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Revisiting the issues of access to higher education and social stratification through the case of refugees: A comparative study of refugee students' pathways in Germany and England

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Abstract: This papers presents new critical insights into the relationship between inequality in access to higher education and social stratification through the analytical lens of refugees' access to high participation systems of higher education (HPS). Taking stock of the growing numbers of refugees and their increasing – yet still marginal – demand for accessing higher education, the paper analyses the specific statuses and rights they are granted, and how they combine to define different spaces of opportunity for refugees with higher education aspirations in two European Higher Education Area HPS, England and Germany. The pathways of refugees into these two HPS is depicted through an original scientific fiction approach: the comparative analysis draws on the desk-based study of immigration and access to higher education policies and mechanisms for refugees in the two countries. It highlights how complex combinations between asylum, welfare and access to higher education policies lead to differential rights which function as levers of opportunity, or obstacles, for refugees with higher education aspirations. More generally, analyzing how these rights intersect allows for a better understanding of inequalities in access to higher education.

Keywords: access to higher education; asylum; higher education; high participation systems; scientific fiction; social inequality; social stratification; refugee

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1. Introduction

The complex links between social stratification, inequality in access to higher education (henceforth HE) and vertical and/or horizontal stratification in HE have been explored by social scientists from different theoretical and methodological perspectives: they shed light on the various facets and dynamics at play in high participation systems (Marginson 2016) of higher education (henceforth HPS) across the world. This paper aims at presenting new critical insights into the relationship between inequality in access to higher education and social stratification through the analytical lens of refugees' access to higher education. Taking stock of the growing numbers of refugees and their increasing – yet still marginal – demand for accessing higher education, the paper analyses the complex dynamics at play between the specific rights and statuses they are granted and the way access to higher education is built as a (social) policy in two HPS with different asylum policies, and internationalization and widening participation rationales, namely Germany and England.

2. Setting the research context

2.1 Inequalities in access to higher education and stratifcation: a multidimensional research object

In HPS, successive widening participation policies and initiatives, along with increased social demand, have led to an increasingly differentiated student body. Whatever the rationales behind the massification of HE since World War 2, from labour-market oriented logics to equity of opportunity philosophies, the massive rise in student numbers has led to further competition and stratification: students' socio-economic background, and to a lesser extent, gender, race and ethnicity, continue to be major drivers of inequality in access to HE, from admission to inclusion in the job market (e.g. Baum et al. 2010, Boliver 2016, Clancy 2010, Espenshade et al. 2004, Koucky et al. 2007, Vallet 2010). Further work has also shown that even if massification first leads to a decrease in the overall level of social inequalities in access, once the share of one age group accessing HE has stabilised at a higher level, inequalities start increasing again (e.g. Goastellec and Välimaa 2016). Additionally, massification has generated a process of diversion within the HE sector, as inequalities have become more qualitative (e.g. Lucas 2001, Marginson 2016, Shavit et al. 2007).

In trying to capture social stratification, studies in access to HE have mainly considered two dimensions. First, social stratification has been characterized, depending on the society, through variables such as parental education, income and profession – translated into various socio-economic classifications – but also ethnic, linguistic or geographical stratification (e.g. the POLAR categorization based on zones of residence in the UK) resulting in different indicators and/or indices combining some or all of these variables (e.g. Triventi 2013). Second, the internal stratification of the HE system has been analysed, sometimes as part of the very same studies: research work has highlighted the importance of HE geography on access (e.g. Frenette 2006, Metcalfe 2009, Singleton 2010, Voznesenskaya et al. 2004), as well as an increased differentiation and stratification of higher education institutions both horizontally and vertically (e.g. Altbach et al. 2017, Charles and Bradley 2002, Duru-Bellat et al. 2008). The stratification of secondary education systems has also been shown to lead to inequalities in HE (e.g. Clancy 2010, Goastellec and Välimaa 2016, Kerckhoff 2001). Additionally, variables such as programme-length (e.g. ISCED 5A, 5B, 6, 7 and 8), selectivity, intake quality (e.g. Alon and Tienda 2007, Burke and McManus 2011, Goastellec 2004) or quality of occupational outcomes have been analysed to characterize such differentiation and stratification, as well as a combination of these through various indicators or indices such as the "accessibility indicator" (Usher and Cervenan 2005, Usher and Medow 2010).

The links between social inequality and vertical and/or horizontal stratification in access to HE have thus been explored from different perspectives: depending on the scale of the studies (e.g. local, national, cross-national) and the chosen object (single or multiple course.s at the same institution; full higher provision at a single institution or similar institutions nationally; international comparisons; etc.), research findings show that beyond increased participation, HPS tend to lead to more differentiation and stratification in that the attained level and type of tertiary education, as well as the quality of occupational outcomes, are related to students' social origin.

Whether they are based on national or cross-national perspectives, many studies mainly bear on domestic student populations (Boliver 2018, p. 159) as the issue of access to HE is embedded in the long-term educational and occupational paths of the populations under study. In keeping with the focus of social inequality, they tend to look at either ends of the social spectrum in a given society – under-represented or disadvantaged groups on the one hand, social and/or cultural elites on the other (e.g. Boliver 2016; Espenshade and Radford 2009) – in an attempt to unveil and highlight drivers of inequality or, on the contrary, levers of social mobility. Other studies focus on immigrants without considering refugees as a specific category of population endowed with customized administrative statuses and rights in many fields, including HE.

