

POLICY BRIEF 2022

Beyond Asylum

Refugee Claimants Accessing Higher Education

Yara Younis

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the *xʷməθkʷəjəm* (Musqueam), *Sḵwx̱wú7mesh* (Squamish) & *səlilwətaɣ* (Tseil-Waututh) Coast Salish peoples.

GRAPHIC DESIGN

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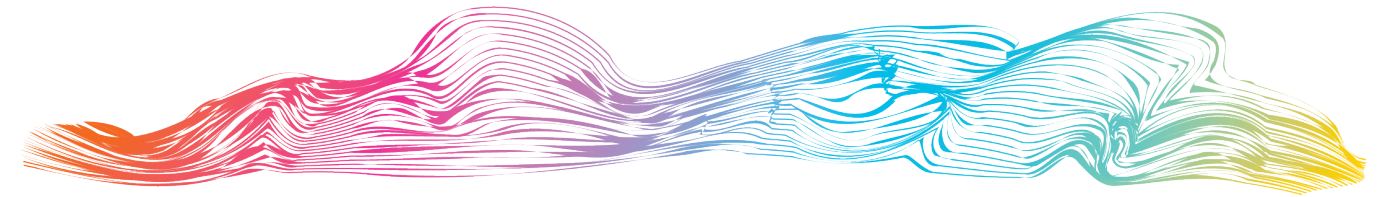
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HEADSHOT PHOTOGRAPHY

Mike Wells

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About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL BIPOC Granting

About the LEVEL Youth Policy Program (LEVEL YPP)

The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous and racialized Newcomer youth are disproportio-

tionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.¹ As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the *həŋq 'əmin 'əŋ*-speaking Musqueam peoples, of the Halkomelem-speaking Tseil-Waututh peoples, and of the *sníchim*-speaking *Sḵwx̱wú7mesh* (Squamish) peoples.

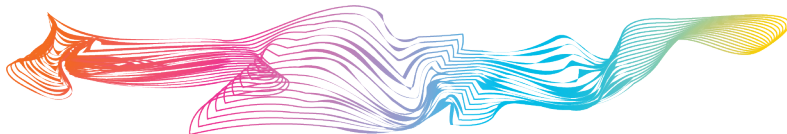
1. <https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>

Biography

Yara Younis



Born and raised in Dubai (UAE), Yara is a Palestinian refugee who had felt detached from her 'home' in the Gaza Strip for the longest time. Now, having spent years contemplating and unlearning colonial narratives, she considers the meaning of statelessness, as well as how systems of power co-opt and shape refugee experiences. Prior to settling on unceded Coast Salish lands, Yara worked at the Delma Institute in Abu Dhabi as a MENA research analyst and as the deputy advisor and project coordinator for the UAE Minister of Culture and Knowledge Development. She completed her MA in International Studies at Simon Fraser University, where she was a Researcher for the Centre for Comparative Muslim Studies. Yara is currently the Project Manager at the RADIUS Refugee Livelihood Lab. In her free time, Yara enjoys reading, music, sharing a meal with friends, and taking long walks.



Executive Summary

Refugee claimant students face multiple barriers to beginning or continuing their higher education in Canada which leads to reduced completion rates, substantial stress and additional precarity, and decreased ability to fully participate in society and the skilled Canadian workforce.

One of the toughest barriers is one that universities have control over: Classifying refugee claimants as international students who must pay fees over five times what they might pay if classified as domestic students.

Guidelines issued by the BC Ministry of Advanced Education and Skills Training describe allowable exceptions to international student classification, including explicitly that "...refugee claimants who have yet to be determined Convention refugees are eligible or considered to be domestic students."¹

While no public BC universities have chosen to utilize this allowable exception, Toronto's York University is challenging this inequity by

using a similar flexibility in Ontario's guidelines, offering domestic tuition rates to refugee-claimant students through the "Protected Person Program."²

I urge Simon Fraser University (SFU) to recognize refugee-claimant students as an equity-deserving group, differentiated from international students, with access to domestic tuition fee rates. This is an equity leadership opportunity among universities in BC, within federal and provincial BC guidelines, and directly aligned with SFU's objectives to enhance inclusion for equity deserving groups and to develop initiatives to improve affordability and accessibility for students.³



