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Forced Migrants in Higher Education: ‘Sanctuary Scholarships’ in a Hostile Environment

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Abstract

This paper presents new research that explores how the hostile environment manifests in UK higher education. Our findings highlight the specific challenges encountered by asylum seekers in negotiating access to, and participating fully in, higher education. This group are categorised as international students, rendering them ineligible for student finance to meet the cost of living and university tuition fees in addition to exclusion from mainstream benefits and the labour market. The empirical data generated through a survey of universities, students and support organisations is explored first through the concept of universities as sites of bordering and the original framing of the higher education border. Second, the data is used to picture the state of solidarity at this border, arguing that redistributive solidarity *and* solidarity as ‘standing up beside’ are needed, but both require further investment from HEIs. In conclusion, we argue that the hostile environment creates overlapping and intersecting restrictions on these students and that this, amplified by the complex relationship between HEIs and the state, causes a conflict of solidarity between, on the one hand, supporting students and, on the other, eagerly complying with the Home Office.

Keywords

higher education, asylum, bordering, solidarity, sanctuary scholarships

Introduction¹

UK Higher education (HE) can offer educational, developmental and professional advancements to those who undertake it, and is therefore an aspiration for many, including migrants whose primary reason for moving to the UK is protection. However, compared to ‘home’ students or ‘international’ students moving for the purpose of studying, the routes to higher education for this group are

¹ The authors would like to thank colleagues for their comments on earlier drafts: Eleanor Drywood, Nick Gill, Lucy Mayblin, Anne Neylon, and Louise Waite. We are grateful for the feedback on presentations of drafts of this paper from the IV CINETS Conference at Queen Mary, University of London; the Migration, Race and Borders Network at the University of Liverpool; and the workshop, *The (Un)deserving Migrant?* at the Fondation Maison des Sciences de l’Homme, Paris. Thanks also to Hattie Ditton of Refugee Women Connect, who helped us in forming the ideas for this project and with data collection. All mistakes remain ours.

complex, ill-understood, and subject to increasingly pervasive border control. Access depends on the interaction of the legal frameworks for immigration and for higher education, their interpretation by higher education institutions (HEIs) and by the Home Office, and the tenacity of students and their advocates trying to navigate these.

This paper contributes to our understanding of the changing role of immigration borders, their construction and implementation across the higher education sector. Bordering practices impact upon all international students, though this research addresses students whose immigration status is unsettled owing to an ongoing claim for protection. The empirical findings presented herein demonstrate that seemingly disparate HE practices, viewed together, represent multi-layered, sophisticated bordering practices, particularly when intersecting with asylum support, and that universities can choose to use this position to stand in solidarity with sanctuary scholars.

‘Sanctuary Scholarship’ is a broad term used to describe financial and in-kind support offered by universities to enable forced migrant students to access higher education.² This takes different forms in different institutions, but includes: reclassifying forced migrants as home students for tuition fee purposes, granting tuition fee waivers, and providing bursaries to help with living and studying costs (Murray, 2019). Most scholarships are paid for from the university’s own funds in the absence of public funding for this student group, though UK universities are largely publicly funded themselves. The first sanctuary scholarship recipient started university in 2008 and since then seventy-two UK HEIs have offered some sort of provision for forced migrant students (*Ibid*).

We refer to this student group as ‘forced migrant students’, which is a non-legal, umbrella term intended to include students with various legal statuses. The largest group is students who are seeking asylum, or students who are dependent on an application for asylum. Asylum seekers are the principal focus of this paper. The other main group is students with discretionary leave to remain, most often derived from an application for asylum submitted when the student was a child. Some universities also include students who hold more secure immigration status – leave to remain as a refugee or humanitarian protection – within the ambit of their policies to support forced migrant students. The focus of this paper’s analysis is those with unsettled statuses – particularly asylum seekers – since it is this ‘unsettledness’ and subjection to the most stringent immigration control that gives rise to the issues at hand.

² Similar scholarships are provided by charitable organisations. These are out of the scope of this paper because the institutional configuration and relationship with the state is quite different to that of universities, such that a separate analysis would be required.

This paper is based on new empirical data collected from HEIs, sanctuary scholars, and the organisations that support them. The data was collected from a survey of these groups and sheds light on their experiences of, and reactions to, sanctuary scholarships. It deeply enriches our understanding of the application of legal regulation and the under-explored interaction *between* legal frameworks that do not formally anticipate one another. This methodological approach gives this paper a unique and original vantage point from which to explore two key issues: the operation of bordering in the context of higher education, which we refer to as the 'higher education border'; and the concept of solidarity, which is implicated in the support of sanctuary scholars yet not fully-realised in the neoliberal university. As such, this paper offers an insight responding to the dearth of information internationally relating to forced migrants in HE, as well as a contribution to a growing area of study relating to bordering, which becomes particularly complex and significant in the context of higher education, due to the unique position of universities regarding the state, their staff and students, and their moral and civic duties.