2.2 Refugees' access to higher education: new insights

In an attempt to analyze the relationship between social inequality in access to HE from a different angle, and at a time when migration dynamics increasingly intersect with access to HE issues (e.g. Détourbe 2018a, Goastellec 2018), this paper looks into the specific case of refugees, this

92 generic category being used in this paper as encompassing the different types of statuses granted to
93 asylum seekers.
94 First, refugees represent a marginal proportion of the HE student population worldwide (1% of
95 the world's 22.5 million refugees access HE), but a growing one in some European HPS where
96 demand is rising steadily. The increasing number of young people both seeking asylum and aspiring
97 to take up or pursue HE has led some countries to open access to HE more widely to this specific
98 category of international (non-domestic) students. The rationales for welcoming refugees into HE
99 vary and often combine into complex philosophies: it is sometimes presented as a key dimension of
100 humanitarian help, following for instance George Sampaïo's (ECRE 2016) claim that "higher
101 education can maintain the hopes, help shelter and protect young men and women during crisis
102 situations," and that "[e]ducated future leaders are necessary and we must prevent the creation of
103 lost generations of academic graduates during wartime;" it can also follow more economic logics in
104 ageing countries with a shortage of young, skilled labour; in other cases, it can be dismissed as a
105 threat to tightly controlled immigration numbers or run against elitist HE logics (Goastellec 2018).
106 Second, refugees are an interesting, albeit small, set of student population to look at in order to
107 revisit the concept of social stratification and its relationship to inequality in access to HE in that:
108 • they stand at the margin of the abundantly studied 'domestic population,' with secondary or HE
109 tracks in their home countries and HE aspirations in their host country – yet are considered as
110 part of the under-represented or disadvantaged groups targeted by access to HE policies in
111 several countries; therefore, they hold a very original status which combines 'domestic' and
112 'international' student rights, depending on the HPS;
113 • their migration is usually unchosen, so unplanned, therefore their very displacement
114 undermines typical social reproduction patterns;
115 • they depend heavily upon social policies after their arrival in the host country, so beyond their
116 social status as refugees, their probability to access HE is conditioned by how these policies
117 intersect with HE policies, a dimension which has attracted little research attention so far.
118 By identifying some of the complex dynamics at play between the specific rights and statuses granted
119 to refugees and the way access to HE is built as a (social) policy in two countries, the paper purports
120 to answer the following research question:
121 *To what extent can the issue of refugees' access to higher education in HPS illuminate conceptually the*
122 *broader issue of social stratification, and its relationship with access to higher education?*
123 Our article hypothesizes that beyond an individual's categorization into a certain socioeconomic
124 stratum and their relative position within a specific social group, their probability to access HE lies
125 at the crossroads between different policy domains, namely asylum, social welfare, and HE policies:
126 it is conditioned by the type of administrative status they are offered and the associated rights they
127 are granted. The comparative analysis of two contrasted HPS fits our purpose particularly well in
128 that it illustrates the extent to which, in a given society, social stratification draws on the definition
129 of social goods – of which HE may or may not be part – and how these social goods can be accessed.
130 In so far as refugees can be said to stand outside their host country's social structures, the way their
131 demand for accessing HE is met institutionally sheds light on the way access to HE rules are defined
132 and structured in different settings, and the extent to which such access is considered as a universal
133 right and functions as a lever of social mobility.

134 **3. Materials and Methods**

135 Elaborating on the case studies sometimes used in medicine or law whereby cases are designed
136 for diagnosis or analysis purposes by setting apart specific variables or dimensions, we have designed
137 what we dub 'scientific fiction' cases – i.e. fiction drawing on scientific enquiry for scientific purposes
138 – as an original way of synthesizing and putting into perspective the results of our comparative
139 research work.
140 In order to highlight the dynamics at work when refugees try to access specific HE systems, the
141 'scientific fiction' approach consists in depicting one fictitious character's pathway into two different
142 HPS. The fictitious character's profile represents an aggregate of statistically significant dimensions

among the refugee population who was likely to seek access to HE in a European country between 2015 and 2017. Accordingly, because at that time, people seeking asylum in Europe mainly originated from Syria (UNHCR 2016) and were mostly young men (PEW 2016, Migration Observatory 2017, BAMF 2018), we chose to depict the fictitious HE pathway of a 19-year-old male student, named Shahm.

Embodying chosen variables in a single character is a way of acknowledging both collective characteristics and the necessarily individual experience of access to HE experience for refugees (Universities UK 2016a, p. 11). However, other variables which have been found to impact refugees' access (e.g. effect of local social networks, family economic resources, cultural capital, HE qualifications, educational system of origin, etc.) have been deliberately neutralized and are not specified because our main focus is on the different political and institutional responses refugees get when trying to access HE in the two chosen countries. The parallel description of the character's pathways into the English and the German asylum and HE systems draws on the contextualization of similar elements regarding asylum statuses and rights and how they combine with access to HE mechanisms. To enhance the comparative perspective further, the scientific fiction narrative is embedded into global pictures of the English and the German HPS. A table (Table 1) then synthetizes the specific combination of "citizenship" and associated access to HE statuses and rights offered to refugees in the two countries.

The material we used consists, on the one hand, of asylum policies and the related administrative procedures in Germany and England and, on the other hand, of primary documents framing and describing recent programmes and initiatives aimed at opening access more widely to refugees across the European Higher Education Area, e.g. European guidelines, policy briefs and political discourses on access to HE for refugees as well as descriptions of local mechanisms at higher education institutions through institutional websites, more specifically in Germany and England (e.g. BAMF 2016, 2018; Migration Observatory 2017; Refugee Council 2013, 2014, 2015, 2018; TestAS 2016; UK Council for International Student Affairs 2015; Universities UK 2016b). We also drew on the (fairly limited) refugee access to HE literature (e.g. Détourbe 2018a, ESU 2017, Goastellec 2017, 2018; Morrice 2009, 2013; Morris-Lange and Brands 2016, Stevenson and Willot 2008), as well as different non-academic sources such as NGOs, associations or the media (e.g. Refugee Support network 2012, University World News 2018) to understand in depth the experience of immigrants who had to leave conflict areas, settle in a new country, and nurture strong aspirations for the future through HE.

