

# Understanding the impact of university scholarships and bursaries on asylum support

When offering a university scholarship or bursary for people who are seeking asylum and may be in receipt of asylum support, it is important to understand and communicate the impact that the scholarship may have on the support they are receiving.

## Students with other immigration statuses

This guidance applies to students who have a pending asylum claim. It does not directly apply to students with refugee status, humanitarian protection (HP) or Discretionary/Limited Leave to Remain (DLR/LLR). However, most students with DLR/LLR and some students with refugee status or HP are ineligible for student finance and rely on scholarships or bursaries to attend university. In these cases, similar precaution should be taken to ensure that grants are sufficient to cover the student's costs and enable those that do not live locally to relocate.

**To ask a question or to get advice about a scholarship programme at your institution, get in touch with STAR's Access to University Coordinator at [equalaccess@star-network.org.uk](mailto:equalaccess@star-network.org.uk).**

## 1. What is 'asylum support'?

Most people seeking asylum are not allowed to work. Those that have been waiting for longer than 12 months for an initial decision can apply for permission to work in a small number of shortage occupations, but many asylum seekers must instead rely on asylum support.

Asylum support is state financial assistance given to people who are waiting for a decision on their asylum application (Section 95) and to refused asylum seekers in certain circumstances (Section 4). Support is only provided if an asylum seeker is assessed as **destitute or likely to become destitute**, i.e. if:

- they and their dependants do not have adequate housing or any means of obtaining it, OR
- they and their dependants have adequate accommodation or the means of obtaining it, but cannot meet essential living needs.

Support is usually provided in two ways:

1. subsistence only (£39.63 per week); OR
2. both accommodation and subsistence.

### MORE INFORMATION ABOUT ASYLUM SUPPORT

We highly recommend reading the [ASAP factsheets](#) on Section 95 support and proving destitution. Information about eligibility and applying for asylum support can also be found on [GOV.UK](#).

Accommodation is provided on a 'no choice basis', and asylum seekers are usually housed away from London and the South East.

## 2. How might university scholarships affect asylum support?

Tuition fee waivers do not affect asylum support. However, a **cash living cost grant will jeopardise asylum support**. Upon receipt of funds, there is a risk that the student will be deemed not destitute and asylum support will be withdrawn. In this context, the student will likely lose their accommodation and subsistence (cash) support, depending on their situation.

## 3. How might the student be affected?

There are two main scenarios to consider. However, it is important that universities are responsive to the needs of the individual student and, where possible, flexible in their approach.

### SCENARIO A: SUBSISTENCE ONLY

A student is receiving subsistence only asylum support and living with family or friends. In this case, a scholarship or bursary won't jeopardise their housing situation. However, a cash living grant will jeopardise their subsistence payments (£39.63 per week).

### SCENARIO B: ACCOMMODATION & SUBSISTENCE

A student is living in asylum accommodation far away from the university and receiving subsistence payments. They require a scholarship that covers both accommodation and living costs support. They will subsequently lose their entitlement to asylum accommodation and subsistence payments.

For information about asylum support for dependants, see the [ASAP Factsheet on Dependants](#). If the student is a dependant, the main applicant must inform the Home Office about changes within their household.

### PLEASE NOTE: TERMINATING ASYLUM SUPPORT

If a student terminates their asylum support to take up a scholarship, they should be informed that:

- If their asylum application is still pending at the end of their course, they will need to reapply for asylum support.
- If they need to reapply for asylum accommodation, the 'no choice' principle still applies and they will not be able to choose the location of their accommodation.

## 4. Best practice for universities

STAR has observed two ways of offering a university scholarship to people on asylum support:

### Option 1: Removing the need for section 95 support

Asylum accommodation is allocated on a 'no-choice' basis and requests to be moved closer to a university town are almost never granted. Therefore, if your scholarship is open to people seeking asylum who are not living in the local area, it is best to provide either:

**A) A grant to cover the year-round cost of renting privately and living costs:** This involves ensuring that the grant covers the cost of renting in the private sector in the local area and other essential living costs (food, bills etc.), thereby removing the need for Section 95 support.