This paper joins a literature that sees states implementing borders beyond tangible, physical barriers to movement, extending into everyday lives and civil society through new technologies and bio political strategies (Foucault, 1997, 2009; Houtum & Naerssen, 2002; Walters, 2011). In the UK, this manifests most strongly in the 'hostile environment', so-called to gloat at the severe unpleasantness of life for irregular migrants in the UK (though of course afflicting many others, too) and the pervasive reach of immigration control (Yuval-Davis et al, 2017; 2019) under the Immigration Acts 2014 and 2016.

This paper begins by outlining important legal frameworks that inform the provision of sanctuary scholarships, followed by a discussion of our research design, which details the empirical data collected. The next two sections analyse our data through the frames of the higher education border and solidarity. The first understands universities as sites of bordering and examines its operation through the data collected and the original framing of the HE border. Second, the empirical data is used to picture the state of solidarity at this border, arguing that redistributive solidarity *and* solidarity as 'standing up beside' are needed, but both require further investment from HEIs. In conclusion, we argue that the hostile environment creates overlapping and intersecting restrictions on forced migrant students and that this, amplified by the complex relationship between HEIs and the state, causes a conflict of solidarity between supporting students and eagerly complying with the Home Office. We

argue that universities occupy a powerful position and can choose to exercise this to offer greater support to forced migrant students.

Legal Contexts

Higher Education

The exclusion of forced migrant students begins with the legal framework governing access to higher education, namely the regulations classifying students and determining tuition fees and eligibility for student finance.

The Teaching and Higher Education Act 1998 radically reorganised HE, introducing university tuition fees for all students. The fee charged to a student is determined by her classification as 'Home' (or EEA) or 'International', with asylum seekers falling, by default, into the latter category.³

International students as anticipated by these provisions are largely resident outside of the EEA, coming to the UK for the purpose of study on a Tier Four student visa.⁴ This visa carries significant monitoring and reporting obligations for the sponsor, namely the university. HEIs are keen to fulfil these carefully so as to maintain their licenses to sponsor Tier Four visas because international students' fees comprise a significant proportion of universities' income (13% in 2016/17, Hubble and Bolton, 2018: 13). Many forced migrant students, including asylum seekers, are also classed as international students, but do not hold Tier Four visas, rather their immigration status relates to their need for international protection, not study. Whilst the reporting obligations on universities regarding their Tier Four students are explicit (Home Office, 2019), for forced migrant students it is unclear how universities need report. This causes significant confusion for universities and the Home Office.

A wide gap opened between the rates charged to home and international students. From 2006, following changes under the Higher Education Act 2004, home fees were set at £3000 per year, whilst international fees started at around £9000 per year (Hillman, 2018). Universities began to respond by creating sanctuary scholarships, providing tuition fee waivers and bursaries to allow forced migrant students to access HE despite these financial impediments. Following the *Browne Review* (Browne, 2010), home fees trebled to £9000 per year, however, sanctuary scholarships continued to grow (Murray, 2019).

³ Teaching and Higher Education Act 1998, s.22(2) enables the adoption of Regulations to govern eligibility for student grants and loans and s.26 governs the imposition of conditions as to fees. The enacting provisions, the Education (Student Support) Regulations 1998, contain eligibility criteria in Sch.1.

⁴ Immigration rules, paras 245ZT-245ZY, 23 May 1994, HC 395 (as amended).

In addition to financial barriers, forced migrant students have been excluded from the initiatives ostensibly designed to protect social mobility and to ensure access for marginalised groups (Stevenson & Willott, 2008). English universities must produce a widening access and participation strategy (PAP) to be submitted to the Office for Students (OfS), which monitors and evaluates their performance.⁵ The PAP is the university's strategic plan for reinvesting income generated through tuition fees into facilitating access and ensuring the success of students classified as underrepresented in HE. The OfS is responsible for defining these underrepresented groups and for collating and disseminating good practice for their support. These groups are all home students, reflecting the divide drawn between social responsibility towards home students and the need to maximise profit drawn from international students.

In 2017, refugees were listed as an underrepresented group, however there is no working definition of this group (OfS, 2018). Most universities have understood it to refer to students with leave to remain as a refugee (who are home students), and see those students covered by sanctuary scholarships as excluded from this remit. However, some have utilised the absence of guidance to include their sanctuary scholarship activity in the PAP, relying on a wider, non-legal definition of 'refugee' (Murray, 2019).

Asylum support

The state makes available public funds for forced migrants in the UK, though entitlements vary according to the recipient's immigration status. Those granted refugee or humanitarian protection statuses have access to mainstream benefits for subsistence and accommodation,⁶ and to Student Finance to support them in higher education,⁷ though only after three years for those with humanitarian protection status.⁸ Students with these two statuses (and especially refugee status) are less commonly targeted by sanctuary scholarships in light of their eligibility for public funds, but are often included in other elements of non-financial support (Murray, 2020 forthcoming).

For those yet to be granted leave to remain, forced migrant students may hold a variety of immigration statuses, each of which comes with different entitlements to public support. For brevity that still

⁵ The purpose of the Office for Students is to represent the interests of all students (Home and International). Further details regarding the PAP and the OfS: <<https://www.officeforstudents.org.uk/advice-and-guidance/the-register/search-for-access-and-participation-plans/#/AccessPlans/>> [accessed 17/02/20].