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Background

REFUGEE CLAIMANTS

“A refugee is different from an immigrant. An immigrant is a person who chooses to settle permanently in another country. Refugees are forced to flee.”⁴ There are two primary groups of refugees in Canada, and this brief is focused on the specific challenges of refugee claimants:

- **Convention Refugees** are resettled either by private sponsorship or by referral from international organizations such as the UNHCR and are protected persons upon arrival.
- **A Refugee Claimant** is a “person who has applied for refugee protection status while in Canada, and is waiting for a decision on his/her/their claim from the Immigration and Refugee Board of Canada.”

REFUGEE CLAIMANT PROCESS

Refugee claimants must wait for a decision from the Immigration and Refugee board of Canada (IRB), leaving them without legal status and thrust into precarious livelihoods for a minimum of 23 months.⁵ In the Western region, the Immigration and Refugee Board of Canada reports over 75% of refugee claims were approved in both 2020 and 2021.⁶ Once approved, a claimant will receive protected person status and be eligible to apply for permanent residence status.

HIGHER-EDUCATION ACCESS

While refugee claimants have the right to study in Canada, they are largely classified as international students until their claim is approved. Despite the significant likelihood of this approval and eventual right to apply for permanent residence, during this two-year waiting period most are effectively barred from higher education by the combination of international tuition rates (5x domestic fees at SFU⁷) and ineligibility for student loans.⁸

To give a sense of the numbers of people impacted, the missed opportunity for more inclusive BC universities and a more dynamic BC economy, there were 1,010 youth refugee claimants (under 30) in BC in 2020 alone, with projections for an increase of university-aged claimants in the future.^{9,10}

WHAT IS SFU’S POLICY REGARDING REFUGEE STUDENT TUITION

While SFU provides Convention Refugees with access to domestic tuition rates, the University excludes refugee claimants from domestic tuition exceptions, charging them international tuition fees. No further public explanation is provided.



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Case Study

YORK UNIVERSITY’S PROTECTED PERSON PROGRAM

York University’s “Protected Person Program” offers domestic tuition rates to undocumented students, including refugee-claimant students, and admits 10–20 students annually.¹¹ Ontario Ministry of Colleges and Universities guidelines allow public post-secondary institutions to determine tuition fee categorization at their discretion. The University of Toronto and Toronto Metropolitan University (Ryerson) are also considering ways to support refugee-claimant students (RCS) with domestic tuition.¹²



Opportunity

By charging domestic rates for refugee claimant students, SFU would be the first university in BC to remove a systemic barrier to access for refugee students. SFU would be acting on its commitments in advancing equity, diversity and inclusion, as well as enhancing the student learning experience. Specifically, in terms of concerns around affordability and “developing initiatives and partnerships to help increase accessibility,”¹³ and to enhance inclusion for equity-deserving groups.

The British Columbia Ministry of Advanced Education and Skills Training describe allowable exceptions to international student classification at the universities’ discretion, including explicitly that “...refugee claimants who have

yet to be determined Convention refugees are eligible or considered to be domestic students.”¹⁴ However, the Ministry does not intend to change these guidelines to be mandatory for post-secondary institutions, as they believe in institutional autonomy and decision-making. Furthermore, this issue in particular has not been on their radar and was not a matter they’ve explored in the past. Instead, they suggest that I “approach individual institutions themselves and to get a degree of support to put policies in place, even as a pilot project” because the “Ministry does not interfere with the administrative decisions of individual institutions,” and delegate that responsibility to the board of directors and governors of each university.¹⁵ Thus, it would be a great opportunity to pilot domestic tuition fees for refugee claimants at SFU.

York University, North York, Canada. Photo by Rosy H Nguyen on Unsplash

Potential Risks

This section covers questions and concerns that have been raised in previous conversations with SFU administrators, and my responses based on extensive research as well as interviews with other post-secondary institutions, allies working to advance refugee claimant access to education, and refugee claimant students with lived experiences.

Issue: Current students paying international fees will now be eligible for reduced fees. Will this reduce the university income in meaningful ways?

