# **Sanctuary Scholarship Legal Fund**

*Proposer:* Topaz Brownhall

*Seconder:* Polly Rumley

## Background:

1. There are 22 sanctuary scholars at the University of Bristol (November 2019). The Sanctuary Scholarship team have categorised these students depending on how likely they are to receive Study Bans:
	1. No Risk: 2 students
	2. Low Risk: 5 students
	3. Low/Medium Risk: 9 students
	4. Medium Risk: 3 students
	5. High Risk: 3 students
2. In most cases, the Sanctuary Scholarship disqualifies students from applying for legal aid, which requires the individual to meet the following criteria:
	1. A person should not have a disposable income exceeding £733 per month.
	2. They cannot have a gross income exceeding £2657 per month.
	3. They cannot have assets exceeding £8000.

This puts the scholars in a uniquely vulnerable position.

*“With no access to employment and limited access to welfare benefits, this means that the only means students have in challenging the study bans is either to spend the scholarship money which is provided to pay for rent, books and food, or to raise money via external fund raising.”* - Katie Bales (Lecturer in law at the University of Bristol, a trustee of the City of Sanctuary charity and a founding member of the Sanctuary Scholarship Working Group at the University)

1. Last year two of our sanctuary scholars received study bans a week before exams. If they did sit them, this action would be considered a breach of their ‘bail conditions’ which could potentially result in a fine, or criminal proceedings, including up to six months imprisonment. They were forced to rely on a Go Fund Me page to collect funds to appeal this decision, an experience that was extremely stressful and dramatically affected their ability to study. This is highlighted in the following quote:
* *“I am a Sanctuary Scholar at the University of Bristol, undertaking the first year of my undergraduate. The study ban was placed on me a few days before I was due to sit my first exam. As a result, I was not allowed to study or sit my exams. If I had breached this condition, it would have been classified as a criminal offence which could result in criminal proceedings, a fine and/or six-month imprisonment. I am devastated and shattered that I wasn’t able to sit the exams I worked so hard towards. In order to challenge the study ban, I needed to be able to pay the legal costs. Because I have a scholarship, I could not access legal aid but this money should be spent on books, accommodation, transport and student living. I cannot afford to spend this money on legal fees and complete my studies.” -* Sanctuary Scholar at Bristol who experienced a study ban.
* *“A study ban is one of the most horrifying experience for anyone who has desire for education. It makes one feel neglected, not wanted, lost of hope and dreams which of course can cause  emotional and psychological effect.”* - Another Sanctuary Scholar at Bristol who experienced a study ban
1. There were also multiple cases when students faced costs due to ongoing asylum claims. These costs caused huge amounts of stress to the individuals which affected their ability to focus on their studies. Failure to pay these costs and get proper legal advice could also have led to their appeal getting rejected, making them appeal-rights exhausted and liable for a study ban, terminating their schooling altogether. Additionally, this uncertainty can have extremely negative effects on a student’s mental health.
* *“I am a sanctuary scholar and an asylum seeker in my second year at the university. Last year, one of my appeals was dismissed and I was told to get an expert statement to help my case to be carried forward. The expert statement would have cost me £1000 and I had no means of obtaining that amount. The University suggested that I might be eligible to claim a short-term loan from the finance department, but being in such a volatile position as I am in right now, made me realise that I can not take a loan that I may not be able to pay back if the wind changed its course. To elaborate on that, had I received a study ban because of my appeal being dismissed, I would have had to suspend my studies, not receive the scholarship instalment and hence not being able to repay the loan. Fortunately, I was able to find a case-specific loophole and that is only because of my case being linked to my family who are also asylum seekers living in the UK. Therefore, I no longer needed the expert statement, however, someone in a similar position might have found that expert statement crucial in order to continue receiving the right to study.*” - Sanctuary Scholar at Bristol
1. Having a fund specifically to support legal fees would have helped in all of the above cases:
* *“In terms of the fund, that seems like a great idea. It is certainly very nerve wracking for students to embark on legal cases when there is a possibility of costs orders being made against them, and not knowing exactly how much it will cost. In terms of scholarship recipients, the issue arises that as they have been in receipt of the scholarship, they are often not eligible for legal aid.” -* Helen Baron, solicitor for Duncan Lewis
* *“Not knowing if I wouldn’t have the money to pay the lawyers for their legal service was tormenting. It felt like having one problem at that given time wasn't enough, but then seeing the uncertainty; in terms of money for the services I had already used, felt awful. I had amazing people supporting me along the way but having some surety of getting that money at that time would have saved me from a lot of stress and would have helped me concentrate on the situation at hand.” -* Sanctuary Scholar at Bristol who experienced a Study Ban
* *“A legal fund would help consolidate the right of our Sanctuary Scholars to study at Bristol. It’s essential in ensuring they receive the legal representation they deserve to have an undisrupted university experience - it would help alleviate both the mental and financial burden of legal costs.” -* Jason Palmer (Previous ‘Equality, Liberation and Access Officer’ and trustee board member)
1. A motion was passed in 2018, committing this union to ‘Support Refugee and Asylum Seeker Access to Higher Education’. This fund would demonstrate this union is upholding its responsibility to Sanctuary Scholars which it took on when the motion passed through the SU Council.
2. In September 2019, the university officially became a ‘University of Sanctuary’. As part of this distinction, the university has committed to “demonstrate an existing commitment to welcoming and supporting sanctuary seekers and then pledge to develop this even further over the next three years”.
3. Although it is hard to ascertain exactly how much each case will cost, this quote provides an insight into the potential range:
* *“In the most simple cases, where the individual speaks good English (and therefore no interpreters are required), and the Home Office removes the restriction following a pre-action letter, it may cost around £200. At the other extreme, our lengthiest case involving multiple court hearings, applications for interim relief, the involvement of barristers, etc, has surpassed £25k in costs. Our aim for [Sanctuary Scholar] crowd justice funding was for them to raise £5,000 towards their conditional fee agreement, which was a healthy amount to protect them in the event of a loss at court and being ordered to pay costs” -* Helen Baron, Solicitor at Duncan Lewis.
1. This union currently offers no practical support for sanctuary scholars beyond that offered to other less vulnerable students. We must do better to support Sanctuary Scholars in their studies.

