



Higher National Unit Specification

General information for centres

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

Unit code: F3RY 34

Unit purpose: This Unit is designed for those who are working, or plan to work, either as volunteers or in paid employment, for an agency or organisation which provides support to asylum seekers and/or refugees. This Unit will normally be delivered as part of the Professional Development Award level 7: Working with Asylum Seekers and Refugees. In this Unit, the candidate will develop detailed knowledge and understanding of the legislation relating to asylum seekers and refugees. Candidates will also learn about the issues facing asylum seekers and refugees.

On completion of the Unit the candidate should be able to:

- 1 Explain current national and international legislation relating to asylum seekers.
- 2 Explain the role of the local authority in supporting asylum seekers, refugees and people with other forms of leave to remain.
- 3 Identify rights and responsibilities in the context of asylum.
- 4 Describe the main issues facing asylum seekers.

Credit points and level: 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Candidates should have good communication skills, both written and oral. These could be evidenced either by the achievement of nationally recognised qualifications for example a qualification equivalent to SCQF level 5 or above. In addition to proven communication skills, candidates should have real work experience, paid or voluntary, of providing services to asylum seekers and/or refugees.

Core Skills: There is no automatic certification of Core Skills or Core Skills components. However, there are opportunities to gather evidence towards aspects of the Core Skill of *Communication* (oral and written) in this Unit.

General information for centres (cont)

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes. This Unit is a mandatory Unit of the PDA Working with Asylum Seekers and Refugees. It may also be taken as a free-standing Unit.

Assessment: There are four assessments in this Unit. Outcomes 1, 2 and 3 could be assessed by a series of structured questions; Outcome 4 by a case study which could be based on a client with whom the candidate is working.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain current national and international legislation relating to asylum seekers

Knowledge and/or Skills

- ◆ Reasons for seeking asylum
- ◆ Legal Definition of asylum seeker, refugee and other forms of leave to remain.
- ◆ National and International asylum law as it relates to policy and process in the UK
- ◆ Current asylum practice and process within the UK
- ◆ Gateway Programme
- ◆ Voluntary return
- ◆ Removals and detentions

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ list the main reasons for seeking asylum
- ◆ define the term 'asylum seeker'
- ◆ define the types of 'leave to remain'
- ◆ identify two key pieces of legislation in relation to asylum seekers and explain one
- ◆ outline the asylum process and identify the possible outcomes

Assessment Guidelines

Outcome 1 may be assessed by a series of structured questions, which should be designed to cover all the Evidence Requirements for this Unit.

Higher National Unit specification: statement of standards (cont)

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

Outcome 2

Explain the role of the local authority in supporting asylum seekers, refugees and people with other forms of leave to remain

Knowledge and/or Skills

- ◆ Statutory obligations of local authorities in relation to asylum seekers
- ◆ Statutory obligations of local authorities towards refugees and people with other forms of leave to remain
- ◆ Entitlements of asylum seekers in relation to housing, education, health, finance, social justice
- ◆ Entitlements of refugees and people with other forms of 'leave to remain' in relation to housing, education, health, finance, social justice

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ describe the statutory obligations of local authorities in relation to asylum seekers
- ◆ describe the statutory obligations of local authorities in relation to refugees and people with other forms of leave to remain
- ◆ explain three entitlements of asylum seekers
- ◆ explain three entitlements of refugees and people with other forms of leave to remain

Assessment Guidelines

Outcome 2 may be assessed by a series of structured questions.

Outcome 3

Explain rights and responsibilities in the context of asylum

Knowledge and/or Skills

- ◆ Dispersal process
- ◆ Obligations of governments towards asylum seekers
- ◆ Responsibilities of asylum seekers
- ◆ Entitlements for positive decisions
- ◆ Entitlements for negative decisions

Higher National Unit specification: statement of standards (cont)

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain the dispersal process
- ◆ list the entitlements of asylum seekers
- ◆ identify the responsibilities of asylum seekers
- ◆ outline the range of entitlements once the asylum process has been decided

Assessment guidelines

Outcome 3 may be assessed by a series of structured questions.