⁶ Universal Credit Regulations 2013, r.9(4).

⁷ Education (Student Support) Regulations 2011, r.4(1) and (2), Sch.1(4) for refugees and 1(5) for humanitarian protection.

⁸ *Ibid*, Sch.1(5)(1)(b).

allows scope to explore the interaction between state and university support, we will use the case of asylum support under the Immigration and Asylum Act 1999, s. 95.⁹ This is an idiosyncratic support scheme for asylum seekers over the age of 18,¹⁰ necessary due to their exclusion from both the labour market¹¹ and mainstream benefits.¹² To be eligible for the scheme's subsistence and accommodation support, an asylum seeker or her dependents must 'appear to the Secretary of State to be destitute or to be likely to become destitute'.¹³ S. 95(3) defines destitution:

'For the purposes of this section, a person is destitute if—

- (a) he does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
- (b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.'

This test is restrictive, as is the support provided to persons that meet it (Bales, 2013; Mayblin, 2019). In line with this minimal approach, asylum seekers are ineligible for Student Finance.¹⁴ However, the requirement of destitution means that receiving a sanctuary scholarship may leave the student ineligible for asylum support by enabling the Secretary of State to argue that essential living needs can be met. This means that scholarship design must anticipate the wider regulatory frameworks within which forced migrant students live.

Research Design

This investigation critically analyses the operation of sanctuary scholarships targeting students with no recourse to public funds, interrogating the successful strategies and challenges that HEIs encounter in supporting this group. In a global context of growing opportunities for forced migrant students, this research explores in depth the local reality of delivering HE initiatives for this group, with findings relevant at the international level.

⁹ See similarly: Immigration and Asylum Act 1999 (IAA), s.4.

¹⁰ IAA, s.94(1) defines asylum seekers for this purpose as: 'a person who is not under 18 and has made a claim for asylum which has been recorded by the Secretary of State but which has not been determined,' where a claim for asylum 'means a claim that it would be contrary to the United Kingdom's obligations under the Refugee Convention, or under Article 3 of the Human Rights Convention, for the claimant to be removed from, or required to leave, the United Kingdom'.

¹¹ An asylum seeker is not permitted to work unless she has been waiting for longer than twelve months for an initial decision, and only then in jobs listed on the shortage occupations list, Immigration Rules, paras 360-360E.

¹² IAA, s.115 as amended.

¹³ IAA, s.95(1).

¹⁴ Education (Student Support) Regulations 2011. Sch.1(2)&(3) require settled status and three years' ordinary residence, neither of which asylum-seeking students will be able to demonstrate.

International scholarship reports widely on the experiences of forced migrants in HE (Stevenson & Willott, 2008; Morrice, 2013; Spiteri, 2015; Bajwa et al, 2017; Wilkinson & Zantiotis, 2017), yet largely omits the role and responsibility of institutions (exceptions: Oliver & Hughes, 2018; Webb et al, 2018). Literature which explores the concept of ‘everyday bordering’ in the context of HE focuses on the impact of these practices on international students and staff on Tier Four and Tier Two visas, practiced both on the external periphery, as well as internally within universities (Andrews, 2019). As such, a significant gap exists in the literature in respect to the role of everyday bordering in the construction of a specific ‘higher education border’, the impact of this border on forced migrants’ access and participation in HE, as well as exploring acts of resistance to the border through the lens of institutional solidarity.

The design and methodology of this research centres on the development of a qualitatively-driven survey to collect primary data, which, in the absence of any sources of existing data or comparable academic research, was the most appropriate approach. The only detailed mapping of sanctuary scholarship initiatives in the UK focuses on a macro overview (Murray, 2019), as opposed to facilitating a detailed understanding of the interactions between HEIs, students and support agencies, as sought by our study. The survey guaranteed research participants anonymity, whilst facilitating the collection of rich and detailed responses to the research questions (Denscombe, 2010). One survey was produced to target three specific groups: current or recently graduated sanctuary scholars, HEIs delivering a sanctuary scholarship scheme, and support agencies operating in this area. The triangulation of responses to survey questions focused on three areas, facilitating a holistic understanding of:

- Composition of sanctuary scholarships – financial and/or ‘in kind’ support, barriers to provision and additional needs.
- What worked well – key successes?
- What did not work well – key challenges?

The questions were intentionally broad, to apply to and therefore stimulate responses from the three groups of research participants. It was imperative to ask questions that accounted for the diversity of composition of sanctuary scholarships and the duration for which they have been running. We undertook targeted dissemination of the survey, focussing on: sanctuary scholars in contact with the Article 26 project and those who attended the annual conference (August 2018); Article 26 database

of university contacts delivering sanctuary scholarships; support agencies responding to the issue of 'Access to HE'. The survey was completed and administered online utilising SelectSurvey software.

The survey generated 102 responses, however only 67 respondents consented to the use of their data. Survey respondents identified the target group to which they belonged: HEI delivering a scholarship scheme (27), sanctuary scholar (22), support agency (5), however some chose not to provide this information (13). All responses were recorded anonymously and the target group was the only demographic information collected, thus minimising the potential to identify survey participants. Each response has been allocated a code distinguishing it from the others, consisting of the type of participant (HEI/Student/Support/Unknown) and a number.

