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FEATURE

Barriers to higher education experienced by refugees and asylum seekers: a whistle-stop tour of scholarly perspectives from the United States

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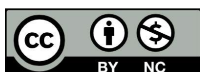

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Barriers to higher education experienced by refugees and asylum seekers: a whistle-stop tour of scholarly perspectives from the United States

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Abstract

This feature relies on a review of relevant literature (1) to interrogate the effectiveness of international ambitions in supporting higher education for different marginalised groups and how these efforts may contribute to alleviating the obstacles that refugees and asylum seekers experience with regard to higher education; and (2) to showcase examples from the United States (US) which demonstrate the extent to which the international meritocracy-related aspirations fall short in the face of multiple structural barriers that refugees and asylum seekers are left to overcome. This discussion is significant to contribute to the debate that questions the feasibility of meritocracy in the higher education sector, and thus, problematises the meaning of social justice in higher education.

Keywords: refugees, asylum seekers, United States, social justice, Sustainable Development Goals

Introduction

Refugees and asylum-seekers (RAS) can be understood as a group of people that have been ‘forcibly displaced’ (UNHCR, 2021) from their home countries, and are, therefore, considered as ‘Persons of Concern’ by the United Nations High Commission for Refugees (UNHCR, 2021). Fundamentally, this means that these peoples are forced to live within a space of estranged precarity which impacts upon both their ‘objective’ and ‘subjective’ resettlement conditions (Campion, 2018, p.7). Though the two groups are both situated within the host country, refugees are distinguished in that they are ‘substantiated and have the legal right to work’ (Campion, 2018, p.8) whereas asylum-seekers do not. This appears to position refugees, against asylum-seekers comparatively, in a less precarious social position regarding work, but the same cannot be said for their experience of accessing and engaging with higher education, of which both groups are equally disadvantaged. It is worth noting here that there are other groups of people ‘on the move’ (Arar, Kondakci and Streitwieser, 2020, p.195) that face similar struggles, but for the purpose of this feature it is only relevant to address those groups, namely RAS, that are directly implicated by the socio-political decisions enacted by the host-state; this would not apply to ‘Stateless people’ (UNHCR, 2021) for example.

This is especially problematic if we regard Education as a just 'realm of social opportunity' (Landorf, Doscher and Rocco, 2008, p.230), and, indeed, as a systemic reflection of those social justice agendas which seek to eliminate such disadvantages. Social justice agendas such as the 1948 Universal Declaration of Human Rights, and the 2030 Agenda for Sustainable Human Development delineate schemas for broader conceptions of social justice that are expected to maintain a degree of effectual coherence universally. This is not always the case, however (De Haene, Neumann and Pataki, 2018), as particular socio-political contexts at national and inter-state levels (such as in the case of the United States act as grand mediators between (macro-)ideological social justice and the institutions/systems to which a socially just agenda is intended to apply (such as Education). This feature interrogates how effective these international-level ambitions are in supporting higher education for all, particularly with regard to RAS, and presents examples from the US, which highlight where the international meritocracy-related aspirations fall short in the context of a range of structural barriers that RAS face.

International ambitions in supporting higher education for all

The Universal Declaration of Human Rights, a staple and progressive implementation of post-war policy, states that '[e]veryone has the right to education', and that 'higher education should be equally accessible to all on the basis of merit' (UN, 1948, p.54). Those who subscribe to the United Nations (UN) (through which this policy was passed) are expected – though not legally bound (Biermann, Kanie and Kim, 2017) – to adhere to a form of "soft" governance, with the aim of attaining a universally appreciated set of humanistic standards envisioned through policies such as the above. If it can be argued that these standards are not being attained and are leaving 'many behind' (Heleta and Bagus, 2021, p.163) as a consequence, then it is opportune to explore these international forms of governance, and the nations that they encompass, critically, and with special regard to their relationship to higher education.

The 2030 Agenda for Sustainable Development is an example of a bold UN initiative with vast international reach; involving 193 members (UN, 2021a) prior to the initiative's nascence in 2015. The aims of the agenda are articulated through the 17 Sustainable Development Goals (SDGs), of which goal 4: 'Quality Education', and goal 10: 'Reduced Inequalities' (UN, 2021b), are particularly relevant in the discussion of how RAS experience higher education. Importantly, the SDGs, and specifically goal 10, are the first iteration of a development agenda that addresses social groups that experience inequalities beyond gender solely (Fukuda-Parr, 2019); notably 'ethnicity' and 'refugees' (UN, 2021b). Similarly, goal 4 includes targets (a denomination of the goals) and indicators (a further denomination of the targets) that propose actions for developing areas of post-compulsory education and training (PCET), which includes higher education. This is a significant and 'more inclusive' (Unterhalter, 2019, p.39) progression from the prior development agenda, the Millennium Development Goals, which failed to mention PCET at all. Targets 4.3, 4.4, 4.5 and 4.b make explicit reference to PCET, though, despite this explication, there are aspects of the targets and indicators that lack definition with regard to who or what they aim to effect. An example of this can be found in target 4.4: 'By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship' (UN, 2021b). The phrases *substantially increase* and

