**Quick guide to Asylum Seekers and Refugees**

An **asylum seeker** is someone who has arrived in a country and asked for asylum. Until they receive a decision as to whether or not they are a refugee, they are known as an asylum seeker. In the UK, this means they do not have the same rights as a refugee or a British citizen would. For example, asylum seekers aren’t allowed to work or claim benefits. If they are destitute and have no other means of supporting themselves, they can apply to receive asylum support. This is set at around £5.39 per day.

The 1951 Refugee Convention guarantees anyone the right to apply for asylum in another country that has also signed the Convention. It also guarantees that they can remain there until their claim has been processed.

Once submitted, an asylum request will have one of three outcomes:

* Full refugee status (indefinite leave to remain).
* Temporary leave to remain for between 1-5 years or until the age of 17½.
* A refusal, applicants may appeal against a refusal and can remain in the UK whilst appealing.

Cases can sometimes be open for a significant amount of time, meaning that asylum seekers and their children can be uncertain about whether they will be granted refugee status for a long time.

Asylum seekers can be on different sections of support under part 6 of the Immigration and Asylum Act. Some of the common sections you may come across are:

* Section 98 is provision of temporary support for certain groups who appear to be destitute. Support may be provided under this section until it can be determined whether support should be provided under section 95.
* Section 95 is provision of support for certain groups of asylum seekers who appear to be destitute or likely to become destitute within a prescribed period of time.
* Section 4 is provision of accommodation for certain groups of asylum seekers dependent on their circumstances.

A **refugee**, according to the UN Refugee Convention, is someone who ‘Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country’ (Article 1, 1951 Convention Relating to the Status of Refugees).

When a person is given refugee status, they have just 28 days to find accommodation and apply for mainstream benefits before they are evicted from asylum accommodation. Many refugees become homeless at this stage and need support from supporting agencies to navigate the systems required to access benefits and housing.

Sometimes refugees have arrived on resettlement schemes. There are two resettlement schemes at present which are:

**Gateway Protection Programme (GPP)-** The GPP is operated by UK Visas and Immigration in partnership with the United Nations High Commissioner for Refugees (UNHCR). The programme offers a legal route for up to 750 refugees to settle in the UK each year, and is completely separate from the standard procedure for claiming asylum in the UK. If approved, the GPP resettles families who have fled crisis and human rights abuse in their home countries. Some of the countries which families resettle from include Somalia, Myanmar, Sudan, Palestine, Afghanistan and Democratic Republic of Congo.

**Vulnerable Person Resettlement (VPRS)-** The VPRS was launched in January 2014 to support and settled the most vulnerable families fleeing the Syrian conflict; this includes those with and without Syrian nationality. This scheme supports those in greatest need including those needing urgent medical treatment, survivors of violence and torture, and women and children at risk.

**Vulnerable Children’s Resettlement Scheme-** The Vulnerable Children’s Resettlement Scheme is available to children at a high risk of harm and exploitation along with their families. Identified by the United Nations as being most in need, they are resettled to the UK from refugee camps and other unsafe environments across the Middle East and North Africa.

The government plan to consolidate the Vulnerable Persons’ Resettlement Scheme, the Vulnerable Children’s Resettlement Scheme and the Gateway Protection Programme into one global scheme. Further details of this are awaited.

Some of the main countries that asylum seeker and refugee children have most recently come from, along with the language(s) they are most likely to know include:

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| --- | --- |
| **Country** | **Main language(s)** |
| Syria | Arabic |
| Kosovo | Albanian |
| Pakistan | Urdu |
| Eritrea | Tigrinya |
| Afghanistan | Pashto/Dari |
| Sri Lanka | Sinhalese/Tamil |
| Sudan | Arabic |
| Nigeria | Yoruba |
| Albania | Albanian |
| Somalia | Somali |

**Funding**

When admitting a refugee pupil who is on one of the resettlement schemes mentioned above, the Access Team will provide you with information about the funding to which school are entitled to support the pupils. If you have not received this, please contact the Access Team on 01274 439393 or education.access@bradford.gov.uk.

Asylum Seeker pupils do not come with additional funding for schools.

**Free school meals**

Refugee pupils may be eligible for free school meals (FSM) if they meet the benefit-related criteria for free schools meals which can be applied for through the web based application form here: <https://www.bradford.gov.uk/benefits/applying-for-benefits/free-school-meals/>

Asylum Seeker pupils are eligible for FSM if they are claiming asylum under part 6 of the Immigration and Asylum Act 1999. The responsibility for checking the eligibility of applicants for free school meals rests with the individual school.

In the case of families who are claiming for FSM under Part VI of the Immigration and Asylum Act 1999, applicants should provide a letter from the National Asylum Support Service (Home Office) (NASS) stating that they are receiving support under Part VI of the Immigration and Asylum Act 1999. Letters that the family may be able to provide are their Asylum Support letter or accommodation/tenancy letter.

NASS numbers are usually 9 digits and in the format of ‘YY/MM/12345’. These numbers can be followed by /001, /002, /003 etc which identifies each individual member in the family.

Individuals may also provide their Application Registration Card (ARC), this is proof of an on-going asylum application (if valid, see date in ‘valid until’ section).

If the family are on section 98, they may not have a NASS number but should have a Home Office letter which states their port reference number to provide as evidence of asylum seeking status. If you have any queries about evidence please call the Education Access team on 01274 439393.

Once schools receive this evidence, they should submit a copy with full details of the parents and children including dates of birth to education.access@bradford.gov.uk Once this evidence has been ratified by the team, they will send school and parents a letter confirming their eligibility for free school meals.

Schools should update this on their systems and seek regular updates from asylum seeker families about their status. If their status changes, free school meal eligibility may change.

**Bail 201 letters**

Bail 201 letters contain information about why this person has been granted ‘immigration bail’ (e.g. asylum seeker), they usually include a photo of the person named. It will also have information about the conditions of their bail – things that the Home Office require of them. Immigration bail can contain ‘conditions’, these can include asking someone to live at a certain address or report to the Home Office on a regular basis. It will also normally be a condition that a person is not allowed to work. The letter will state that the person named is liable for detention if they breach any of the ‘conditions’.

**Coronavirus update**

Children whose eligibility for free school meals under Part VI of the Immigration and Asylum Act 1999 has been confirmed by the Education Access Team are entitled to the DfE national voucher scheme.

The DfE have temporarily extended free school meal eligibility to include some children of groups who have no recourse to public funds (NRPF).

These groups are:

* children of Zambrano carers
* children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights
* children of families receiving support under Section 17 of the Children Act 1989 **who are also** subject to a no recourse to public funds restriction

These groups are also subject to a maximum household earnings threshold of £7,400 per annum.

We are also temporarily extending eligibility to children of a subset of failed asylum seekers supported under Section 4 of the Immigration and Asylum Act 1999. This group is not subject to a maximum household earnings threshold.

This extension is temporarily in place to support families facing difficulties due to the current unique circumstances. It covers both children who are attending school and children who are at home.

Schools should request evidence from families in these circumstances and submit it along with the attached application form to Education.Access@bradford.gov.uk for ratifying. Current circumstances may make it difficult for carers to provide documents. Schools are able to consider alternative forms of evidence and to use their own discretion. Due to the current restrictions, schools do not necessarily need to see physical copies of evidencing documents.

Once eligibility is confirmed, schools should give the same provision to these families as for any other pupil entitled the FSMs until further notice.

Additional guidance can be found here: <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/guidance-for-the-temporary-extension-of-free-school-meals-eligibility-to-nrpf-groups>