4. Results: scientific fiction cases in the German and the English HPS

Germany and England: two different HPS with contrasted immigration and asylum policies

Following Marginson (2016, p. 263), we consider that HPS are structured and shaped nationally: "Though the global dimension of higher education is increasingly important […] national aspects remain primary." From a comparative perspective, England and Germany offer interesting contrasted assemblages of asylum, welfare and access to HE policies and mechanisms for refugees.

England

In early 21st century England, immigration policies aimed at slowing down the steady growth in immigration numbers: between 2005 and 2017, the "international migrant stock" increased from 5,926,200 to 8,543,100 (UN Data 2018a), which led to significant public discontent. In 2010, Prime Minister David Cameron declared that he wished to reduce net immigration "to the tens of thousands," including asylum seekers, and the subsequent governments followed suit (Détourbe 2018b). This policy led to a significant drop in the number of "refugees and others of concern to UNHCR:" they were almost divided by two between 2005 and 2017, from 316,600 to 151,700 (ibid.). By refusing to leave international students out of the immigration net, the successive Conservative governments' immigration policies made it more difficult, and less desirable, for foreigners to come and study in the UK (Détourbe 2018b, p. 48; Morgan 2017). Still, the country remains the second most sought HE destination in the international market with a high overall share of international students:

192 14% of undergraduate students, 38% of postgraduate students and 43% of doctoral students came
193 from outside the UK in 2014-2015 (OECD 2017a). As international student fees are uncapped, they
194 represent a growing share of higher education institutions' budgets: in 2014-2015, they amounted to
195 £4.2 billion across the UK (ibid.). In parallel, England has striven to widen access internally to under-
196 represented groups in the domestic population through various fair access and widening
197 participation policies and initiatives led by the Office for Fair Access (OFFA) and the Higher
198 Education Funding Council for England's (HEFCE) which were merged into the Student Office in
199 April 2018: the policies did improve access in that "in 2017, 20.4% of 18-year-old English domiciled
200 young people from low participation neighbourhoods entered higher education, compared with to
201 11.2% in 2006," (Universities UK 2016b) and "UK domiciled black and minority ethnic (BME)
202 students were 29% of all entrants to full-time first degrees in 2015-2016, despite these groups making
203 up just 18% of the 15-year-old population in the 2011 census in England" (HEFCE 2018). The English
204 HE system is also characterized by a high level of both vertical and horizontal stratification, with low,
205 middle and high tariff institutions depending on entry requirements, prestige, and social advantage
206 on the labour market (FutureTrack 2012). Even if the institutions are legally autonomous, home
207 student numbers per institution and the level of tuition fees is managed centrally by the HEFCE. The
208 cap on tuition fees gradually increased in the mid-2000s to make up for the cuts in public funding: in
209 2017-2018, they reached 9,250£ on average for undergraduate home and European Union students
210 and they now represent 46% of the total higher education institution income; yet 92% of tertiary
211 students receive support from public loans, scholarships or grants (HEFCE 2018). With its slightly
212 declining, but overall stable Gross Tertiary Enrolment Ratio of around 59% (UN data 2018a), the
213 British HPS is therefore characterized by an internally (widening participation) and externally
214 (internationalization) diversifying student body.

215 Germany

216 In Germany, the immigration policies devised by Angela Merkel's governments were
217 characterized by a widening of immigration: the country's "international migrant stock" increased
218 steadily from 2005 to 2017, from 10,299,200 to 12,005,700 immigrants. It was paralleled by a similar
219 growth in the number of "refugees and others of concern to UNHCR" – from 784,000 in 2005 to
220 1,052,00 in 2017 (UN Data 2018b) – thereby reflecting Germany's political will to provide an answer
221 to the migrant crisis. Moreover, highly skilled migrants represent an opportunity in that they can
222 "help offset the decline of Germany's aging population" (Morris-Lange and Brands 2016, p. 11) and
223 offer a solution to the "talent mismatch" that goes hand in hand with labour shortages (Thomson
224 2014). The fact that "the majority of asylum seekers are under 25 and […] have attended or had
225 planned to attend university before they had to flee their home country" (Morris-Lange and Brands
226 2016, p. 11) adds to the already fairly positive context for widening access to refugees. The German
227 HE system is characterized by a high proportion (49%) of 25-34 year-olds with upper secondary or
228 post-secondary non-tertiary vocational qualifications, whose employment rate is just as high as those
229 with tertiary education (OECD 2017b). However, the number of students in German tertiary
230 education increased by 23% between 2010 and 2014, which represents one of the sharpest growths in
231 the OECD countries (ibid.). In parallel, Germany's international HE market share was stable over the
232 2010s: international students represent 12% of all first-time entrants into tertiary education and
233 Germany has accordingly equipped itself with various national and regional mechanisms for
234 recognizing foreign students' prior qualifications and non-degree bridging programmes for taking
235 these students to the required level for degree study programmes. Such a "proactive public policy"
236 approach (Jungblut 2017) has undoubtedly made it easier for the Länder and the universities to
237 design fast and efficient answers to refugees' demand for HE. Overall, the German HE system
238 appears as a fairly homogeneous, predominantly publicly-funded HPS based on a combination of
239 Bundesländer and central federal responsibility which has developed following both human capital
240 and solidarity rationales: with a steadily increasing Gross Tertiary Enrolment Ratio (from over 60%
241 in 2013 to over 66% in 2015, UN data 2018b), it seems to have "found its own HPS pathway"

(Marginson 2016, p. 263) recently and the massive response of German higher education institutions to widening access to refugees represents a key dimension of the global picture.

