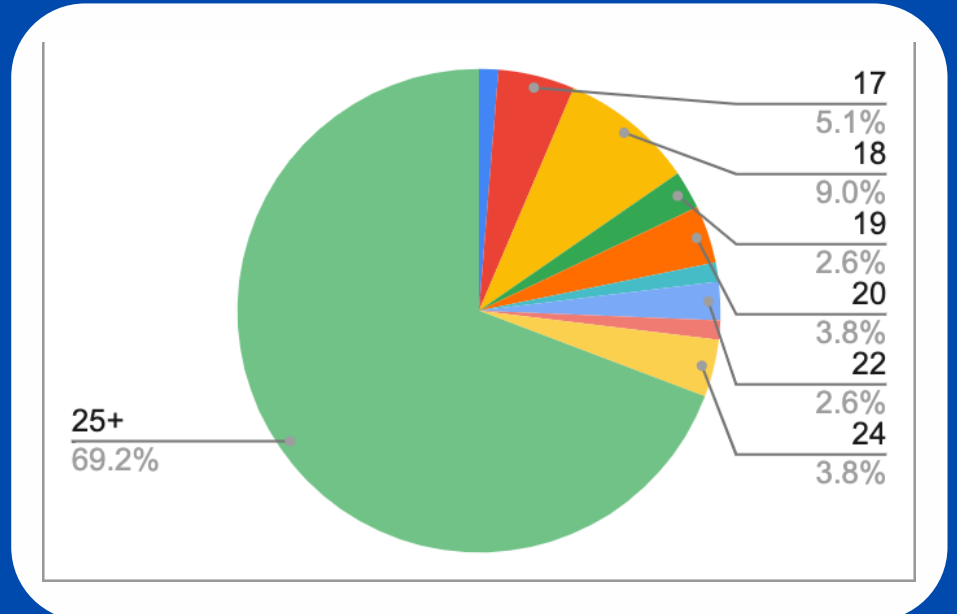
Refugee Status: 11

Limited Leave to

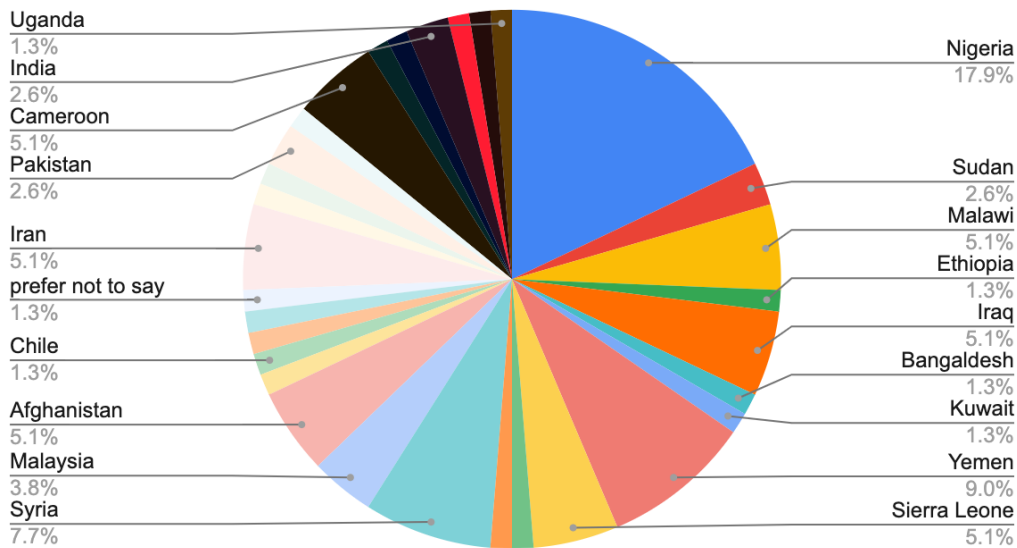
Remain: 11

Other: 15

## Age range (years)



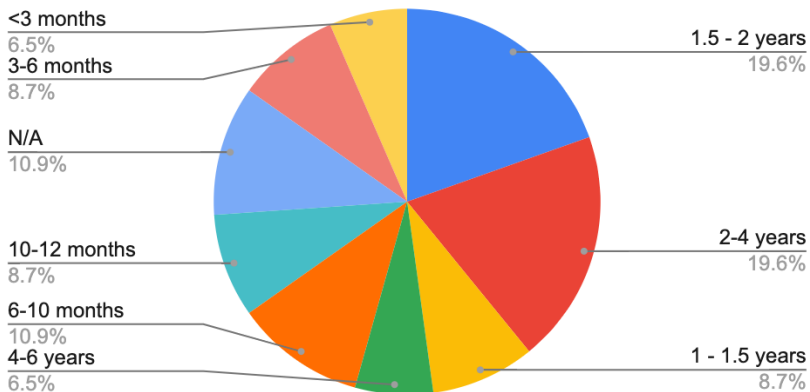
## What is your country of origin?



*18 different countries of origin recorded*