The data generated findings that were systematically coded, analysed and situated within a conceptual framework focused on exploring the interplay between everyday bordering, solidarity and sanctuary scholarship initiatives at UK universities. The issues raised by the research participants were viewed across three levels. First, regarding the impact of sanctuary scholarships on individual scholars, we observed that the support provided was often not commensurate with the wider student population and that universities encountered significant practical barriers administering the support that was available. Second, at the internal, institutional level of internal management within HEIs, we found that whilst a university might commit in principle to supporting sanctuary scholars, this did not always translate into practice across the institution. Support is often isolated, based on the efforts of specific members of staff or teams, resulting in separated, specialised initiatives rather than their being embedded. Third, the findings convey numerous difficulties encountered across the HE sector, including a lack of reliable information and the conflicting interests of supporting this student group in the context of a HE culture focused on compliance with the Home Office.

In spite of the challenges presented, HEI research participants overwhelmingly identified the individual success achieved by students as the fundamental success of their respective sanctuary scholarship schemes:

'Of the 18 students who have received Scholarships since 2010, only one has withdrawn from study or failed . . . We have been able to support students who have needed to re-sit modules, or who have changed their programme of study and re-started a year, by allowing them to have an extra year of tuition fee waiver and bursary' (HEI3);

And:

‘Giving students a chance to integrate and flourish within the University, and within the city more broadly. Inspiring other people seeking asylum in other fields of education. Making a positive difference to the lives of young people, and being able to tell a good story about this to the wider world’ (HEI20).

The iterative examples of student success are reinforced by recent mixed methods research reporting on the high graduation and retention rates of sanctuary scholars over the course of a decade studying at 43 UK HEIs (Murray, 2019). It is important to remember that the success stories reported in this research reflect the minority of students who manage to permeate the HE border.

Higher Education Border & Sanctuary Scholarships

The higher education border is complex in terms of its construction, enactment, and activities designed to resist its impact. However, the overarching purpose of the border is simple: it serves to protect opportunities provided by universities for members of the population deemed to be the most ‘deserving’. The original concept of the higher education border, developed in Murray’s doctoral thesis (2018a), is strengthened by the findings of this research.

The empirical data highlights a border that seeks to maximise the marginalisation of forced migrants across the higher education sector. Houtum and Naerssen’s (2002) theory of ‘bordering, ordering and othering’ provides a framework to tie together the threads of seemingly disparate HE practices to be viewed through the lens of ‘everyday bordering’ (Aure, 2011; Yuval-Davis et al, 2017; 2019), as well as to connect HE bordering practices to increasingly pervasive and mobile immigration controls throughout civil society. Youdell’s (2004) theory of ‘educational triage’ can be applied to the operationalisation of the higher education border. Educational triage is a concept that describes the employment of tactics by schools to exclude pupils. The tactics in question range from expulsion through to alienating pupils, leading to the ‘self-exclusion’ of challenging individuals. A system of triage can be applied to the higher education border to understand the complex layers of everyday bordering practices, which range from the outright exclusion of forced migrants through to practices of deterrence.

‘Bordering’ (Houtum & Naerssen, 2002) is the primary and most transparent layer of the HE border, differentiated by the fact that it is constructed from legislation providing the Home Office with explicit ‘bordering’ powers to discipline universities. Neoliberal governmentality underpins new forms of state-led governance: the implementation of which is the responsibility of non-state actors (here,

universities), whilst retaining their close connection with the state (Foucault, 1997; 2009, Menz, 2009; Geiger & Pecoud, 2010). Foucauldian technologies of domination translate into bordering practices that prevent forced migrants from accessing a university education. The cementation of the hostile environment in higher education is perhaps most palpable in the culture of willingness with which universities comply with Home Office policy, as articulated by a research participant from a support organisation: 'Universities are very concerned about upsetting their relationship with the Home Office' (Support4). This comment captures a recurring theme that speaks of the wider culture of the hostile environment, labelled by Andrews (2019) as the 'compliant environment' within which UK HEIs operate.

The Immigration Act 2016 permits immigration officers to impose a 'no study' on immigration bail.¹⁵ The uncertainty this created was reflected in research participants' reports on the challenges: 'Uncertainty with new Immigration Bail system that the Home Office have brought in' (HEI7). It was anticipated that these powers would only be exercised in exceptional circumstances, however within their first five months (Jan-May 2018), 24% of those subject to immigration bail were subjected to a 'no study' condition, numbering 12,642 people (Baron, 2019). Challenges to the Home Office's new powers led to reduced use, yet these legislative tools remain available and serve as an ongoing threat and effective means with which to discipline both universities and forced migrants.

