

Refugee and Asylum Rights and Entitlements, and Challenges to Education and Employment



Anita Yu - Employability Development Officer

Session Overview

Terminology

Routes to sanctuary, rights and entitlements

Right to work checks

Challenges people have accessing education & employment opportunities

SRC employability service

Terminology

Terminology

THE INDEPENDENT WEDNESDAY 16 SEPTEMBER 2015



NEWS VIDEO PEOPLE VOICES SPORT TECH LIFE PROPERTY ARTS + ENTS TRAVEL

UK / [World](#) / Business / People / Science / Environment / Media / Technology / Education / Images /

News > World > Europe Frontpage >

Refugee crisis: Asylum seekers start hunger strike as they refuse to leave Hungarian border

BBC Sign in News Sport Weather iPlayer TV

NEWS

Home UK World Business Politics Tech Science Health Education En

World Africa Asia Australia Europe Latin America Middle East US & Cana

Migrant crisis: Dozens reach Croatia as Hungary border sealed



all opinion culture business lifestyle fashion environment tech travel ≡ all sections

ericas asia australia africa middle east cities development

Refugee crisis: Hungary rejects all asylum requests made at border - as it happened

Terminology

Migrant

Someone who chooses to move from one region or country to another for e.g. better employment opportunities

Forcibly Displaced Person

Someone who has had to flee from where they live as a result of persecution, conflict, generalised violence or human rights violations

Asylum Seeker

A person who has made a claim to be considered for protection to a state which has signed the UN Convention on Refugees 1951 and is **waiting for a decision**

Refugee

A Refugee is someone whose individual application for protection **has been recognised** under the UN Convention on Refugees 1951

Who is a refugee?

“Someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”

(The 1951 Refugee Convention)



Routes to the UK for people seeking sanctuary, rights and entitlements

Main routes for people seeking sanctuary

Refugee resettlement route

UK Resettlement Scheme (UKRS)

Community Sponsorship

Afghan Citizens Resettlement Scheme - Pathway two

Humanitarian and/or nationality-based immigration route

Ukraine Schemes

Afghanistan schemes

Asylum route

Cannot apply for asylum outside of the UK

Claim asylum at port or 'in country'

Have the right to work, access to HE/FE, access public funds from day 1

Asylum Route

Claim for asylum

- Allocated to dispersal cities across UK (not London)
- Offered Home Office accommodation /Bridging Hotels
- Receive support (£47.39 or £9.58 - hotel)
- No access to public funds
- Limited access to FE/HE (more on next slide!)
- Work prohibited for most (12 months, [SOL](#))
- Access to healthcare
- Can volunteer (public/charitable)

Receive Positive

Decision

- (Granted Leave to Remain)
- Integration process
- 28 days move-on period, temporary furnished accommodation/hotels
- Access to welfare rights
- Access to higher and further education
- Can apply for any jobs and seek any support

XX YEARS

People in Asylum Process Accessing FE/HE

- Can access P/T or F/T ESOL classes – funded by Scottish Funding Council
- Can access P/T advanced or non-advanced college courses
- If accessing FE/HE, may be charged international fees (not eligible for SAAS)
- Scholarships available at some universities, other funding may be available - [Student Action for Refugees](#)
- Unaccompanied asylum seeking children and children of asylum seekers can apply for home fees status and access [SAAS](#) for tuition fees only

What employability support asylum seekers can or cannot receive

Can receive:

- Training, employability support from e.g. [No One Left Behind](#)
- Travel expenses in cash or bus/train tickets
- Vouchers
- Training with fees if fees are paid directly from funder to the training provider

Cannot receive:

- Any training allowances paid to their bank account
- Paid work placement not related to SOL (limited options)

Right to Work Checks

Biometric Residence Permit



- Valid until is for the BRP card (not length of stay), similar to the British Passport where is a Date of Expiry
- Going digital from 1st January 2025

Right to Work Check

- BRP holders will evidence their right to work using the Home Office online service only, presentation of a physical document is no longer be acceptable.
- Applicant generates share code to pass to employer (with DOB):
[Prove your right to work](#)
- Employer enters share code and DOB to:
[View a job applicant's right to work details](#)
- [Employers Guide to Right to Work](#)



They have permission to work in the UK from 19 October 2021. They can work in the UK until 19 November 2023.