Response: This is true. We estimate this to be no more than 20 students per academic year, and this change would be acting on stated principles around equity, inclusion and accessibility.

Issue: There may be a surge of demand for university placements from refugee claimants who we are unable to manage or provide appropriate supports for.

Response: The total number of university-age refugee claimants in BC each year is estimated to be between 700 and 1000, and only a subset of these would likely apply.¹⁶ If these are students who would have otherwise considered higher education to be unattainable, this must be considered a positive outcome. Learning about additional demand on student supports could be done via an initial pilot project, and controlled roll-out.

Issue: It would seem that based on Canada's reporting, at a very general level, perhaps 25% of claimants may be denied, including refugee claimant students. This could be disruptive to

university life and triggering for other students, staff, and faculty.

Response: It is very likely that rejected claims will undergo an appeal process, and even then, a rejected claim does not mean that a person is not in need of support to access higher education. The claims process is so rigorous that it is unlikely anyone would go through it unless they had no other choice. Furthermore, students drop out all the time, as well as take time off, take a semester break, and have breaks in their status. The only disruption would be to the students themselves, who would likely have to change status from "domestic" to "international" students if their claim is rejected, and they're still not studying for free. It's not uncommon for non-Canadian citizens to have access to domestic tuition, such as graduate students, and children of diplomats.

Issue: International students may apply for refugee status in order to access domestic tuition rates during the claim-assessment waiting period, even if they expect their claim to be denied.

Response: The consequences of a failed refugee claim are severe, and unlikely to be worth the risk for students who would not have time to complete their course of study before the review is complete. Any incidence of this would be incredibly small and mitigating actions might be considered (i.e. programs completed under this category cannot be completed until claim status is resolved).

Issue: If we do offer domestic tuition fees for refugee students, there will be demand to do this for all undocumented students or those with precarious legal status. How do we justify the difference in approach?

Response: Refugee claimants are in their own legal category and not everyone can claim this status as it is a rigorous and difficult process. If SFU is interested in expanding the admissions process to undocumented students in the future, we have a great example from York University to follow. Over the past few years, York University has demonstrated that it's possible to admit both refugee claimants and undocumented people as domestic students, and have demonstrated that the number of students would not be too demanding on SFU's capacity. It is also worth noting that even if SFU changes the domestic/international student categorization, refugee-claimant students would still need to go through the admission process, and would still need to do an English proficiency exam, as well as have access to money to afford the tuition.



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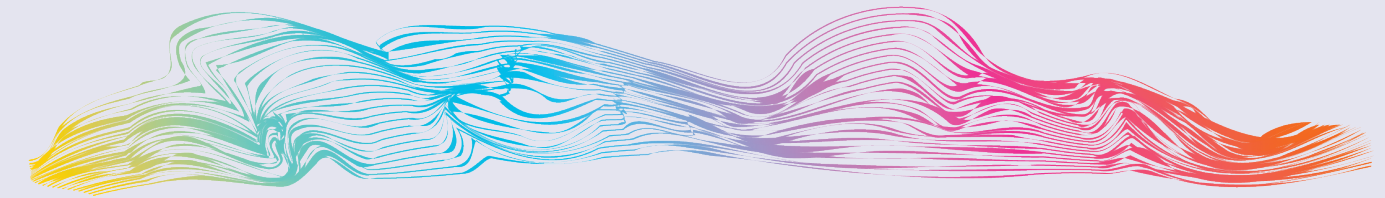
Policy Recommendations

I recommend SFU directly amend its policy in alignment with allowable exceptions to international tuition classifications and include refugee claimants in those eligible for domestic tuition.

To bring meaning to “strengthening SFU’s supports and services for students,” such as in the recent Ukraine crisis, and solidify what it means to be the “leading engaged university,” SFU can implement its policy amendment in the following ways:

- 1** Develop an application pathway differentiating between RCS and international students.
- 2** Create a student-staff committee to determine the tenets of the pathway and fee breakdown.
- 3** Conduct continuous evaluations to gauge the scope of the problem per academic year, and have a co-constitutive process with students.
- 4** Align with Student Societies and set up meetings with SFU board members.