University compliance teams, tasked with maintaining their institution's relationship with the Home Office, encounter two specific challenges when assessing whether a sanctuary scholar poses a risk to this relationship. The first is how to monitor sanctuary scholars categorised as international students outside of the Tier Four visa system.¹⁶ This distinction can prove challenging to university staff responsible for meeting the terms of a sponsorship licence to the Home Office, which was widely commented upon by respondents: 'There is a tension to ensure that nothing is done to jeopardise our Tier 4 licence, whilst at the same time offering scholarship opportunities for those with the least secure immigration statuses' (HEI23). Evidence exists of universities inappropriately adopting Tier Four monitoring protocols (in the absence of an alternative system) to fulfil their need to 'self-govern' and to demonstrate their ability to manage the forced migrant cohort of their student population successfully (Murray, 2018b).

¹⁵ Immigration Act 2016, s.61 and Sch.10(2)(1)b).

¹⁶ Immigration Rules, paras. 245ZT- 245ZY.

Universities find their position on the higher education border uncomfortable. There is a desire to facilitate access to higher education as shown through the rapid growth of sanctuary scholarships in recent years, but this is overshadowed by conflicting priorities centred on the need to avoid jeopardising their relationship with the Home Office. This problem, rooted in the expectation that universities will act as a branch of immigration enforcement at the same time as promoting values such as meritocratic access to higher education, can manifest in a breakdown of intra-institutional solidarity, whereby different departments are implicitly asked to 'pick their side', preventing the institution acting as one: 'Compliance team have a different view to mine - the point of the scholarships is to promote access to HE - they seem to want to shut it down sometimes' (HEI7).

The differences in approach are driven by conflicting priorities and impetuses that originate externally, which reinforce the intimate connections between the state and HEIs. University compliance and finance teams look to exclusionary regulatory frameworks to guide their decision-making for this student group. In direct contrast, widening participation or student support teams endeavour to alleviate pervasive social inequalities in higher education. Houtum and Naerssen (2002) identify the connections between the territorial border, immigration categories and the impact on practices of not only bordering, but 'ordering' and 'othering'. It is at this juncture in the higher education border that the barriers become increasingly opaque, yet retain the same objective: to ensure the marginalisation of forced migrants not only on the periphery, but within higher education. 'Ordering' practices are evident in the absence of forced migrants from categories governing tuition fee regulations, student funding arrangements and widening participation guidance. Universities' adherence to these practices demonstrates their role in the 'steady erosion of economic rights' (Mayblin & James, 2019:6) designed to impose limitations on forced migrants' mobility, as opposed to alleviating the economic barriers preventing and/or deterring access to HE.

A dominant theme emerging from analysis of the survey data relates to problems embedding support for forced migrant students across HEIs. In many cases, research participants reported that responsibility for initiatives rests with individual members of staff. For example: 'We are still formalising our practises and at the moment the burden of work has fallen on a few key individuals willing to drive the process on' (HEI11). One participant acknowledged a general lack of familiarity of the particularities of forced migrant students' eligibility for financial support, such that when someone is found to have that knowledge, they can become individually responsible: "Limited knowledge' within HEI. Responder has key knowledge around Student Finance and UKCISA and has become relied

upon, but responder doesn't mind' (HEI11). That the respondent here 'doesn't mind' serves only to underline the extent of the goodwill of individual staff in this context.

This is not to suggest that a 'named contact', or person with overall responsibility for the scheme within the institution, is inappropriate. On the contrary, this was identified as good practice: 'Having a dedicated point of contact with the kind of specialist knowledge of how HE and the asylum system interact' (HEI4); compared to: 'I did not have an assigned point of contact to help me throughout my life at university and clarify things or answer specific questions no one else had the ability to answer' (Student9). Twenty of the twenty-seven HEI participants identified dedicated pastoral support as part of their package for sanctuary scholars, principally meaning a named contact for queries (HEI1; HEI3; HEI4; HEI5; HEI6; HEI7; HEI8; HEI9; HEI12; HEI13; HEI16; HEI17; HEI19; HEI20; HEI21; HEI22; HEI24; HEI25; HEI26; HEI27). The survey responses show, however, that this named contact should be working in an institutional context that has adopted well-informed and supportive cultures and practices, captured well by one HEI participant:

'I think the goodwill of individuals involved is absolutely there, and the ethos of the scheme is (I hope) appropriately positive; however, there have been difficulties integrating both of these things with broader institutional assumptions, practices, and attitudes. The individuals directly involved know that students from an asylum seeker background will present with complex, intersecting needs, and on one level, the university knows that as well - but it doesn't stop them making decisions that might not always take these into account' (HEI20).

Research participants identified specific difficulties arising from this lack of embeddness: additional workload created by existing outside institutional recruitment timetables (HEI23); limited understanding of the wider context, leading to resentment from some 'home' students that they receive repayable loans rather than bursaries received by forced migrant students (Student16); and lack of awareness of the scheme, especially at higher levels (HEI13; HEI22). It may also risk the durability of initiatives, for example, when key staff move jobs and their work is not embedded, they may leave behind a gap:

'It is not that it has not gone well, but we need to do more to embed the scheme into the university and ensure that funding is earmarked for several years at a time to ensure the longevity of the scholarship' (HEI23).