Outcome 4

Describe the main issues facing asylum seekers

Knowledge and/or Skills

- ◆ Impact of dispersal
- ◆ Sources of support — social, emotional, cultural — available to asylum seekers
- ◆ Cultural differences
- ◆ Attitudes in host community
- ◆ Attitudes in asylum seeker community

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ outline the main effects of seeking asylum on the individual
- ◆ identify a range of support services and explain their contribution
- ◆ explain cultural differences in relation to health, gender, religion and belief systems in relation to one group of asylum seekers
- ◆ identify potential sources of conflict between host and asylum seeking communities

Assessment Guidelines

Outcome 4 could be assessed by an extended response based on a case study. The case study could be given or based on a client with whom the candidate is working. Candidates must ensure that confidentiality is maintained.

Administrative Information

Unit code:	F3RY 34
Unit title:	Working with Asylum Seekers and Refugees: Asylum Law and Process
Superclass category:	PN
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Higher National Unit specification: support notes

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit is designed for those who are working, or plan to work, either as volunteers or in paid employment, for an agency or organisation which provides support to asylum seekers and/or refugees. In this Unit, the candidate will develop detailed knowledge and understanding of the legislation relating to asylum seekers and refugees. Candidates will also learn about the issues facing asylum seekers and refugees.

This Unit will normally be delivered as part of the Professional Development Award level 7: Working with Asylum Seekers and Refugees.

Outcome 1

Introduces candidates to the range of national and international law affecting asylum seekers and refugees.

Asylum law in the UK is based upon the 1951 Convention relating to the Status of Refugees (the Refugee Convention) and its subsequent 1967 Protocol 1. The Convention was drafted in the aftermath of the Second World War by member states of the United Nations.

Article **1A (2)** of the Refugee Convention defines a **refugee** as: A person who has a well-founded fear of persecution for reasons of **race, religion**, nationality, membership of a particular **social group** or **political opinion**. In addition, Article 1 regulates when a person ceases to be a refugee and excludes from refugee status persons who have committed crimes against peace, war crimes, crimes against humanity and serious non-political crimes committed outside the country of refuge. The Refugee Convention provides protection on an individual basis, rather than whole populations who are in need of protection because of generalised violence.

An **asylum seeker** is someone who has made a claim to be considered for refugee status to a state party to the Refugee Convention.

Relevant UK legislation includes:

- ◆ Asylum and Immigration Appeals Act 1993
- ◆ Asylum and Immigration Act 1996
- ◆ Immigration and Asylum Act 1999
- ◆ Nationality and Immigration Act 2002
- ◆ Immigration, Asylum and Nationality Act 2006

Higher National Unit specification: support notes (cont)

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

New Asylum Model (NAM) implemented in 2007 to produce a faster and more streamlined claims process with an emphasis on removing failed applicants. The UK quota resettlement programme (known as the **Gateway Programme**) was established to allow the UK, through UNHCR, to accept an annual quota of refugees from outside the UK for resettlement each year. The programme is for people who have fled to a third country and have been accepted by UNHCR as refugees. Asylum claims are considered by caseworkers or immigration officers trained in asylum law. There are three possible Outcomes of an initial claim for asylum:

- ◆ the applicant will be recognised as a refugee and given indefinite leave to remain,
- ◆ the applicant is granted an alternative form of protection
- ◆ the claim is refused

No reasons are given by the Home Office when refugee status is granted. However, when asylum is refused a 'reasons for refusal letter' is issued. Until 1 April 2003, when the Home Office considered that the applicant's circumstances did not merit a grant of asylum under the Refugee Convention, but that the individual should be given leave to remain in the UK on humanitarian grounds or compassionate grounds, then **'exceptional leave to remain'** (ELR) was granted outside the immigration rules. This applied when removal has deemed to breach the Human Rights Act 1998 or the UK's obligations under the 1984 UN Convention Against Torture.