Conclusion



The Ministry of Advanced Education and Skills Training uses a hands-off approach to guide post-secondary institutions in BC. The principle of autonomy and leaving institutions to decide their own internal policies for admissions and student categories creates an ample and more direct opportunity to create change for refugee claimants seeking to access higher education at domestic tuition rates. That stated, I have specifically chosen to address SFU, as I was a student there and have a closer connection to the institution—I feel it would be a good place to start and pilot the proposed policy. Refugee claimants accessing domestic tuition rates at the post-secondary level is an initiative that has already been happening at York University in Toronto, so why can’t it be done in BC? This is not just a matter of creating access, but also one of equity and improving the livelihoods of people who are often starting over.

Finally, after conversations with policy advisors at the Ministry, and the BC Greens Caucus,

Refugee claimants accessing domestic tuition rates at the post-secondary level [...] is not just a matter of creating access, but also one of equity and improving the livelihoods of people who are often starting over.

one common point was raised: “What would it look like if we updated the University Act?”¹⁷ While exploring the answer to this question is beyond the scope of my proposed policy brief, it is worth considering how outdated the University Act is, and to begin a larger initiative of changing the policies outlined within it to be inclusive of, and specific toward, refugee-claimant students and people who are undocumented or without status. Collectively, post-secondary institutions and the provincial government can open more doors moving forward.

ENDNOTES

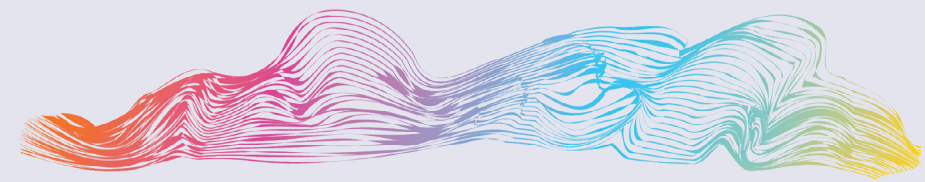
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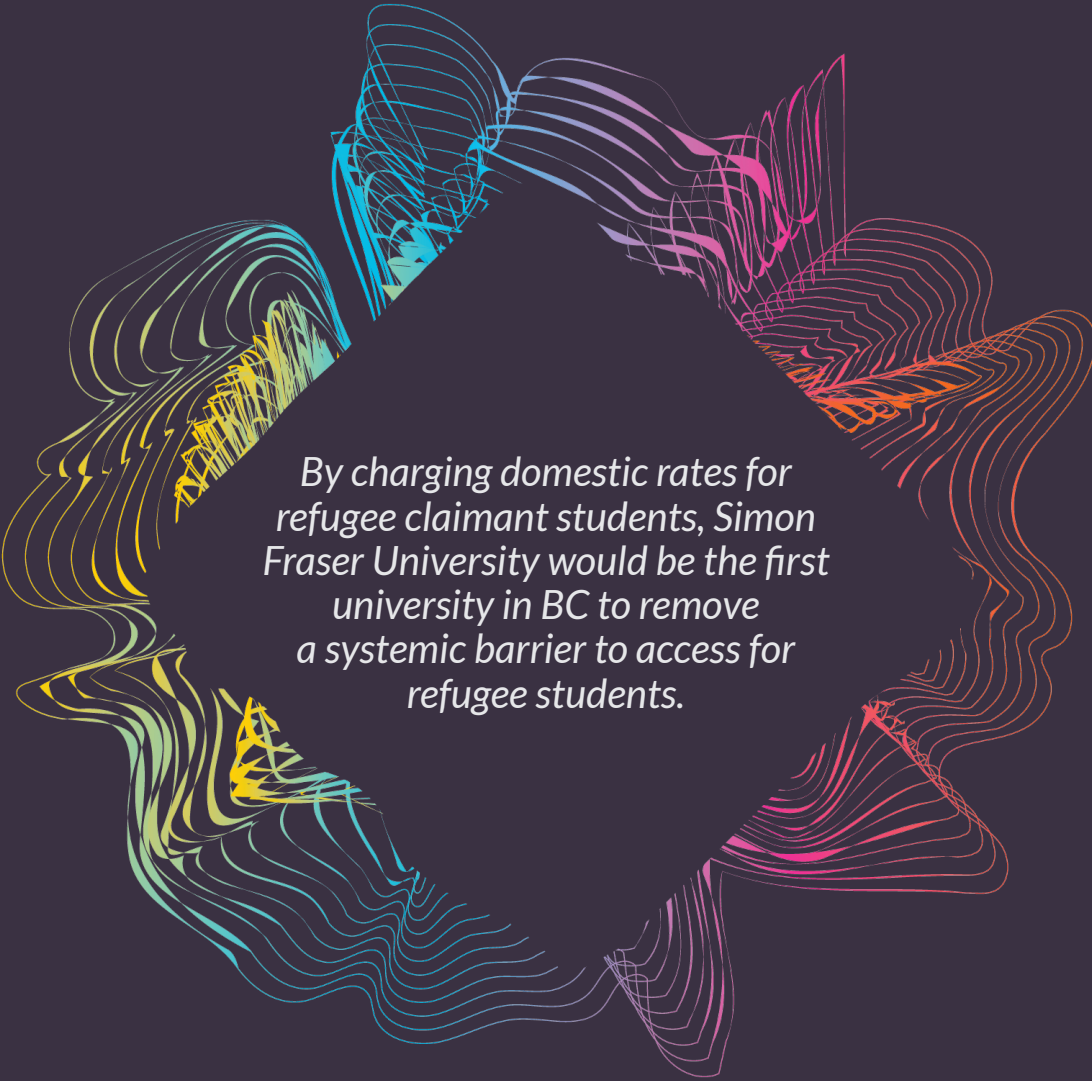
ACKNOWLEDGEMENTS