Overall, the differences between the German and the English HPS in terms of development dynamics, but also "institutional mission, classification and financing" characteristics (Marginson 2016, p. 264) and the way they are combined with national asylum policies account for different refugee pathways into HE.

The following scientific fiction depicts the pathways of 19-year-old Shahm into the English and the German HPS. After he passed the *Bakaloriat*, Shahm gained access to the Higher Institute of Business Administration in Damascus, one of the technical institutes (*Mahad Mutawast* or *Mahad Taqani*) offering two-year certificates in Syria. He completed the first year and was hoping to carry on with a Bachelor's Degree course (*Ejaza Jameia*) after the second year, considering that it was his best chance to get a qualified job on the highly disrupted Syrian labour market. However, he and his family had to leave Syria after he took part in a demonstration for political change and was threatened to be arrested.

A Syrian refugee's pathway into English higher education

Shahm and his family were welcomed in London as part of the "initial accommodation" procedure for asylum seekers i.e. people who "lodge an application for protection on the basis of the Refugee Convention or Article 3 of the European Convention on Human Rights" (Refugee Council 2018). They were guided through the "induction" part i.e. the very first stages of the asylum process by officers from a charity, the Refugee Council. Shahm soon realized that getting Refugee Status in the UK was particularly tough because the government wished to "remove the perception that the UK is a 'soft touch' for asylum seekers," and made it harder for immigrants who wish to enter the UK for "undesirable purposes" (Law Library of Congress 2016). Refugee Council advisers informed him that less than one third of asylum applications currently led to Refugee Status or Humanitarian Protection in the UK, and rights of appeal for asylum seekers had been significantly reduced after the 2014 Immigration Act. As Shahm and his family arrived in 2018, they benefited from a March 2017 Home Office decision to grant Refugee Status and five years' Limited Leave to Remain to Syrians coming under the Syrian Vulnerable Person Resettlement Scheme. As he later found out, this particular status gave him and his family different rights from other asylum-related statuses in the UK like Humanitarian Protection – "a form of immigration status granted by the Home Office to a person who it decides has a need for protection but who does not meet the criteria for refugee status" – or Discretionary Leave to Remain – another immigration status granted "to a person who the Home Office has decided does not qualify for refugee status or humanitarian protection but where there are other strong reasons why the person needs to stay in the UK temporarily" (Refugee Council 2018). Previously, the Syrians who settled under the Scheme were granted Humanitarian Protection.

Despite the fairly hostile messages sent by the government through the tough asylum process, Shahm discovered that many local associations and NGOs held their hands out to refugees, especially in the city of Bradford where he and his family were sent after as part of the "dispersal" procedure. Bradford is part of the national City of Sanctuary network which fosters "a culture of welcome and hospitality" to newcomers.[1] Shahm and his family were provided with "furnished accommodation including utilities, a weekly cash allowance to cover essential living needs, and free access to healthcare" (Law Library of Congress 2016) as part of the basic support first granted to asylum seekers. They were rapidly put in touch with the local Citizens Advice officers who advised them to claim an "integration loan" to begin with, then apply for mainstream welfare benefits (UK Council for International Student Affairs 2015; Refugee Council 2015, p. 5).

Once Shahm and his family were settled and felt safe, he enquired about the possibility of resuming higher education as he felt it would help him "make sense of [his] new life" by bringing "structured activity and purpose" to it (Kohli and Mather 2003, in Refugee Support Network 2012, p. 8). He went to the University of Bradford's Student Union where he learnt that asylum seekers, just

D [1] https://cityofsanctuary.org/

like immigrants with the Discretionary Leave to Remain status, were classified as international students for fee purposes and were not entitled to student support (Refugee Council 2013): only "young people with Refugee Status, and those with Indefinite Leave to Remain (ILR) or Humanitarian Protection (HP) status who have been ordinarily resident in the UK for three years are entitled to home fees" (Refugee Support Network 2012, p. 10). In parallel, he found out that if he studied full-time, he would no longer be entitled to some welfare benefits. Consequently, he decided to sign up for a 15-hour ESOL (English for Speakers of Other languages) course: not only did this entitle him, as an asylum seeker, to standard welfare benefits, housing benefit and council tax for up to nine months (UK Centre for International Student Affairs 2015), but it also helped him prepare for the IELTS exam (International English Language Testing System) which most higher education institutions in England require as an official certification for language skills.

Enrolling at university was no easy task though, even if refugees were one of the "under-represented and disadvantaged students" category targeted by the Office for Fair Access. The first obstacle he faced was linked to the fact that, since 2005, Refugee Status was only awarded for five years (potentially followed by the Indefinite Leave to Remain status), which made many higher education institutions across England "less willing to take on young refugees who do not have a full three or four years of refugee status remaining" (Stevenson and Willot 2008, in Refugee Support Network 2012, p. 11). The second hurdle was that his ESOL teacher "falsely equated [his] language ability with [his] general academic ability" (ibid, p. 13) and advised him against applying to the undergraduate business and administration course he had identified. Thanks to proper guidance and advice from an Arabic-speaking student at the Students' Union who explained the competition for places at various types of higher education institutions in England – from universities and university colleges to further education colleges – he decided to apply locally to the University of Bradford: first, it meant he would not have to pay extra accommodation elsewhere as his family already benefited from housing; second, he was told that the university had obtained the "University of Sanctuary[2]" label – a title granted to universities who develop a culture of welcome for refugees and asylum seekers in the UK – and set up specific scholarships for refugees.