The challenges embedding scholarship schemes highlight how migration is effectively managed by the state within the HE sphere, whilst retaining what Gill (2016) describes as a 'moral distance' between it and strategies of migrant exclusion. A successful bio political strategy produces the outcomes both desired and constructed by the state, whilst supposedly respecting autonomy, here, of HEIs (Foucault, 2009; Walters, 2011). This is vital context to understand how the lack of external structures (funding and governance) are replicated internally and critically in opportunities in daily praxis (Houtum & Naerssen, 2002), for HEI staff to successfully operationalise and, subsequently, for forced migrants to benefit from initiatives.

The 'othering' and the symbolic exclusion of forced migrants can be attributed, in part, to the accumulative impact of practices of 'bordering' and 'ordering'. State technologies are used to influence population trajectories and, pertinently to this research, aim to reduce the forced migrant population within universities (Foucault, 1991). This strategy is tolerated due to the successful stereotyping of forced migrants as undesirable, illegal and undeserving (Scheel & Squire, 2014). 'Othering' practices are compounded by a lack of advice, guidance, and support regarding access to HE, deterring HEIs from recruiting and forced migrants from pursuing their studies.

The inherent challenges in forced migrants' lack of settled immigration status, economic capital and their implicit exclusion evident in their absence from legislation designed to provide support are manifest in the practical reality of delivering initiatives. Even if students avoid explicit 'bordering' practices at the hands of immigration officers or university compliance departments and manage to acquire the economic capital required to access a programme in HE, their participation within the academy is another challenge, due to their perception as 'other'. This is evident in the barriers encountered by HEIs in the delivery of support. The state emphasises the importance of deservingness whilst simultaneously repressing opportunities for forced migrant to accumulate the capital required to become 'deserving' (Chauvin & Garces Mascarenas, 2014). Additional blocks have been built into the higher education border comprised of both perceived and actual deficits in the capital held by forced migrants pursuing HE studies. Capital deficits include, but not limited to: linguistic capital or language ability; knowledge capital to meet entry requirements or perceptions of the validity, transferability or even access to existing academic records; social capital required to navigate and negotiate the HE border and the non-state actors responsible for its operationalisation (Stevenson & Willott, 2008; Morrice, 2013; Wilkinson & Zantiotis, 2017).

Solidarity and Sanctuary Scholarships

The term 'solidarity' captures a variety of ideas that we often apply intuitively to relationships and acts of support. It is a useful lens through which to explore the nature of the relationships implicated in improving access to higher education for sanctuary scholars, but this requires some unpacking to capture the nuances of its applications. This section draws on the data collected to build an analysis of solidarity at the higher education border, arguing that it incorporates redistributive elements (but not enough), that it must also incorporate solidarity as 'standing with' sanctuary scholars, and that the state interferes in the university's space to do so through the hostile environment.

The first element of solidarity that comes through from the data is redistribution: the university makes its financial resources available for the benefit of those who would not otherwise be able to participate in HE. Conceptual histories of the term show that solidarity as redistribution can manifest in different forms, for example, on the one hand, as ongoing, structural processes at the centre of the state and, on the other, as meeting needs arising from crisis or emergency (Fiegle, 2007). Stjernø (2005), based on his study of ideas of solidarity from social theory, political theory and theology, summarises the idea:

'[Solidarity] means the preparedness to share resources with others, through personal contributions to those who are struggling and through taxation and redistribution organised by the state. Thus solidarity means a readiness for collective action and a will to institutionalise it through the establishment of rights and citizenship.' (*Ibid*, 326).

This solidarity is conceptualised classically at the level of a state, based on membership through citizenship. Yet this does not exclude other institutional configurations from facilitating solidarity in a like manner (de Beer and Koster, 2009). For example, Stjernø's considers the Catholic Church and Papal declarations as the basis of a Christian solidarity as brotherhood (2005: chapter 3). Here, we argue that solidarity as redistribution emerges as a useful frame through which we can understand sanctuary scholarships. Stakeholders in the university, such as staff and students, have membership, rights, and obligations and the institution facilitates the redistribution of their contributions between one another, including financial redistributions.

Most scholarships include a tuition fee waiver and other 'in kind' support, such as travel support to attend campus and books, laptops or other required study materials. In this formulation, the sanctuary scholarship redistributes the university's resources to assist a student group under financial pressure. For the most part, this is expected to run alongside state solidarity in the guise of s. 95 support: the state provides for basic subsistence and accommodation and the university offers complementary

support for participating in higher education. Indeed, students receiving s. 95 support for accommodation and subsistence must often confirm that this is in place as part of the scholarship selection process (Murray, 2018b).

Yet even where the university provides a scholarship, forced migrant students face difficulties in meeting their basic needs. We observed a recurring theme as to the importance of support being comprehensive: 'Universities that provide robust, rounded support work well - this includes where the University offers beyond tuition fees and ensures a budget and accommodation' (Unknown2; similarly: Student10; Student21; HEI13; Support1). One participant noted that '[e]xtra funding for the additional things that can cause stress for students' is a component of a scheme that works well (Support3). Student participants overwhelmingly listed insufficient funding as the biggest challenge, or least well-working part of their experience, particularly if the scholarship comprised only a tuition fee waiver, or if funding was insufficient to meet core needs such as accommodation or travel to campus. Support organisations, too, commented on the need for adequate financial support, for example: '[What has not worked well?] Financial packages that leave students needing to work a lot just to survive. Our experience is that their experience of university is very different and in many ways 'tainted' by the experience' (Support1).

