

An equitable education:

Achieving equity status and measures to ensure equality for refugee-background tertiary students in Aotearoa New Zealand

Briefing paper

What is the aim of the campaign?

To have refugee-background tertiary students recognised as an equity group both in government policy and at universities and polytechnics throughout Aotearoa New Zealand.

What does it mean to be recognised as an equity group?

Those who are currently recognised as an equity group at universities and polytechnics (Māori, Pasifika, and people with disabilities) are eligible for 'Equity Funding'.

Equity Funding provides for a range of support for identified equity groups. Support generally includes a mix of pastoral and academic support, tutoring and mentoring programmes, and the provision of cultural coordinators and support people. It can also include up-skilling staff to enable them – and their institutions – to be more responsive to the specific needs of equity groups.

Why is it important for people from refugee backgrounds to be recognised as an equity group?

It is commonly understood that socio-economic disparities between Pākehā in New Zealand and minority ethnic groups (which includes Pasifika, Māori, and those from refugee backgrounds) have enormous implications for social equity and general community well-being.

There is a growing body of New Zealand-based research that suggests students from refugee-backgrounds are not accessing or completing tertiary study.

While it should be noted that refugees come from a wide range of backgrounds and there will always be individuals and groups who face different challenges, there are also many common, across-group issues affecting refugee-background students in Australasia at the present.

These barriers – many of which are shared by Pasifika communities – include:

- feeling alienated in the academic environment
- family and community demands
- lack of community support
- peer pressures
- little or no access to private study areas

- English literacy difficulties
- history of very broken education
- concern about family members still at risk
- lack of culturally familiar courses
- financial hardship
- lack of information about tertiary programmes and study options
- lack of role models and mentors
- lack of knowledge from university staff about the specific needs of refugee-background students.

The recognition of people from refugee-backgrounds as an equity group – and the subsequent affirmative action that comes with that recognition – will very likely result in greater numbers of refugee-background students enrolling and completing their studies, in the same way it has for Pasifika students.

What is the current level of support for refugee-background students?

In 2009, the Government announced significant funding cuts that will adversely impact refugees being able to access educational services:

- The Refugee Study Grant, which has been a significant success as a bridge into tertiary education for refugees, has been abolished from 2010. This means that young people who need further English for Speakers of Other Languages (ESOL) and foundation tuition to achieve the proficiency to succeed in mainstream courses are not able access these without taking on additional student loans, meaning that they will start their working lives with a higher level of debt than other domestic students.
- Funding for adult community education classes, which provide a building block for refugees into further education, has been dramatically reduced.
- In August 2010 the Government reduced entitlements to Training Opportunities, which had until then allowed refugees to access one to three years of ESOL to bring them to the minimum level at which they could enter the workforce or access further training.
- Capped funding leading to reduction in tertiary education places for domestic students means that refugee-background youth:
 - have access to a reduced number of places in foundation and ESOL courses in universities and institutes of technology
 - are competing against native English speakers for a limited number of places in mainstream courses
- The 2010 budget included ‘transition’ programmes of study in the 200 week life-long maximum allocation per person for the student allowance. Refugee students funded by a student allowance who study English before enrolling in Tertiary education may now find their allocated quota for the student allowance runs out half-way through tertiary education.

These cuts, made as part of a broader effort by the Government to cut costs at a time of significant economic pressure, are already resulting in unintended consequences to refugees, effectively limiting their access to education in New Zealand.

Is NZ under any obligation to support refugee-background students?

New Zealand has signed – and/or drafted – a number of conventions that hold us accountable to ensure that people from refugee backgrounds enjoy equitable access to higher education.

When NZ signs an international human rights treaty it is not only required to comply with it, but also to regularly report to the United Nations on how it is meeting these human rights obligations.

It is accepted in international law that in order to meet its obligation to make public services equally accessible to refugees, a State may be required to take **special measures** to address any particular disadvantages or barriers they face.¹

The following national and international instruments provide for special measures to ensure people from refugee backgrounds are not disadvantaged:

- The Refugee Convention requires that refugees are provided with social and economic rights on a non-discriminatory basis. Refugees should therefore be able to access rights such as work, housing and education on the same basis as other citizens.
- Article 22 of the Refugee Convention specifies that states shall accord treatment to refugees ‘as favourable as possible ... with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships’.
- The right to education is set out in a number of international treaties, the most significant of which are the International Covenant on Economic, Social and Cultural Rights (Articles 13 & 14) and the Convention on the Rights of the Child (Article 28 & 29). Core elements of the right to education particularly relevant to adult refugees in New Zealand include:
 - access to higher education on non-discriminatory terms
 - education directed to develop the individual to their fullest potential and to prepare for responsible life in a free society
 - availability of accessible educational and vocational information
 - measures to ensure full participation in education
- The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 both recognise that overcoming discrimination may require not only measures to protect vulnerable people but **positive action** to assist them to ‘achieve an equal place with other members of the community’.

Do other countries provide special measures to support refugee-background tertiary students?

OECD countries such as Australia already provide targeted support to refugee-background students in the form of scholarships, mentoring, the provision of study resources, and orientation support.

¹ See New Zealand Human Rights Commission, *Guidelines on Measures to Ensure Equality*, 2010.

In the United States and the United Kingdom, equity funding targets students from low socio-economic groups and either implicitly or explicitly includes refugee-background students in this category. Support is means-tested and can include grants, loans, scholarships and other mechanisms to safeguard fair access to higher education for low income and under-represented groups.

What are we doing?

ChangeMakers is working with the New Zealand National Refugee Network, academics from Victoria University, and ESOL Access and Assessment Specialist Service (MCLaSS).

We have collated our shared work into an advocacy paper with which to launch a campaign to argue for equity recognition and affirmative action for people from refugee-backgrounds.

The advocacy paper will include:

- A review of NZ's national and international obligations supporting the right to tertiary education.
- Examples of how refugee-background students are supported in other countries.
- An overview of what support is currently available for refugee-background students in NZ universities and polytechnics.
- A case study paralleling the achievement of Pasifika students as an equity group.
- Research from current refugee-background students on the barriers and challenges they face.
- Information about the impact of stopping the refugee study grants in 2010.
- Recommendations to the NZ Government, policy makers, and leaders within NZ universities and polytechnics.

Please contact Alia Bloom, Research Coordinator, at 04 801 5812 or alia@crf.org.nz for more information.