He found that the academic and language requirements at the University of Bradford were very high though: as his application could not be processed by UCAS (Universities and Colleges Admissions Service) as he had not followed secondary education in England, he sent the few documents he had brought with him from Syria – a copy of the *Bakaloriat* as well as the marks he got after completing his first undergraduate year – to UKNARIC (National Academic Recognition Centre), the British organization in charge of recognizing prior learning and qualifications. They assessed his academic qualifications following European standards for the recognition of refugees' qualifications as stated in the Lisbon Recognition Convention. His application was then studied by an admissions committee at the University of Bradford: as he was not interviewed, he did not know whether a contextualized admissions process taking into account his specific personal and academic history had been set up, despite national incentives from the new Office for Students to do so as part of the "Opportunity for Everyone" campaign. He was informed by the admissions office that he would first need to complete an Access to Higher Education diploma in business at Bradford College: this type of bridging programme is aimed at people with non-traditional qualifications who want to join regular Bachelor's degree programmes (QAA 2017). Moreover, he did not achieve the IELTS score of 6 which is required from all international students at the University of Bradford. He was relieved to learn however that the Refugee Status he eventually obtained meant that, unlike people with Humanitarian Protection and Indefinite Leave to Remain, he would not need to wait for three years as an ordinary resident in the UK to be eligible to home student fees. Still, he would have to make sure that Bradford College offered targeted scholarships for refugees or other forms of "in-kind" support like discounted accommodation, free entrance to sports facilities and the like for his higher education dream to come true.

[2] http://universities.cityofsanctuary.org/

340 Despite fairly positive prospects, Sham's case remains marginal in England due to the combined
341 tight immigration and asylum rules, expensive fees and few access programmes targeting refugees
342 at higher education institutions. Refugees are an explicit target for fair access agreements and
343 programmes run centrally by the Office for Students, yet very few of them actually get to the doors
344 of English HE: English higher education institutions set their own rules for the recognition of
345 academic qualifications and prior learning, and decide to set up, run and develop targeted access and
346 forms of support for refugees on their own initiative. Access to HE for refugees in England is therefore
347 tightly conditioned by access to customized and well-informed advice, information and guidance
348 about the administrative nooks and crannies of the combined asylum, welfare and HE systems.

349 *A refugee's pathway into German higher education*

350 When they first arrived in Germany, Shahm and his family were assigned to the small city-state
351 of Bremen, which became their administrative district of residence (*Wohnsitzauflage*) throughout the
352 asylum process. At the local reception centre where they were given a proof of arrival
353 (*Ankunftsnachweis*) – their first official document on the German soil –, they were told that because of
354 the huge number of asylum cases which the German Federal Office for Migration and Refugees
355 (BAMF) had to deal with – they were over 745,000 in 2015 (ESU 2017, p. 25) – the process lasted over
356 6 months on average and could reach over a year (Morris-Lange and Brands 2016, p. 11). In the
357 meantime, they received "basic benefits for food, housing, heating, clothing, healthcare and personal
358 hygiene," (BAMF 2016, p.10) as well as other welfare benefits, in keeping with the Asylum-Seekers'
359 Benefits Act *(Asylbewerberleistungsgesetz)*. The interpreter at the local reception centre explained that
360 once the Federal Office had checked through the European database Eurodac that their asylum case
361 was not already being processed in another European State (following the Dublin regulation), they
362 were required to remain in their district of residence for three months and would be considered as
363 "asylum applicants" as long as their claim had not been decided on. They would then hopefully be
364 offered the official status of "persons entitled to protection" (with three forms of protection i.e.
365 "entitlement to asylum," "refugee protection" or "subsidiary protection") or "persons entitled to
366 remain" (following a "ban on deportation") (BAMF 2016, p. 2).
367 Once Shahm felt that he and his family were safe, he decide to resume his HE studies so as to
368 make good use of this safety (Kholi and Mather, 2003 in Refugee Support Network, 2012, p. 8). As
369 officers at the reception centre had alluded to the fact that, "technically, access to higher education is
370 less restricted in Germany than in many other European countries" (Morris-Lange and Brands 2016,
371 p. 11) since "more than half of all HEIs do not require a special status of asylum for admission to
372 study" (ESU 2017, p. 34), he enquired about the solutions which were offered to him locally. First, he
373 learned that tuition fees in German HE were very low – from 100€ to 300€ per semester – even for
374 non-domestic students, and generally included local public transportation, which came as a good
375 surprise since, as an asylum applicant, he was not allowed to work for the first 15 months, or until
376 his asylum was accepted (Morris-Lange and Brands 2016, p. 11). He also found out that most German
377 higher education institutions – universities (*universitäten*), universities of applied sciences
378 (*fachhochschulen*) or universities of Art and Music (*kunsthochschulen* and *musikhochschulen*) – offered
379 various study options to people in his situation, regardless of their asylum or refugee status (ESU
380 2017, p. 27).
381 He contacted people at HERE, a special service for refugees set up at the University of Bremen
382 funded through both Land and Federal Government projects. He registered at the HERE office then
383 officially applied to Uni-Assist, an association founded in 2003 that "evaluates secondary-school
384 certificates and centrally handles applications of international students to HEIs" (ESU 2017, p. 28).
385 Uni-Assist recognized the academic level of his Syrian *Bakaloriat* as equivalent to a German Abitur
386 but told him that in Germany, the recognition of HE qualifications was under the responsibility of
387 each HEI. For foreign students who do not meet HEI academic entry requirements at undergraduate
388 level, two-semester preparatory courses – including intensive German language classes – are
389 available throughout Germany at public institutions (*Studienkolleg*s): they are also opened to
390 immigrants with either the accepted asylum seeker or tolerated status. He was told that there was no