decent jobs are particularly problematic by way of definition. In Taylor et al.'s terms (1997 cited by Hardy and Woodcock, 2015), these phrases appear as terminologically 'symbolic' (p.142), which can be discerned by observing the semantic ambiguity that is apparent in these phrases; both *substantially* and *decent* fail to sufficiently describe what is meant (to be), tangibly, during the process of (inter-)national interpretation (is my *decent job* the same, or equitable, to your *decent job*?, for example). In tandem, target 10.4 asks of the nations to 'progressively achieve greater equality' (UN, 2021b); a statement that is void of any implementational materiality – the antithetical and functionally preferred policy form to the *symbolic* in Hardy and Woodcock (2015) – which, as a consequence, presents the SDG framework as 'weak and unbalanced' (Fukuda-Parr, 2019, p.61). These examples insinuate a 'lack of resource commitment and little thought given to implementation strategies' (Hardy and Woodcock, 2015, p.142) at the level of policy which is represented textually by the targets. If there is no clear and substantial directionality as to how to achieve the targets outlined, then how can it be expected for the targets to be achieved effectively at all? Further, and in regard to indicator 4.5.1 which lists 'parity indices' that aim to quantify 'equal access to education' (UN, 2021b), Unterhalter (2019) asserts that these indices 'do not capture forms of social division, discrimination and causes of vulnerability' (p.47). She describes how a 'numerical' (Unterhalter, 2019, p.46) understanding of parity such as this is conscientiously 'narrow', and only concerned with addressing how much participation is achieved as opposed to what the causes of non-participation are in the first place (Unterhalter, 2019). As Taylor (2009 in Jacob, 2017) and Ordaz (2019) note, the dangers of measurement in this context lie in its inherent distraction (and resultant detraction) from the ethos of social justice – focusing on 'meeting external reporting requirements than for achieving internal improvements' (Jacob, 2017, p.263). This powerfully foregrounds the idea that the SDGs are not only textually 'illusory' (English and Mayo, 2019, p.217), but fail to highlight forms of structural inequality that may indeed be the causes of the problems that the SDGs aim to tackle.

Barriers in the US

Such structural inequalities are readily illustrated in the case of the US' higher education system, of which RAS face considerable challenges with access and engagement. These inequalities are present within policies at state-level, and (socio-political) culture more broadly. Though these dimensions are distinguished, it must be understood that their relationship is dynamically interconnected so that one informs the other, and vice versa. With this considered, it is apt to address the function of in-state resident tuition (ISRT) for RAS in the states of Texas, Arizona, and New York, and the socio-political contexts that have effected the operation of ISRT within each state, respectively. Simply, ISRT is the tuition fee required of those who are recognised as having residency in the state that they wish to study. In this way, the cost is 'much lower than out-of-state tuition rates' (Dougherty, Nienhusser and Vega, 2010, p.124), and is, therefore, less of a financial burden. This is pertinent to the educational situation of RAS who, firstly, because of their precarious economic positions in the host country, struggle to fulfil state tuition quotas at all (Arar, Kondakci and Streitwieser, 2020) and, therefore, require the reduced costs of paying ISRT as a minimum should they wish to study in US higher education; and secondly, are disadvantaged by the US migrant educational context facilitated by the 1982 Plyler v. Doe case

that, although granting undocumented migrant children to pursue compulsory (K-12) education for free (Dougherty, Nienhusser and Vega, 2010; Nienhusser, 2015), failed to include migrant 'post-secondary rights' (Nienhusser, 2015, p.274).

In Texas, RAS eligibility for ISRT was unanimously supported and legislatively passed through the 2001 HB1403 policy as it was considered that paying ISRT was 'a matter of social justice' and that RAS 'deserve higher education opportunities' (Dougherty, Nienhusser and Vega, 2010, p.139). Crucially, the lack of opposition towards HB1403 in Texas can be credited to the fact that it was passed prior to the events of the September 11 terrorist attacks (Dougherty, Nienhusser and Vega, 2010); a moment that would rupture normative cultural attitudes towards immigration and the immigrant, in the US especially, from then on. This is evident in Arizona's refusal to pass the same policy in 2003, which embodied a socio-cultural rejection of any such benefits afforded to immigrants (RAS, extensively) as they were seen as fundamentally 'anti-American' (Dougherty, Nienhusser and Vega, 2010, p.160). Not only does this form of social climate directly effect the ability for RAS to access higher education in the US, but it becomes rooted in the macro-political sphere also. Dougherty, Nienhusser and Vega (2010) note that 'anti-immigrant' (p.159) political representatives have used this ostracising cultural moment to secure followings that align with their discriminatory political ideology. Further evidence can be found in the case of New York by which a 'xenophobic sentiment' (Nienhusser, 2015, p.285) that was rife in the public-cultural domain (post-9/11) and fueled by State Senator Frank Padavan, akin to the likes above, caused City University of New York (CUNY) to overturn their policy that allowed reduced tuition rates for RAS (Nienhusser, 2015).