Details

They can work in any job



GOV.UK View a job applicant's right to work

BETA This is a new service - your [feedback](#) will help us to improve it.


Right to work

Erika Mustermann

They have permission to work in the UK from 19 October 2021. They can work in the UK until 19 November 2023.

Details

They can work in any job.



Rotate ↻

If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 19 November 2023

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check		
Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE-BKFEUUN-64

[Print page](#) [Download PDF](#)

[Finish and leave service](#)



Asylum seekers with permission to work check

- People in the asylum process have an Application Registration Card (ARC card) which will indicate Work Permitted, Shortage Occ.
- They will also have a letter from the Home Office granting the permission to work.
- Employers to gather the above and can also check on:
<https://www.gov.uk/employee-immigration-employment-status>
- Apply for [National Insurance Number](#)



Challenges for refugees and asylum seekers accessing education or employment

Challenges	Suggestions
<p>Language: CSCS – only H&S in voiceover and interpreter, not CSCS assessment; Registering with GMC, GDC, GPC etc</p>	<p>May already be attending ESOL at college/community centre. Are there college activities which they can attend? Are there sector/job specific areas of ESOL courses/selective modules that the college can consider creating e.g. hospitality, social care, skilled trades etc</p>
<p>Recognising overseas qualifications or skills and experience</p>	<p>UK ENIC for statement of comparability, or Skills Recognition Scotland</p>
<p>Understanding UK education and recruitment process: different pathways to career e.g. apprenticeships or SVQ's, when and how to apply; transferable skills/experience, appropriate body language during interviews, or understanding questions e.g. "Tell me about a time you went the extra mile to help someone."</p>	<p>Is there a session on understanding Scottish Qualifications? Referral to college student support or SDS, careers advisors or employability organisations</p>
<p>Asylum Seekers (adult main applicants or spouse dependents) unable to access FE/HE</p>	<p>Explore part time options for FE courses with college, and scholarships for HE courses</p>

Challenges	Suggestions
Asylum Seekers unaware that ' permission to work ' is required, or that when this is granted, they are limited to the shortage occupation list	Ask them to check with the solicitor if they are eligible to apply for permission to work, checking their ARC card, or direct to Scottish Refugee Council
Understanding UK work culture	Tell them that it's okay to work as part of a team and it's ok to ask questions!!
Finding suitable volunteering opportunities for asylum seekers looking for highly skilled jobs with no access to funds for university	Consider what job roles are available within public and third sector e.g. accountants or civil engineers – local council, doctor – social care, are there opportunities within the college?
References	Explore character references e.g. refugee support workers, ESOL tutors, employability advisors, volunteering supervisors, church pastor etc.
Criminal check/PVG	PVG's can be done for UK. Be mindful that overseas criminal checks from someone's home country could cause risk to their family in their home country.

Challenges	Suggestions
Employers not understanding people's right to work	An Employers Guide to Right to Work Checks . If someone's leave to remain is due to expire, they can apply for extension and same rights continue until decision is received.
Awareness of employee rights and entitlements or employment contract e.g. bereavement leave, maternity leave	Direct to Citizen's Advice , ACAS
Housing situation – refugees may be in expensive temporary furnished accommodation or hotels; asylum seekers may have to contribute payments towards their home office accommodation	Refugees to refer for benefit calculation (CPAG), or asylum seekers to speak with immigration lawyer.

Scottish Refugee Council Employability Service

scottish
refugee
council

We offer refugees and asylum seekers:

- Mentoring programmes via employers e.g Barclays, Scottish Government
- Employability Newsletter with job, training and volunteer opportunities
- Employer focused employability training e.g. Starbucks, IKEA, Poundland
- Referral to employability organisations



Other Work

- Employers:
 - Promote job opportunities via newsletter
 - Deliver refugee and asylum rights and entitlements session
 - Review recruitment process
- Other organisations:
 - We are here to support you!! - please contact me directly via email or we can attend team meetings



Evaluation



<https://forms.office.com/e/Psrx7yZDX7>

Need more
information or have
any questions?

anita.yu@scottishrefugeecouncil.org.uk

Helpline: 0808 1967 274