Studienkolleg in Bremen though, but that there was a local HERE bridging programme at the University of Bremen he could enroll in, which he did. He was hoping that after one semester, the HERE programme would allow him to both reach a sufficient level of proficiency in German and pass the TestAs, a centrally-run standard academic aptitude test for foreign students which "examines both the general and subject-related abilities for academic studies" (ESU 2017, p. 29) and which refugees can take for free. He felt that the language and academic requirements at German HEIs were so high that the bridging programme was an excellent opportunity for him to meet the expected level for degree-programmes, all the more so as he would be considered as an international student and be "subject to general admissions requirements for international students" (ESU 2017, p. 29). This meant that as refugees were included in German universities' international student admission quota, he would be in competition with other foreign students applying at the same university.

He was worried about his ability to earn a living while studying though: his family lived only on "non-cash benefits and a monthly government sponsored allowance of 212 euros" (Morris-lange and Brands 2016, p. 11) while their asylum case was being processed, and meanwhile he was not eligible to government-funded student benefits (ibid.). He was told that he could only apply for such stipends once he had resided in Germany for 15 months (it used to be four years) after the date he had originally applied for asylum, or once has was officially entitled to protection. However, other targeted programmes at Land and local HEI level offered alternative options to refugees with HE aspirations. As he did not want to add a financial burden to his family, he once again turned to HERE and applied to get one of the few scholarships available for refugees.

If he had been assigned to a different place of residence, Shahm would have probably have found similar options for accessing HE, perhaps slightly less so in the eastern parts of the country where the concentration of HEIs is lower. Not only were extensive Federal Ministry of Education and Research (BMBF) programmes like "Integra" (Integrating Refugees in Degree programmes) or "Welcome" (Welcome-Students Helping Refugees) launched in cooperation with the German Academic Exchange Service (DAAD), extra places at *Studienkollegs* funded, but eleven out of sixteen Länder also launched programs aimed at widening access to German HEIs for refugees in various ways and with variable amounts of funding (ESU 2017, p. 32): many volunteer and student-led initiatives were developed, drawing on both existing local international student offices and targeted Federal government and Land funding. Whatever his future in the German HE system, which would be difficult to track as he would be considered as an international student from an administrative point of view, Shahm found that he was offered a variety of opportunities as a refugee and that the German asylum, welfare and HE systems combined well to help young refugees with HE aspirations.

5. Discussion

The description of a refugee's pathways into the English and the German HE systems reveals different "state-society-education assemblages" (Marginson 2016, p. 264) in the two countries. The different combinations between asylum, social welfare and access to HE policies – synthetized in Table 1 – create different spaces of opportunity for refugees.

Table 1: Administrative refugee category and corresponding welfare and student rights

	Asylum status	Assigned Residence	Welfare benefits	Right to work	Student status	Right to study	Admissions	Fees	Mainstream Student support
England	Asylum seeker	Yes (initial accommodation)	Yes (cash support from UK Border Agency, **not** mainstream welfare benefits)	No	International (overseas) student	Yes	HEI level decision: Standard HE qualifications & language requirements (no government control on international student numbers)	International fees (home fees at HEI's discretion)	No HEI funds only
	Refugee	Yes (dispersal accommodation ; permission to reside for 5 years; eligible to permanent social housing)	Yes Mainstream welfare benefits (i.e. Job Seekers Allowance, Employment Support Allowance , Income Support) +Integration loan +Housing benefit if needed	Yes	Domestic/ Home student		HEI level decision: Standard HE qualifications & language requirements Subject to government control on home student numbers	Home fees (£9,250 average for undergraduate degree programmes in 2017-2018)	Yes (incl. NHS social work bursaries and student bursaries) **immediately eligible** + HEFCE funding
	Humanitarian Protection								Yes (inc. NHS social work bursaries and student bursaries) **only after 3 years' residence** + HEFCE funding
	Discretionary Leave to Remain	No Not eligible to permanent social housing	Yes Mainstream welfare benefits Not eligible to integration loan or housing benefits		International student		HEI level decision No government control	International fees (home fees at HEI's discretion or after 3 years' residence)	No

	Asylum status	Assigned Residence	Welfare benefits	Right to work	Student status	Right to study	Admissions	Fees	Mainstream Student support
Germany	Asylum applicant	Yes (at least for 3 months in assigned Land; for 1st year in Germany)	Asylum-seeker's benefits	Not for the 1st 3 months or while in reception centre, then restricted access for 15 months)	International student	Yes	HEI level decision: Standard HE qualifications & language requirements National admissions examination (TestAs) for free if necessary Subject to international student quotas	National fees (100 to 300€)	Yes Targeted scholarships at HEI, Land and federal levels "In-kind" support at HEI level (waiving of fees, accommodation, transport, etc.)
	Entitled to protection	No	Unemployment and welfare rights (Hartz IV)	Yes		Yes + access to *Studienkolleg*			
	Entitled to remain			Yes (permission needed)					