The Home Office introduced two new forms of limited leave that replaced ELR. The new forms of leave to remain are called **'humanitarian protection'** (HP) and **'discretionary leave'** (DL). HP is granted to people who have been refused refugee status, but cannot be returned to their country of origin as they face a serious risk to life or person for one or more of the following reasons: the death penalty, unlawful killing, torture, inhuman or degrading treatment or punishment [returning people to face such treatment is contrary to the UK's obligations under Article 3 of the European Convention on Human Rights]. DL is granted for up to three years (unaccompanied asylum-seeking children are normally granted DL for three years or until their 18th birthday, whichever is earlier).

The law in relation to asylum seekers and refugees is constantly changing and teachers/lecturers must ensure that the information they have is current and accurate.

Outcome 2

This Outcome focuses on the legal obligations of local authorities towards asylum seekers arriving in their area. Teachers/ lecturers must ensure that information is accurate and current. At the time of writing the following applied:

Entitlements of Refugees

Recognised refugees are entitled to family reunion once granted their status whereas individuals with discretionary leave or humanitarian protection are able to apply for family reunion, but their family members are only allowed to come to the UK once they have been awarded indefinite leave to remain.

Higher National Unit specification: support notes (cont)

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

Individuals with all three statuses are allowed to work and have full access to health care and public funds, which means that they can apply for mainstream benefits and come under housing, homelessness and community care legislation. Refugees are entitled to a Refugee Convention travel document which is accepted by more countries than the 'certificate of identity' issued to individuals with discretionary leave or humanitarian protection.

Entitlements of Asylum Seekers

Asylum seekers are not allowed to work unless they have been waiting for a decision on their case for more than a year through no fault of their own, in which case they can apply to the Border and Immigration Agency for permission to work. Asylum seekers who need financial support and/or accommodation while they are waiting for a decision on their claim are provided with accommodation on a no – choice basis. Financial support alone can be provided if the person does not need accommodation. Asylum seekers do not continue to receive this support after their application has been refused and their appeal rights exhausted.

Entitlements of people refused asylum

Asylum seekers whose applications have been refused are able to apply for a basic support package known as 'hard case' or 'Section 4' support if their circumstances meet the narrow eligibility criteria. The support consists of accommodation and board in the form of vouchers that can be used in specific supermarkets. In order to receive this support the applicant must agree to return to their country of origin. If an asylum seeker has a serious health problem or disability, it may be possible to ask the local authority to provide accommodation and financial support instead.

Outcome 3

In 2000 Glasgow City Council entered into a contract with the Borders and Immigration Agency (BIA) to provide 6,000 units of accommodation to dispersed asylum seekers. Glasgow is currently the home to the largest number of dispersed asylum seekers in the UK, and is the only local authority in Scotland to receive dispersed asylum seekers. The asylum seekers who are sent to Glasgow come from a number of countries and the largest groups are Turkish (including Turkish Kurds), Somali, Iranian and Pakistani.

Rights and responsibilities of refugees

On being granted leave to remain, **Positive decision**, a refugee has the same health housing and social security entitlements as a UK citizen. Refugees have an automatic right to work. Refugee children have the same rights as Scottish children and are entitled to free statutory education between the ages of 5 to 16. Refugees can study full-time at college or university and may be eligible for bursaries, student loans, discretionary hardship and childcare funds provided residency conditions are met.

It is expected that anyone who has received a **negative decision** (and therefore has had their temporary access to the UK revoked) should take steps to leave the UK. If appeal rights have been exhausted, single or childless applicants will no longer be entitled to government support and will be removed from the country if they do not leave voluntarily. Unsuccessful asylum seekers waiting to leave the UK do not have guaranteed hospital care, unless: their condition is life — threatening, in which case they will always be treated or they can pay for the treatment themselves.