Refugees around the world seek a sense of home and belonging. We have been displaced and uprooted from our homelands in the face of ongoing violence and colonialism, leaving us in a cycle of dependency and being recipients of “support” from the very colonial powers who contributed to our refugee-ness, such as Canada. For me, being a refugee settler on the unceded Musqueam, Squamish, and Tsleil-Waututh lands means continuously learning about the land I’m on, its gruesome past and ongoing impacts on Indigenous communities, and that the plight of refugees should not go against—the fight for space can co-exist to fight systemic harm and injustice instead.

This brief, the initiative proposed, and my entire policy learning experience constitutes moments where I’ve felt held by multiple communities who have shared their time, knowledge, and listened with care; my friends in life and work, family, and the incredible LEVEL YPP crew who have inspired me beyond imagination. In conversations with you all, I’ve learned how imminent and necessary it is to recognize the folks who fall through the cracks in an already imperfect and oppressive system. I am one of those people. In part, I am advocating for and with refugee claimants with a dream for education and thriving livelihoods, but I am also speaking for my past-self who believed higher education was so unattainable until it became a reality. There is absolutely nothing wrong or shameful in not pursuing higher education, but it should be a personal choice and not a matter of circumstance.

My hope is that when post-secondary institutions change their policies in favour of refugee claimants, and when more claimants pursue that education, that they also begin their own journey of building a relationship with the land based on the voices, demands, and knowledge of Indigenous communities. We have a right to education and it’s important to remember that our education should not convert to passive gratefulness and assimilation to the nation-state colonial project. Instead, we would continue to challenge the status quo and stand in solidarity with Indigenous communities here and everywhere.





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Fraser University would be the first
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Vancouver Foundation is Community Inspired. We are a community foundation that connects the generosity of donors with the energy, ideas, and time of people in the community. Together, we've been making meaningful and lasting impacts in neighborhoods and communities since 1943. We work with individuals, corporations, and charitable agencies to create permanent endowment funds and then use the income to support thousands of charities. We recognize that communities are complex and that collaboration between multiple stakeholders is needed to help everyone thrive and evolve. Vancouver Foundation brings together donors, non-profits and charities, government, media and academic institutions, local leaders, and passionate individuals to build meaningful and lasting change in the province of British Columbia. We see young people, their voices and experiences as part of that vision to building meaningful change.

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