This was echoed in suggestions for improvements to sanctuary scholarship provision. When questioned as to the type of additional elements of a scholarships HEIs would like to provide and students would like to receive, a diverse range of responses were recorded: increased financial support (Student13), travel pass (Student16), laptop (Student12), specialist careers support (Student7; Student21), immigration support (Student8; Student11), English language and pre-entry courses (Student18). The only dominating responses related to accommodation (Student4; Student5; Student10; Student14; Student17; Student18; Student19; Student21). A sanctuary scholar clearly articulated the role of university accommodation in promoting inclusion in the community on campus:

'My scholarship doesn't cover accommodation, one of the only barriers I have faced is integration within my university community. I travel each day for university, combined with the alienation I face already with my immigration status, I have found it difficult to integrate as much as I would want to...' (Student19).

There exists institutional reluctance to invest substantially in sanctuary scholarships: 'General collective action problems where quite a few people support the initiative with words but not deeds;

difficult follow-up on financial and other resource promises' (HEI22). Despite the rise in scholarship schemes, comprehensive packages that enable sanctuary scholars to engage in the full life of the university – as should student finance provision available to home students (Moreau and Leathwood, 2006; Harrison et al., 2018) – remain uncommon. One respondent gives a poignant example:

'I also really want to give our scholars pre-paid cards to use for food on campus - there is quite obvious food poverty in at least one case. I have asked everyone who might fund it for the money, but whilst everyone says it's a great idea, I can't find anyone actually willing to fund it' (HEI4).

Redistribution is indisputably a necessary condition for solidarity in this context, though our data show that its provision is widely incomplete. However, material provision through financial redistribution is shown to be insufficient to create real solidarity in HE for forced migrants. It is a vital first step in making it possible for students to attend university, but there is more to solidarity than this. The second element of solidarity in this context looks at the alignment of HEIs: who stands with, and against, whom in this context? This solidarity may follow from redistribution – the university is financially supporting forced migrant students, which encourages it to stand with students in times of difficulty – but, our data show it to be an important element of belonging on campus. Jennings and Dawson (2015) describe this solidarity as 'standing up beside': 'Solidarity, we argue, is a form of active engagement, not simply passive support. It is an intentional, engaged form of agency that is purposive and is motivated by a public commitment that exposes the agent to social visibility and potentially to risk and harmful consequences' (*Ibid*, 35).

This solidarity can be uneven across the university, with different departments pursuing different priorities and interests. The survey responses show that students encounter difficulties when interacting with parts of the university other than that which is responsible for their sanctuary scholarship (Student6; Student7; Student 10; Student11; Student14; Student20). This may be due to unfamiliarity with the circumstances of forced migrant students, but it also derives from differing operational and bureaucratic priorities as well as, inevitably, the personalities and cultures in different offices. Overcoming these to create a coherent approach to supporting forced migrant students across the institution is identified as a key challenge: 'Getting different parts of organisation to work together to formulate comprehensive offering to scholars with complex circumstances / needs' (HEI7).

Beyond inconvenience and the extra work of bringing different offices onto the same page, students have also experienced treatment that is stressful and upsetting. It is best summarised in the words of one student:

‘There so many challenges and barriers I have and I'm continuing to face while at university... Due to the fact that different departments had not communicated with each other and the person who was meant to be enrolling me was not aware of situations such as mine, it meant that issues arose. When I came to enrol, the person informed me that I would be an international student and she wouldn't be able to enrol me unless I had my passport. The person even went to extent of contacting the home office to ask whether I am allowed to study. Because of my history with the home office, this brought back memories and I started to have a panic attack in front of everyone. I was so excited to start university the fact that I had to deal with this was so heart-breaking but fortunately I was able to enrol but the experience was really horrible’ (Student10).

This shows the importance of this form of solidarity. To some degree, problems in communication and training gaps are likely to occur in a large institution, but the significant harm this can cause to forced migrant students should make it a priority for any university that is serious about expressing solidarity through sanctuary scholarships.

Third, these data show that solidarity is limited by the state through immigration law, especially the hostile environment policy. Solidarity as ‘standing up beside’ is limited by the introduction of ‘no study’ as a condition of immigration bail. Less tangibly but more pervasively, the compliance culture identified above, also created by immigration law though technically as it applies to Tier Four international students rather than sanctuary scholars, works to divide students and HEIs by making the latter report to the Home Office on the former. This can create distrust and undermines solidarity despite HEIs’ best efforts to manage it.

The university’s scope to engage in solidarity as redistribution in favour of sanctuary scholars is impacted by restrictions relating to s.95. There is a risk that receiving financial support from universities could undermine the student’s “destitute status” without putting the student in a position of financial independence: ‘Financial support which is less than full maintenance has created issues for asylum seekers who can be forced off asylum support for receiving partial maintenance, leaving them in a worse off position’ (Support2).