**Purpose:**

1. Provide financial support to Sanctuary Scholars who don’t qualify for legal aid for any legal costs that they incur relating to their Immigration Status. This could be related to:
* Study bans
* Solicitors in ongoing asylum claims
* Expert witness statements
* Translators
* Court Hearings
1. Ensuring equality and accessibility for Sanctuary Scholars at our university, bringing it in line with the experience of other students at Bristol.
2. Provide Sanctuary Scholars the security they need in their studies to reach their full potential.
3. Alleviate the financial and emotional pressure of legal costs, which has adverse effects on the Sanctuary Scholars, to allow them to reach their full academic potential at Bristol.

**Action:**

1. This union will commit of £250 from the Campaigns Fund annually until the total balance of the fund reaches £25,000 at which point they are no longer liable to make the annual contribution.

	1. If the fund falls below £25,000, Bristol SU will recommence budgeting £250 a year to replenish the fund.
2. There will be a termly fundraising event for the fund, organised by the SU in partnership with Amnesty, STAR and any other interested societies.

	1. If the fund did go below £10,000 a mechanism would be triggered that begins
	emergency fundraising, both from the SU and the fund affiliated societies.
3. Donors external from this union can put money into the fund at any time, no matter the amount already there. External donors may include:

	1. Charities
	2. SU-affiliated societies
	3. Companies (including law firms)
	4. Individuals (students and alumni)
	5. Other fundraising initiatives
	6. Any other interested parties
4. This union will create a mechanism whereby all societies affiliated to Bristol SU contribute £5 or more to the legal fund on an opt-in basis.
5. To withdraw money from the fund, law firms representing Sanctuary Scholars will invoice the fund directly.
6. Specific procedure on how the money will be allocated and how the fund will operate not mentioned in this motion will be decided on in meetings between the SU, STAR, Amnesty, the Sanctuary Scholars and any other interested parties by the start of the SU’s fundraising campaign next term (TB2 of the 2019-2020 academic year).