This can be understood using Sabalier and Weible's (2007 cited by Dougherty, Nienhusser and Vega, 2010) 'advocacy coalition theory' (p.163) whereby people are 'organized around different sets of beliefs about […] the meaning and impact of immigration, and the proper role of government in addressing immigration' (Dougherty, Nienhusser and Vega, 2010, p.163). In this way, the *coalitions* associated with Arizona and New York are more detrimental to RAS experiences in the host country than that of the *coalitions* associated with Texas. What was previously a purely institutional barrier to RAS access to higher education (by way of finance), is now a systemic one; impairing access not only via the institution, but through the socio-cultural rejection of the immigrant identity as well.

Nowhere is this more concentrated at a national level, and in a more contemporary light, than in the rise of 'anti-immigrant, anti-refugee, and white nationalist sentiment' (Wolfgram, 2020, p.56) under the Trump administration of 2017-2021. Under this governance, the predominant cultural fear of the immigrant (or the Other) was wedded to a form of 'populist politics' (De Haene, Neumann and Pataki, 2018, p.213), emerging as the face of Donald Trump, and realised as Executive Order 13769 – popularly known as the "Travel Ban". Instated as a response to a threatened homeland security by 'terrorism-related crimes' (Presidential Documents, 2017, p.8977), the Travel Ban effectively applied pressure to the acceptance (geo-political and otherwise) of any 'foreign-born individuals' (Presidential Documents, 2017, p.8977). This translated as, broadly, a misrecognition of the educated refugee as a learned individual (as opposed to the Other en masse) (Wolfgram, 2020); stunting RAS cultural integration

within the higher education sphere and, specifically, the banning of RAS from acquiring J1 or F1 visas which prevented them from accessing higher education at all (Streitwieser, Jaeger and Roche, 2020).

As outlined, the scope of inequality faced by RAS in the US, with regard to higher education in particular, transcends the individual state to become a national problem – supporting the notion that the US lacks (and, indeed, needs) a standardised national policy that involves the 'inclusion of students from refugee backgrounds' (Stroud, 2019 in StreitWieser, Jaeger and Roche, 2020, p.215) into higher education. In this light, it can be inferred that the US' higher education policy framework does not (currently) 'ensure equal access' to the 'vulnerable' (UN, 2021b), as described in target 4.5 of the SDGs, and RAS suffers inequalities as a result.

The lack of standardised policy regarding RAS and higher education does not stop at the US national level, however. Following English and Mayo (2019), it can be understood that there has 'not been a coordinated international response' (p.225) to the problem of unjust RAS experiences of higher education despite (and in lieu of) the span of the social justice agendas under the UN. These predominantly negative experiences that RAS face become manifest as barriers to education which are ubiquitous internationally, and impeding upon RAS engagement with higher education extensively. These barriers take form in the realm of communication (as the relationship between the host and immigrant at the local and meso-institutional level), systematic audit, and socio-cultural integration.

The language barrier between RAS and their host country is a prominent issue that hinders RAS communicative engagement within the state of refuge (Watkins, Razee and Richters, 2012; Campion, 2018; Jungblut, Vukasovic and Steinhardt, 2020; Gilijević and Novak, 2020). Fundamentally, if the communication between two interlocutors is impaired, there can be no cathartic interaction (and hence no discursive release) between them regarding what they may want to achieve collectively. An example of this could be a (non-violent) frustration that occurs between a refugee resettlement scheme and a newly refuged (and non-native speaking) RAS family seeking support, or, differently, a projected hostility from a native speaker towards the accents of a RAS family (Campion, 2018). As illustrated by the resettlement scheme interaction above, language barriers can occur at the meso-institutional level also. In this, it is meant that RAS interlocutors may struggle to navigate those 'government systems and […] service providers' (Watkins, Razee and Richters, 2012, p.136) that are needed to be communicated with in order to attain resettlement information. As a result, RAS experiences informational inequalities also, and this is to the detriment of their engagement with education. Using Bourdieu's concept of *habitus* and *field*, it may be suggested that the 'cultural dispositions [RAS] have (and are)' (Watkins, Razee and Richters, 2012, p.134) universally – qualities that embed the RAS *habitus* through identity – clash with the native-host's dominant cultural paradigm within the education system – the geo-cultural realm that can be understood as the *field*. The difference between the native *field* and non-native *habitus* results in turmoil (Morrice, 2009). Communicative barriers experienced by RAS at the local (micro-discursive) level and through interactions with the institution (meso-discursive), are therefore theoretically comparable to the instances in which they occur in nations outside of the US, such as Australia (Watkins, Razee and Richters, 2012), Canada (Bajna et al., 2017), Croatia (Gilijević and Novak, 2020), Germany, and Belgium (Jungblut, Vukasovic and Steinhardt, 2020).

