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Young asylum seekers 'face blanket study ban'

Concern at numbers of young refugees being excluded from education

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Young asylum seekers who arrived in the UK as children are being banned from study “as a matter of course” according to campaigners, despite government assurances there would be no “blanket ban” on education.

From January 2018, legal changes mean that anyone claiming asylum is considered to be on “immigration bail” – restrictions that the Home Office applies to asylum seekers until their application to remain in the UK is decided. The restrictions were previously limited to not working, living at a specified address, or reporting to the police or Home Office.

Yet “significant numbers” of young refugees have been told in the last few weeks that they are also not allowed to study – just weeks before some had been due to take important exams in some cases. Some asylum seekers have only discovered they are under a study ban after charity workers examined their new paperwork and noticed that a box had been ticked.

“The Home Office are simply issuing new paperwork without explaining that changes have been made,” said Hannah Baynes, a solicitor with Duncan Lewis. “That means that if people do not notice and keep studying then they are in danger of breaching their bail conditions.” Those breaches can have adverse implications on the way the Home Office deals with a case in the long run, she said.

The changes are part of the Immigration Act 2016 which recently came into force. Campaigners are also concerned about the numbers of young asylum seekers with new study bans, contrary to assurances given by the government when parliament was debating the bill that it did “not intend to impose ... a blanket ban on asylum seekers seeking education”, and that changes would only be made “on a case-by-case basis, and only when proportionate”.

Kamena Dorling, head of policy at Coram Children’s Legal Centre, said: “We are already seeing significant numbers of young refugees and migrants being granted immigration bail with no study conditions seemingly as a matter of course and without sufficient examination of their circumstances and the impact.”

A Home Office spokesperson said: “There is nothing in the immigration rules to prevent asylum seekers from studying. If an asylum seeker is permitted to study then a bail condition cannot be set preventing this. But if an individual has exhausted their appeal rights or have committed immigration offences, permission to study cannot be granted using immigration bail conditions.”

Banning young people from study can have knock-on effects, especially those that have been in care as unaccompanied children. Post care, a personal adviser and some financial assistance, is provided to those over 18, but only if they can prove they are studying. Stopping asylum seeking young people from studying effectively stops this support as well. The *Observer* spoke to two young men who had fled Afghanistan as teenagers and were given temporary leave to remain. When they turned 18, they were told their leave to remain had run out, and both are now appealing.

Abdul, who has been in the UK for 10 years and whose case has been followed by the Bureau of Investigative Journalism for three, had been offered places at several universities but, without leave to remain, he could not get a student loan. He received a full scholarship from a well-respected London university and started studying in September 2017. He was in the midst of first-year exam revision when he went to sign in last month. He was given new paperwork and told he was no longer allowed to study.

“I have worked so so hard to get in to uni,” Abdul explained, “I waited for four years, all my friends had gone and graduated already. I’ve never done anything wrong. It is just devastating to be honest. It is the only freedom I had and now it has been taken away from me.”

Emily Bowerman works for charity Refugee Support Network. She has been working with Abdul for years. “He sobbed for half an hour when he told me the news,” she said.

“As young people wait for a decision on their asylum claims, education is one of the most important things in their lives,” Bowerman said. “We are deeply concerned about the negative effect that a withdrawal of the right to education will have both on individuals’ mental health and, longer term, on their ability to develop the skills and qualifications they need to move into settled employment once they have been granted leave to remain in the UK.”

Mohammed is 22 and has been in the UK since 2011, when he arrived alone as a 15-year-old. He was studying GCSE mathematics and English as a second language when he got his paperwork from the Home Office.

“When I went to the Home Office for reporting, the lady there said ‘hold on two minutes, we’ll give you new paper’. She said ‘Don’t worry about it, everything is the same. I don’t need to worry about anything’,” Mohammed explained.

It was only when he sent a photograph of the form to a charity support worker that he was warned that a small tick box buried low on the second page showed he could no longer study.

. This article was amended on 30 April 2018 to clarify a paraphrase.

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