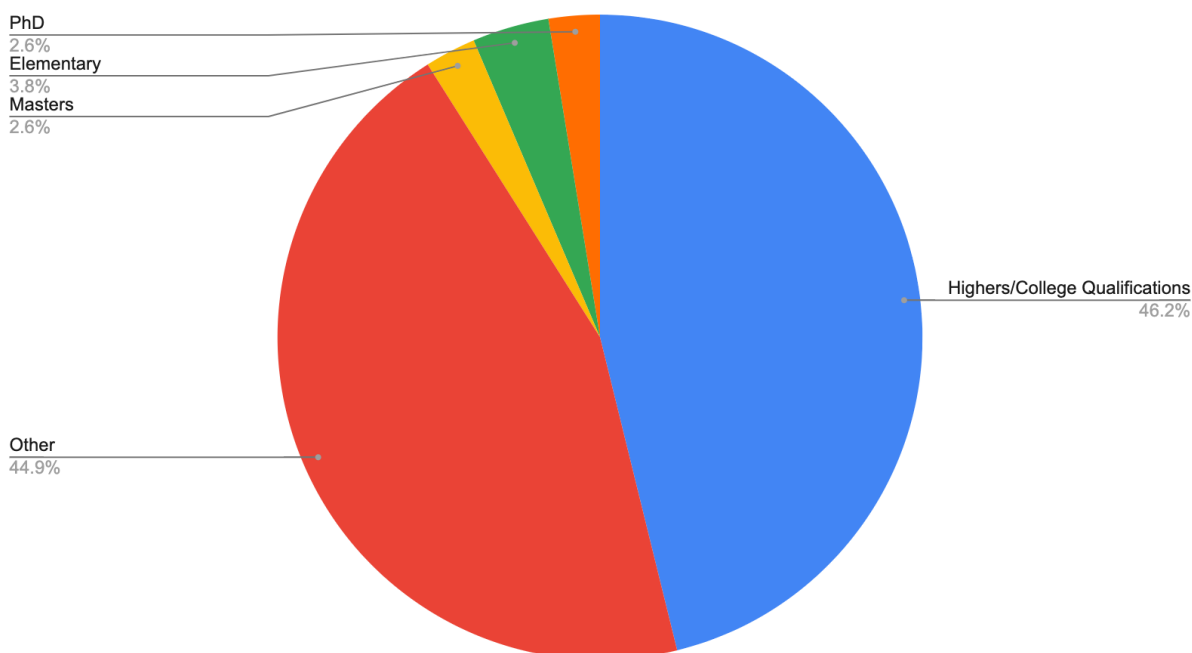
# Survey Figures

Count of How long have you been waiting for a decision on your asylum claim?



*Over 25% of respondents have been living in Scotland for over 2 years*

What are your actual/predicted grades for these subjects?

