

Protocol to guarantee students who have the status of refugees, displaced persons, persons in a refugee-like situation and beneficiaries of international protection the right of access and admission to UOC-certified programmes

Approved by the UOC Executive Board at its meeting on 16 December 2024

The Universitat Oberta de Catalunya (UOC), under the protection of the national and international legal system, with the aim of guaranteeing students who have the status of refugees, displaced or stateless persons, persons in a refugee-like situation or beneficiaries of international protection the right to access its certified courses.

In accordance with Art. 26 of the **Universal Declaration of Human Rights**, higher education should be equally accessible to all on the basis of merit.

Taking into consideration Art. 22 of the **Convention Relating to the Status of Refugees**, ratified by Spain on 22 July 1978, the Contracting States agree to grant refugees the most favourable treatment possible with regard to access to studies and to encourage the recognition of foreign qualifications, diplomas and degrees.

The 1954 **Convention Relating to the Status of Stateless Persons**, ratified by Spain in 1997, sets out measures to protect the fundamental rights of stateless persons, including access to education under conditions similar to those of refugees. This treaty reinforces the commitment to protect such persons, who often find themselves in situations similar to those of refugees in terms of access to educational and professional opportunities.

In application of Art. 7 of Section VII of the **Lisbon Convention on the Recognition of Qualifications concerning Higher Education in the European Region**, ratified by Spain on 20 February 2009, by virtue of which each signatory "shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence".

Considering the **Recommendation on the Recognition of Refugees' Qualifications under the Lisbon Recognition Convention**, adopted by the Lisbon Recognition Convention Committee at its extraordinary session on 14 November 2017, which proposes different methods for assessing the qualifications of refugees, displaced persons or persons in a refugee-like situation when the student cannot provide all the necessary legal documentation for admission or has difficulty obtaining it.

Taking into account Art. 27 of **Directive 2011/95/EU of the European Parliament and of the Council, of 13 December**, by virtue of which Member States shall allow adults granted international protection access to the general education system under the same conditions as third-country nationals legally resident. Moreover, Art. 28.2 provides that EU Member States shall endeavour to facilitate full access for beneficiaries of international protection who cannot provide documentary evidence of their qualifications to appropriate schemes for the assessment, validation and accreditation of their prior learning.

And, in accordance with the provisions of Art. 36 of Spain's **Law 12/2009, of 30 October, regulating the right to asylum and subsidiary protection** and Art. 9.2 of Spain's **Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration**, according to which foreigners have the right to access post-compulsory education and obtain the corresponding qualifications.

The Universitat Oberta de Catalunya, by approving this protocol, establishes the procedure and the necessary conditions for assessing the fulfilment of the requirements for access to university studies by persons who, because of their status as refugees, displaced persons or persons in a refugee-like situation or beneficiaries of international protection, have serious difficulties in providing the legal documentation for access to university studies due to the legal situation in which they find themselves.

Article 1. Aim of the protocol

The purpose of this protocol is to establish a procedure for assessing the documentary situation and qualifications of students who find themselves in one of the situations referred to in Article 3, in order to guarantee them the right of access and admission to courses certified by the Universitat Oberta de Catalunya.

Article 2. Scope of application of the protocol

This protocol applies to all potential students residing in Spain who are in one of the situations defined in Article 3 and who have difficulties in meeting the legal requirements for access to the studies they wish to pursue, because they do not have the original academic documents, because they cannot present them in compliance with all the formal requirements for legalization or because they are unable to obtain them due to their legal status.

Article 3. Definitions¹

Beneficiaries of international protection:

Refugees: Refugee status shall be granted to persons who, due to a well-founded fear of persecution based on race, religion, nationality, political opinion, membership of a particular social group, gender, sexual orientation or sexual identity, are outside their country of nationality and are unable or unwilling – because of this fear – to seek its protection. This status also applies to stateless persons who have no nationality, are outside their former country of habitual residence and are unable or unwilling to return for the same reasons. Refugee status shall not be granted to persons who fall under the grounds for exclusion set out in Article 8 or the grounds for refusal or withdrawal set out in Article 9 of Law 12/2009.

Persons with subsidiary protection and stateless persons: The right to subsidiary protection shall be granted to foreign nationals and stateless persons who do not meet the criteria for asylum or refugee status but for whom there are reasonable grounds to believe that, if returned to their country of origin (in the case of nationals) or their previous habitual residence (in the case of stateless persons), they would face a real risk of suffering one of the forms of serious harm listed in Article 10 of this Law. This protection applies to persons who are unable or unwilling, owing to such risk, to seek the protection of that country, provided that none of the grounds for exclusion set out in Articles 11 and 12 of Law 12/2009 apply.