Spaces of opportunity for refugees in England

In England, as in the other parts of the UK, immigration, nationality and border control laws are under the central responsibility of the Home Office. Following a sharp increase in asylum applications in the early 2000s, the successive governments tightened immigration rules, and cut the number of grants of asylum (Law Library of Congress 2016). The 2014 Immigration Act tightened the rules further by removing the right of appeal to different categories of applicants: in 2017, 68% of asylum claims were rejected, 28% accepted, and 1% of asylum applicants were granted Humanitarian Protection or Discretionary Leave, two asylum-related statuses with limited citizenship rights. As in most countries, asylum seekers cannot choose where they live while their case is being processed, which means that they are dependent on local HEIs admissions policy; they are granted basic accommodation and support, with limited benefits (Law Library of Congress 2016) and are not allowed to work while their case is being processed, which limits further their probability to access HE as they can hardly afford the international fees their status entitles them to. In this context, refugees who want to access HE have dire prospects: even if their refugee status means they are eligible to home tuition fees, these are still so high that funding represents a major obstacle which only targeted scholarships, combined with other forms of support, can remove. The fact that the Refugee Status should be granted for five years only also works as an obstacle as HEIs are reluctant to open their doors to students with limited residence perspectives. Moreover, in the very stratified UK system, characterized by the conditional autonomy of HEIs (Neave 1988, p. 122) whereby they are free to set their own academic requirements and admission processes, but home student numbers are controlled centrally by the State, very few elite and high-tariff universities have contextualized their admission processes and lowered their academic requirements for students from under-represented groups and disadvantaged backgrounds (The Guardian 2017). Successive widening participation and fair access policies, combined with "exemption" rules aimed at removing student number controls for applicants with very high A'Level grades, have led to higher participation rates among Black and Minority Ethnic (BME) students, but not in high tariff universities where disparities are the greatest (HEFCE 2018). The probability for refugees to access a HEI in England is therefore also highly dependent on the institution's status as a low, middle or high-tariff institution (depending on the level of academic requirements as managed by UCAS through tariff points), or on the existence of specific contextualized admission processes, which are only slowly being developed (The Guardian, 2017).

Overall, the specific combination between asylum, welfare and access to HE policies in England makes for a fairly poor, slow, and highly HEI-dependent probability for refugees to access HE. The immigration and asylum context is difficult and not likely to improve with the Brexit. Moreover, the English HPS is no longer expanding internally, as "an above-average proportion of adults have a tertiary qualification," mostly at bachelor's degree level (OECD 2017a, p.4), which means that there is no need for extra qualified labour. The participation rate among BME students has improved thanks to widening participation policies and initiatives, but "socio-economic disadvantage continues to be the most significant driver of inequality in terms of access to and outcomes from higher education," regardless of ethnicity or gender (Universities UK 2016a, p. 4). Despite official discourse about meritocratic access, a "sponsorship model of selection" prevails: it means that "networks and the right kinds of social and cultural capital […] are more important in England than ability and effort" (Mountford-Zimdars 2014, p. 95), which makes for poor prospects for refugees who need to build a new social and cultural capital in their host country. Last but not least, tuition fees now represent almost half of HEIs' income nationally, and English HEIs are most likely going to keep developing international student recruitment at master's degree and doctoral level as their fees represent a major source of funding. Access to HE for refugees therefore depends highly on local initiatives like the "University of Sanctuary" movement, or other forms of targeted support based on humanitarian and solidarity rationales in a social, political and economic context which currently favours competition and market logics (Halsey and O'Brien 2014). Even if no national statistics are currently available regarding refugee students' numbers in English HE, they are likely to remain very marginal.

494 *Spaces of opportunity for refugees in Germany*

495 Germany is a federal structure, with different responsibilities shared between the sixteen
496 Bundesländer governments and the central federal government. Asylum is managed centrally by the
497 Federal Office for Migration and Refugees (BAMF). Asylum seekers are assigned to different Länder
498 of residence following the EASY quota system which "ensures suitable, fair distribution among the
499 Federal-Länder" and is decided on annually by the Federal-Länder commission (BAMF 2016, p. 9).
500 Asylum applicants are not allowed to work while their case is being processed, and the social rights
501 they are entitled to are aligned with the overall welfare system: the social benefits provided by the
502 State are meant to cover their basic needs until a final decision is made by the BAMF. The number of
503 people granted protection has been on the rise over the last decade.
504 This favorable immigration context combines with well-coordinated access to HE initiatives for
505 international and refugee students at national, Land and local levels. Historically under the authority
506 of the 16 Länder governments, HE has been increasingly managed centrally, for numerus clausus
507 admissions (Foundation for Higher Education Admission), or nation-wide tests for entering HE
508 (TestAS) for instance. Regarding refugees, targeted programmes (Welcome and Integra) as well extra
509 places at *Studienkollegs* were funded by the Federal Ministry of Education and Research (BMBF), and
510 a common policy for "Access and Admission to Institutions of Higher Education for Applicants who
511 are Unable to provide Evidence of a Higher Education Entrance Qualification Obtained in their Home
512 Country on Account of their Flight" was decided on in December 2015 at the Standing Conference of
513 the Ministers of Education and Cultural Affairs (ESU 2017, pp. 28-29). As a result, refugees who wish
514 to access HE in Germany can do so through different pathways and benefit from converging and
515 comprehensive support from higher education institutions, Länder and the federal ministry. The
516 combination of very low tuition fees, flexibility of access to HE whatever the legal asylum status,
517 opportunities to qualify for a little stratified German HE sector thanks to pre-existing policies and
518 structures for international students, as well as general welfare support, make for a very positive
519 context for accessing HE.
520 However, the fact that refugees are handled as international students from an administrative
521 point of view in HEIs means that they are included in international students admission quotas, which
522 limits access to degree programmes (ESU 2017, p. 29). Moreover, following the 2006 General
523 Treatment Act, HEIs are not allowed to give refugees privileged access to highly regulated courses
524 with a numerus clausus such as medicine (ibid.). Last, most undergraduate courses at German HEIs
525 are offered in German, which means that refugees must reach a certain level of proficiency before
526 they can enroll in a degree course, and places in language courses are lacking (ESU 2017, p. 28).
527 The specific combination between immigration, social and access to HE policies in Germany,
528 added to the fact that this HPS is still growing with "the largest increase […] in first-time entrants
529 across OECD and partner countries between 2005 and 2015 (OECD 2017b)", makes for a good
530 structural probability for refugees to access HE in the fairly short run after they first set foot in the
531 country and lodge a file for asylum, most likely in non-degree bridging programmes including
532 German language courses. However, no national statistics provide a global quantitative estimate of
533 the number of refugees studying at German HEIs. Moreover, the changing political landscape
534 following the 2018 general elections in Germany could lead to a less favorable context for immigrants
535 seeking asylum in Germany. The strong will which HE authorities at national, Länder and local levels
536 have displayed so far for welcoming refugees, combined with the country's economic needs for
537 qualified labour, could maintain good access to HE conditions though; the challenge lies in the
538 successful inclusion of the future refugee graduates into the German labour market and society in the
539 longer run.