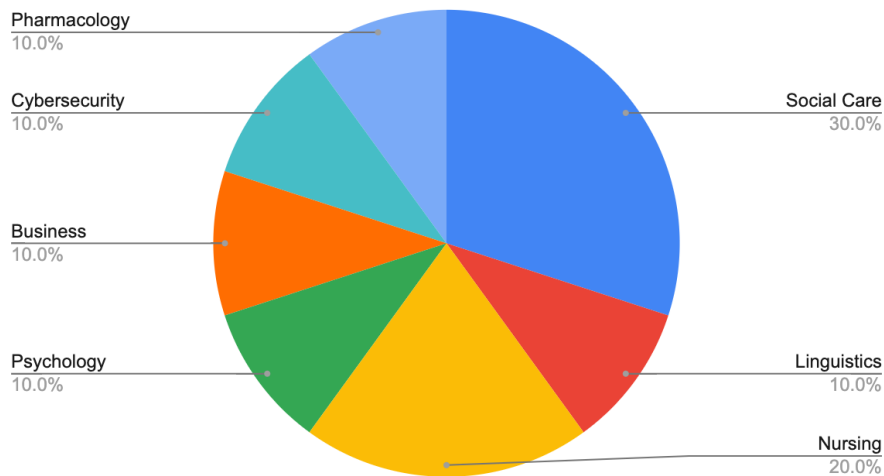


*Almost 50% of respondents received or were projected to receive Scottish Higher or college-level accredited qualifications*

*Those who had Masters or PhD qualifications described the difficulty of translating or re-training due to lack of UK accreditation*

# Survey Figures

## Courses applied for



*60% of respondents aim to qualify in healthcare and tech - areas of significant labour shortages as identified by the Scottish Government\**

*\*Scottish Government (2020), 'Shortage occupation list 2020: call for evidence - our response'*

## Case Study 2

**Name:** Shawn

**Age:** 25+ years old (living in Scotland for over 5 years)

**Course information:** Community Development BA applicant

Shawn graduated from Glasgow Kelvin College with an HNC in Working with Communities (Community Development) on 28th October 2022. After finishing his course, he applied for BA in Community Development second year entry at University of Glasgow through UCAS. **Shawn successfully passed his interview but due to administrative issues, his scholarship was initially rejected and he was not entitled to enrol in the university due to his immigration status as an asylum seeker**

“Because I was put in a circle, I was unable to enrol myself in the university as the deadline was already closed. This situation has put me off by wasting my time, efforts and money. I sacrificed my food money to travel for the programme’s induction.

**As we know asylum seekers are living with £40 a week and especially during this cost of living crisis had a tremendous impact in sustaining my life.”**



# Now there is a legal precedent...

## Ola Jasim v Scottish Ministers



### What happened?

Following a judicial review hearing at the Court of Session, the Court issued a decision in the case of Ola Jasim v Scottish Ministers [2022] CSOH 64 on 9th September 2022.

Andrew Sirel of JustRight Scotland successfully argued that Iraq-born Ola Jasim had her human rights breached after she could not access free tuition due to being 58 days short of the Scottish residency threshold. Ola was a model student who applied to study medicine. She has lived in Scotland since she was 11 years old.

The Court declared paragraph 1(c)(ii) and (iii) of schedule 1 of the Students' Allowances (Scotland) Regulations 2007 ("the 2007 Regulations") (known as 'long residence rules') to be unlawful in light of Article 14 of, and Article 2 of the Protocol 1 to, the European Convention on Human Rights.

The Court found that the long residence rules failed to strike a fair balance between the impact they had on those excluded from eligibility for student support and the likely benefit to society of having clear rules restricting funding to those with a connection to Scotland.

### What now?

The Scottish Government is currently reviewing the residency criteria contained within paragraph 1 of schedule 1 of the 2022 Regulations and has launched a consultation.

### More information about the consultation

<https://consult.gov.scot/higher-education-and-science/changes-to-residency-criteria-for-access/>



# Recommendations and Next Steps

## For Research



- **The Our Grades, Not Visas campaign should increase the sample size of the survey** to gather data that adds to evidence gathered by the Scottish Government consultation
- **The Our Grades, Not Visas campaign should partner with schools and colleges to generate further impact data for younger age subsets**

## For Campaigning



- MIN, JustRight Scotland and other partners should **grow the campaign membership to source more grassroots stakeholders and leaders**
- **Campaign partners should convene to plan and implement a campaign strategy** including relevant milestones and goals

## For the Scottish Government



- **Implement the recommendations** from the recent legal case led by JustRight Scotland
- **Include Our Grades, Not Visas members** as part of a transparent consultation process

## Contact

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