Environments of audit prove a challenge to RAS access to higher education, and their educational identities also. Crucially, many RAS have experiences, and are qualified, in areas of PCET prior to arriving to the host country. This compounds the inherently unproblematic relationship between RAS and post-compulsory learning, epitomised by the aspirational migrant (Bajna, et al., 2017), that can be misconstrued systemically in the host country. This may be met with economic and socio-cultural challenges that may hinder RAS engagement significantly, and degrade their 'vocational identity' (Wehrle et al., 2018, p.86). In contrast, schemes such as the National Academic Recognition Information Centre (NARIC) in Flanders, Belgium, work to '[adapt] the procedure for recognition of qualifications of refugees' (Jungblut, Vukasovic and Steinhardt, 2020, p.330) which is highly beneficial to RAS engagement with higher education, but instated through a 'bottom-up' (Jungblut, Vukasovic and Steinhardt, 2020, p.336) initiative. Though this does not detract from the initiative's functionality, it does call in to question the effectiveness of reactive 'political commitment from the top' (Jungblut, Vukasovic and Steinhardt, 2020, p.336) with regard to RAS resettlement. With this considered, it is also important to note the progressive role of 'Recognition, Validation and Accreditation (RVA)' (English and Mayo, 2019, p.222) which, through the European Credit Transfer System (ECTS) (under the Bologna Process), attempts to 'provide qualification credits and recognition of acquired skills and abilities' (English and Mayo, 2019, p.222) to migrating members of the European Higher Education Area (EHEA). This appears as a 'material' (Hardy and Woodcock, 2015, p.142) implementation of policy which would be encouraging to see in, and is therefore in deficit of, more vast international contexts (outside of the EU solely), such as the United Nations.

Barriers to the socio-cultural integration of RAS into the host-state impact upon their 'subjective resettlement success' (Campion, 2018, p.7). This is to say that RAS 'mental and physical health, strength of social ties, and life satisfaction' (Campion, 2018, p.7) are subject to degradation as a result of these barriers. It must be understood that if this is case, if one's wellbeing suffers, then one's ability to access institutional resources (such as Education) suffers as well (Ryan, Dooley and Benson, 2008). Importantly, these barriers manifest themselves as 'constraint and lack of freedom' and 'exclusion' (Klasen and Fleurbaey, 2018, p.5) which denote disadvantaging environments present within and outside of the institution, respectively. Note that *exclusion*, mentioned here, involves those socio-cultural factors that occur within the social contexts of nations which have already been explored, at length, in the case of the US, and will, therefore, not be repeated.

Conclusion

Although the reach of social justice agendas, such as the 2030 Agenda for Sustainable Development, are internationally vast, their ambitions for a universally coherent social justice may be unable to be realised (English and Mayo, 2019). This may be due to the ideological multiplicity regarding the concept of social justice itself at a national and sub-national level (Fukuda-Parr, 2019), or simply because of the vague nature of the goals that aim to produce socially just outcomes (Fukuda-Parr, 2019). Regardless, there is clearly more to be done in light of the refugees' and asylum seekers' experiences with higher education in the US and internationally, as well as in light of an objective of social justice agendas including the 1948 Universal Declaration of Human Rights, the 1951 Convention Relating to the States

of Refugees, and the 2030 Agenda for Sustainable Development. Moving forward, it may be sensible to depart from obscurely proclaiming what should be done, and instead ask *what is being done* to reduce inequalities across the globe, *where gaps are* and *how to address them*. Article 26 of the Universal Declaration of Human Rights may be reconsidered thus: is higher education equally accessible to all on the basis of merit? The discussion in this feature has contributed to the debate around the meaning of social justice in higher education by questioning the functioning and feasibility in general of meritocracy in the higher education sector. The context in which RAS operate, and the resulting barriers to higher education they experience, is substantially different than that of the home population (this is not to say, there are no underprivileged groups amongst the locals). RAS have to go the extra mile in achieving access to HE, some aspects of which may be taken for granted by the majority of the home population. Hence why only about 3% of the refuges globally have access to higher education in their host countries (Lambrechts, 2020). This shows that, clearly, the barriers discussed in the context of the US earlier are not just the problem of that one country. While this feature has served as a platform to generate this important discussion relying on the review of relevant literature, further empirical research is needed into the current challenges that RAS face and their potential solutions.

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