OR

**B) Year-round university accommodation and smaller living costs grant:** Providing university accommodation and living costs removes the need for asylum support and ensures that the student is housed close to the university. Housing must be provided year-round, in addition to a grant for living costs (food, bills etc.). (It is worth noting that this option may be less inclusive of mature students with dependants).

### IF YOUR SCHOLARSHIP FALLS WITHIN OPTION 1, MAKE THE APPLICANT AWARE THAT:

1. They will no longer be eligible for Section 95 support (See 'Terminating Asylum Support', above.)
2. If the individual's disposable income is judged to be above £733 per month or their disposal capital above £3000 total, they will lose their entitlement to legal aid for their asylum claim. (See [Civil legal aid: Means testing on GOV.UK](#)) Where possible, the grant should be transferred to the student in instalments below this amount and the student should be provided with a document detailing the expenses the bursary is expected to cover.
3. The student should also be made aware of the implications of not completing their course or taking a period of study leave on their entitlement to the scholarship.

## Option 2: Not jeopardising section 95 support

Asylum-seeking students living with family or in dispersal accommodation within commuting distance of the university may not need to be housed, and a living costs grant may not be necessary. These students will be living on 'subsistence only' support of £39.63 a week (or £2,060.76 per annum) and they are unlikely to be able to afford essential study costs. The scholarship can help to cover these items in a way that does not jeopardise asylum support:

- **Tuition fee waiver and in-kind support**

An essential study costs grant that is not given directly to the student will not affect Section 95 support. Instead, the grant can be given to a charity on the student's behalf or used by the university to purchase items to support the student's education. Examples of what the grant could be used to purchase that should not affect their asylum support include:

1. Meal vouchers for campus canteens (limited number)
2. Travel passes
3. Laptop (on loan)
4. Childcare
5. Printing costs
6. Academic book tokens

When providing in-kind support, the university should provide a written statement of what is provided and how it meets the student's study needs only. University staff should also be prepared to support the student in the event that their entitlement to asylum support is challenged.

## 5. Challenging a refusal of asylum support

If a student's asylum support is refused as the result of a scholarship and they feel that this decision is incorrect (see the Appendix, below, for further information about Home Office policy), they should be made aware of the following:

- Legal aid is only available for asylum support cases where both accommodation and subsistence are applied for (see [Right to Remain Toolkit: Your Legal Case](#)).
- They are not entitled to legal aid if their disposable income is above £733 per month or their disposable capital is above £3000 (see [Civil legal aid: Means testing on GOV.UK](#)).
- Most appellants at the Asylum Support Tribunal are assisted in their appeal by non-legal organisations who have a specialism in asylum support, such as the Red Cross or Refugee Action.
- Further information about the appeal process can be found in the [ASAP Factsheet on Appealing to the Asylum Support Tribunal](#). *Note that ASAP do not assist appellants directly, but frontline organisations can receive advice from them and can refer appeals.*

## Appendix: Additional information about Home Office policy

- The Home Office's '[Assessing Destitution](#)' guidance (see p. 13) indicates that where a person has access to income, support or a relevant asset, it may be disregarded in certain circumstances – including 'Where the person is receiving income from another source, but which is clearly provided for reasons unrelated to covering the costs of their accommodation or meeting their essential living needs.'
- In prior cases, the Asylum Support Tribunal has found that loans obtained for the purpose of paying university fees: (i) were not 'income'; (ii) were only in the appellant's control for a short time before being diverted to the University; (iii) did not give the appellant a choice about how they could be used – they were provided on the condition the appellant progressed with his studies.
- A person in receipt of asylum support is obliged to update the Home Office about a relevant 'change of circumstances'. These circumstances are set out in reg 15 of the AS Regs 2000, including the situation where '[a supported person or his dependant] receives or gains access to any money, or other asset mentioned in regulation 6(5), that has not previously been declared to SSHD.' Where an individual is **not** in direct receipt of money (i.e. Option 2, above), it may not be necessary to declare the scholarship. The individual should check the terms of their asylum support agreement and, if necessary, seek advice from a refugee organisation specialising in asylum support.

This guidance was produced by [Student Action for Refugees \(STAR\)](#) with advice and input from [ASAP \(the Asylum Support Appeals Project\)](#). Please note that details are subject to change and information included in the document should not be used as an alternative to professional legal advice.

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