540 *Critical insights into the relationship between social stratification and access to higher education and policy*
541 *implications*

542 The comparison between the way access to HE for refuges is built in two different HPS contexts
543 sheds new light on the relationship between social stratification and access to HE. Refugees represent
544 a growing, albeit marginal, student category in an increasingly diversifying HPS student body. The

545 conditions under which they are given access to HE provides a different perspective for
546 understanding how social stratification leads to "overall social differences associated with
547 inequalities of wealth, power, prestige or knowledge" (Coulangeon 2010).
548 Refugees were born and raised in another social structure, yet the cultural (including academic),
549 social and economic capitals they held back home are often partially or fully lost in the forced
550 displacement to their new country (Dimitriadou 2006, Morrice 2009, 2013, Stevenson and Willot 2008)
551 – as shown for instance through the fact that it is difficult for them to resume or start HE studies at
552 an equivalent level of academic qualifications. However much capital is transferred, which may vary
553 from one refugee to the next, and whatever its impact on the probability of access, everything else
554 being equal, it is the administrative place they are assigned to in the social structure of their host
555 country which determines their structural possibility to access HE, as well as its temporality. Their
556 refugee status is linked to the safety and solidarity rationales defined by the 1951 Geneva Convention,
557 so that refugees stand apart and stand out from other immigrants: they are granted different welfare
558 rights, and different forms of access to citizenship (Könönen 2018) from those offered to other
559 immigrants, as visible through the categories such as "Humanitarian Protection" or "Indefinite Leave
560 to Remain" in England, or "Asylum Tolerated" in Germany which were created for those who are
561 refused the official refugee status. The differential citizenship rights refugees are granted through
562 different assemblages of welfare and citizenship rights can therefore be understood as "a new pattern
563 of stratification related to immigration and citizenship status" (Sainsbury and Morrissens 2012, p.
564 130): when combined with access to HE rights, they can even produce inequality in access and
565 contribute to creating a form of "market citizenship" whereby "the allocation of citizenship rights [is]
566 based on an individual's economic power and participation in the labour market" (Breanne et al.,
567 2017, Broodie, 1997, 2004), both dimensions being more or less directly related to an individual's
568 participation in HE.
569 Our research shows that this administratively built citizenship combines variously with access
570 to HE policies to create different spaces of opportunity for refugees who want to study, with different
571 timelines. It means that even if refugees have strong personal motivations for education (Refugee
572 Support Network 2012, p. 7), and meet standard entry requirements (i.e. level of academic
573 qualifications and language skills), their probability to access HE in a specific HPS is systematically
574 shaped at the crossroads between national asylum, social welfare and access to HE policies. It is
575 conditioned by student categorization (domestic/international), and how it is associated with
576 different political territories but also citizenship categories, which raises the issue of the territorial
577 boundaries of social justice in access, and leads us to formulate two concluding comments.
578 First, as refugee students share both international and home student characteristics, policy
579 actions aiming at improving access should combine internationalization and widening participation
580 logics, which also involve answering questions about the role of HE and the type of HE one wants to
581 build, beyond the case of refugees: Should HE be built as a social good or a commodity subject to
582 competitive entry? What is an acceptable level of fees and should alternative funding mechanisms
583 exist to make up for the lack of economic capital? Should HE be homogeneously accessible on a given
584 regional, national, neo-regional territory or universally? What type of targeted advice, information
585 and guidance could or should be provided to make up for the lack of cultural capital? Should
586 contextualized admissions processes be set up and entry requirements adapted to open access to
587 students with more heterogeneous academic profiles? More generally, to what extent could or should
588 customized forms of support and access be developed within mass education systems such as HPS?
589 Second, social policies intersect with HE policies to produce differentiated spaces of access to
590 HE not only for refugees, but also, more broadly, for national students, especially because social
591 benefits are not always fully compatible with studying in HE. As a result, an individual's position in
592 the social structure not only undermines their probability to access HE in relation with their own
593 resources, as research has largely documented, but also in relation to their social categorization in the
594 welfare organization. Therefore, the (re)production of social stratification through the political
595 organization of inequalities in access to HE also lies at the crossroads between these different policy
596 domains.

As a result, policy actions aimed at widening access to HE for refugees – and possibly other under-represented but less visible social groups – should lie at the crossroads between asylum, social welfare, widening participation and internationalization strategies and policies. Beyond the successful inclusion of refugees into HE lies the challenge of making the HE student body more representative of multi-dimensional social structures in already highly differentiated HPS, without increasing HE stratification further.

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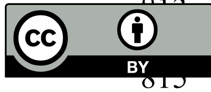

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