Solidarity as redistribution is also restricted by the effects of the hostile environment. For example, access to bank accounts has become increasingly challenging for forced migrants, as banking was brought within the hostile environment under the Immigration Act 2014. Section 40 requires bank staff to check the immigration status of customers, leading to the exclusion of some students based on legal ineligibility or excessive caution on the part of bank staff. Whilst universities have developed alternative methods of payment – ‘We have also found that our recipients increasingly don't have bank accounts so rely on family or friends' accounts instead to pay the bursary into. We may need to investigate offering cash or other payments in kind in the future’ (HEI10) – this has been challenge:

‘When we embarked on setting up the bursary at our institution we expected to be able to give the bursary recipients a cash payment to their bank account (if they had one). We didn't anticipate the legal issues that giving financial support would create. We discovered that payments of cash or vouchers or any form of pre-payment card may jeopardise a student's Home Office asylum support (e.g. housing) as they would not be classed as destitute. Our bursary wasn't large enough to allow a student to give up their [Home Office] support, so we had to find 'safe' ways to administer the financial support e.g. purchasing equipment for study, books, travel passes. This is an unexpected administrative burden. We have however (against advice) given students pre-payment cards for campus and e-gift vouchers as we could not spend the full bursary otherwise and we were uncomfortable that we couldn't give students the means to buy refreshments whilst studying on campus’ (HEI12).

This also affects accommodation, where the HEI acts as landlord. The Immigration Act 2014 restricts landlords to letting their property to only those with the ‘right to rent’,¹⁷ a further extension of bordering practices into housing. This, together with the loss of potential profit that the unpaid occupation of a student room represents, may explain the lack of support with accommodation for sanctuary scholars despite their clear need and appetite for such.

The state, through the hostile environment and other legal restrictions on forced migrants, has restricted the ability of non-state actors to support forced migrants with accommodation, support with living costs and so on. To provide effective support that allows sanctuary scholars to thrive in higher education, universities must stand in solidarity with their students. This is no small task in a

¹⁷ Immigration Act 2014, ss.21(2), 22 and 33A. This so-called ‘right to rent’ provision has been ruled unlawful by the High Court for leading to discrimination against British citizens from ethnic minorities and non-British citizens, *R(Joint Council for the Welfare of Immigrants) v SSHD* [2019] EWHC 452 (Admin).

complex and intentionally-hostile legal space, compounded by a lack of financial incentive to include this student group, a priority in the increasingly neoliberal environment of UK HE.

Conclusion

This paper reflects on the financial barriers to UK higher education facing students who are migrants seeking protection. We argue that these barriers form part of the higher education border, a construction that reproduces restrictions placed on people according to their legal immigration status within the context of universities, and appoints these institutions as arbiters of access to the benefits within. We focus on the aspects of this border derived from the legislative and regulatory frameworks adopted as part of the UK's 'hostile environment', intended to extend borders further into daily life. Although they are sites of bordering, we argue that universities can be sites of solidarity, too.

This research was based on rich empirical data collected from sanctuary scholars, HEIs, and support organisations. The responses collected contribute significantly to our understanding of the higher education border and of solidarity in this context. From this analysis we can observe a number of key issues at play, which should be engaged with if support for forced migrant students is to allow them to thrive in HE, rather than merely survive.

First is the pervasiveness of the hostile environment. This paper highlights the multiplying effect of overlapping and intersecting restrictions put on forced migrant students as an accumulation of hostile environment policies cemented by the Immigration Acts 2014 and 2016 and implemented in civil society. This can impact directly on the student's ability to participate in HE through 'no study' conditions, but also indirectly through impacts on accommodation, banking and others. Through this lens, universities appear an important player in the hostile environment for forced migrant students, conceptualised through the higher education border.

This position inhabited by universities is complicated to a significant degree by the second key issue, which is the fuzzy relationship between universities and the state in the UK. Whilst universities are ostensibly independent institutions, they are dependent on the state in ways that can leave them in a difficult position when supporting forced migrant students. This can be conceptualised as a conflict in solidarity for universities, which, on the one hand, want to support forced migrant students and have been growing efforts to do so, but, on the other, report on these students to the state through the reach of the compliance culture to maximise profits in the context of increasing neoliberalisation. The

latter conflicts not only with commitments that universities have made to support forced migrant students, amongst other groups; it goes to the root of the identity crisis of UK higher education. This complex picture of conflicting priorities and loyalties is a particular cause of many of the difficulties facing forced migrant students and those working to support them inside and outside of HEIs identified in our data.

As higher education border guards, universities are points of connection in this network of power and are asked to interpret and apply legal regulations (Menz, 2009; Foucault, 1991). Thus far, the trend has been to interpret these narrowly (punitively), erring on the side of caution and avoiding risks. In doing so, universities have contributed to the hostile environment, not only through restrictively interpreting eligibility criteria and the types of support that may be provided, but also through failing to advertise sanctuary scholarships widely for fear that such might be detrimental to their profiles, or through failing to acknowledge the important equality and social justice aspects of sanctuary scholarships. But this need not be so. As connections within the network of power, universities have the choice to adopt more generous interpretations (*ibid*). We suggest that universities use their position on the higher education border more generously. Universities can use their power to support forced migrant students, realigning their solidarity to stand with students and each other as a sector to resist the hostile environment.

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