Higher National Unit specification: support notes (cont)

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

Outcome 4

The majority of asylum seekers are from countries where there are conflicts and human rights abuses. Many face physical and psychological persecution for practising their faith or for belonging to an ethnic group. Waiting for a decision on an asylum claim and /or fear of removal can have a negative impact on physical and mental health. Loneliness and isolation caused by having no support from friends, family and community compounded by not understanding the language and customs of the host community is a major issue for asylum seekers. Hostility within the host community towards asylum seekers and refugees may be compounded by other racial, religious and gender prejudices.

Services for asylum seekers and refugees could include:

- ◆ housing services
- ◆ social work services
- ◆ legal services
- ◆ police services
- ◆ health services
- ◆ voluntary sector services
- ◆ English lessons
- ◆ schools
- ◆ interpreters

For the latest information on legislation, rights and entitlements, useful websites include:

International Organisation for Migration: www.iomlondon.org.uk

BBC Action Network: www.bbc.co.uk/dna/actionnetwork

National Asylum Support Service: www.ind.homeoffice.gov.uk/applying/asylumsupport

Refugee Mentorship: www.timetogether.org.uk

Scottish Asylum Seekers: Consortium www.asylumscotland.org.uk

Scottish Refugee Council: www.scottishrefugeecouncil.org.uk

Home Office law and policy asylum: www.ind.homeoffice.gov.uk/lawandpolicy/asylum

Information Centre about Asylum and Refugees in the UK: www.icar.org.uk

Guidance on the delivery and assessment of this Unit

This Unit may form part of a PDA that is primarily designed to provide candidates with professional knowledge, values and skills related to working with asylum seekers and refugees. The Unit should be delivered in a way that enables the candidates to appreciate it's relevance to their own occupational area. Throughout the Unit candidates should be encouraged to apply what they are learning to the behaviour, experiences and life chances of the individual asylum seekers and/or refugees with whom they work.

Higher National Unit specification: support notes (cont)

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

The Unit will be assessed by four instruments of assessment. Outcomes 1, 2 and 3 are assessed by a series of structured questions. Outcome 4 is assessed by a case study which could be based on an individual with whom the candidate is working.

Opportunities for developing Core Skills

There are opportunities to gather evidence towards Core Skills in this Unit, although there is no automatic certification of Core Skills or Core Skills components. Candidates will have the opportunity to develop the following Core Skill:

Communication: this will be evidenced and developed by candidates through a range of activities and assessment (written) as well as class and small group discussions (oral). Written communication will be developed through candidates producing written work in a variety of formats.

Open learning

This Unit could be delivered by open learning. However it would require planning by the centre to ensure the sufficiency and authenticity of candidate evidence.

Candidates with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* (www.sqa.org.uk).

General information for candidates

Unit title: Working with Asylum Seekers and Refugees: Asylum Law and Process

This Unit will enable you to develop detailed knowledge and understanding of the issues relating to supporting asylum seekers and refugees. This Unit is aimed at those who are working, or plan to work, either as volunteers or in paid employment for an agency or organisation which provides support to asylum seekers and/or refugees. This Unit will normally be delivered as part of the Professional Development Award level 7: Working with Asylum Seekers and Refugees. The Unit has four Outcomes. These are:

- ◆ explain current national and international legislation relating to asylum seekers
- ◆ explain the role of the local authority in supporting asylum seekers, refugees and people with other forms of leave to remain
- ◆ identify rights and responsibilities in the context of asylum
- ◆ describe the main issues facing asylum seekers

During this Unit, you will learn about the legislation surrounding the issue of asylum and the support provided for those who claim asylum. You will learn about the asylum process and the possible Outcomes for asylum seekers and the effects this change of status has on rights and responsibilities. You will also examine some of the issues faced by asylum seekers and examine potential areas of conflict with the host community.

The Unit will be assessed by four instruments of assessment. Outcomes 1, 2 and 3 are assessed by a series of structured questions. Outcome 4 is assessed by a case study, which could be based on an individual with whom you are working.