¹ These definitions are in line with the Recommendation on the Recognition of Refugees' Qualifications under the Lisbon Recognition Convention; Spain's Law 12/2009, of 30 October, regulating the right to asylum and subsidiary protection; and Spain's Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration.

Persons without international protection:

Persons in a refugee-like situation: Any person in a *de facto* situation similar to that of a refugee or displaced person, regardless of their legal status.

Applicants for international protection: Any person who has applied for international protection in Spain and does not have a firm ruling either granting or refusing it.

Article 4. Assessment of university degrees and other documentation provided

1. In accordance with the general principles laid down in the Recommendation on the Recognition of Refugees' Qualifications under the Lisbon Recognition Convention, persons covered by this protocol have the right to have their qualifications or periods of study assessed when applying for admission to a study programme.
2. The qualifications and any other documents presented by the students will be assessed and will be the basis for appropriate measures to be taken within the limits of the Spanish legal system regarding academic organization.
3. The purpose of assessing the documents submitted, even if they are not sufficient documentary evidence, is to determine the likelihood of the student fulfilling the conditions required by Spanish regulations for admission to a programme of study.
4. The following criteria will be used in the assessment:
 - Academic documentation: Analysis of the information obtained from the academic documents provided.
 - Information from reliable public sources: The academic documentation will be assessed in the light of information on the institution and the qualification claimed, in particular with regard to the level, quality, learning outcomes, profile and workload of the qualification in question.
 - Professional documentation: Documents relating to work or professional experience will be analysed in order to verify that the applicant has exercised the profession in question and that these documents can be considered as documentary evidence.
 - Interview, exam or individual assessment: If deemed necessary, the UOC may supplement its assessment with interviews, examinations and other appropriate assessment methods to verify that the person meets the requirements for admission.

Article 5. Reference document

1. In order to assess the admission of the students covered by this protocol, the UOC will prepare a [reference document](#) for the prospective student with all the documents provided. It will contain information on the profile, level and period of study completed and will be included in the student's academic record.

2. This document shall contain at least the following:
 - a. Applicant's personal details
 - b. Reasons why they cannot obtain official legalized documents
 - c. Name of the programme and the qualification obtained
 - d. Name of the higher education institution where the qualification was obtained
 - e. The situation of the institution and the programme in the educational system in which the qualification was obtained
 - f. Level of the qualification obtained
 - g. Academic details:
 - i. Duration of the programme, courses/subjects studied, grades, etc.
 - ii. Formal rights granted by the qualification obtained
 - iii. Professional effects of the qualification
 - iv. Period when studies were completed (dates)
 - h. Relevant supporting documents submitted
 - i. Documents relating to the applicant's professional or working life

Article 6. Admission Assessment Committee

1. The Admission Assessment Committee is the academic body responsible for assessing applications for admission to UOC-certified courses from people who are in one of the situations described in Article 3 of this protocol.
2. Its function is to assess the **reference document** together with the documentation provided by the applicant and decide whether it sufficiently accredits compliance with the requirements for admission and the academic skills necessary to follow the courses for which the applicant wishes to enrol.
3. The Admission Assessment Committee is made up of:
 - a. A member of staff from the UOC Academic Secretary's Office, appointed by the head of the department or unit, to act as secretary of the committee
 - b. A member of staff from the Office of the Vice Rector for Teaching and Learning, to chair the committee
 - c. A member of staff from the Alliances, Community and Culture department, designated by the director of the department
 - d. The director of the programme for which the student wishes to enrol
4. The Committee shall be validly constituted when the chair and the secretary are present.
5. The Admission Assessment Committee will issue a proposal for a favourable or unfavourable decision.

Article 7. Procedure for implementing the protocol

1. Identification of students potentially covered by the protocol through the following channels:
 - a. An application for a refugee scholarship

- b. A request for information on how to enrol on a UOC programme through the UOC's channels
 - c. Enrolment on a UOC programme
2. As soon as the need to apply the protocol is identified, the relevant department initiates a personalized procedure to collect the following documents:
 - a) Scanned documents that can prove the legal requirements for admission to the programme
 - b) A [formal declaration](#) stating:
 - i) The authenticity of the documents provided;
 - ii) The impossibility of obtaining duly authenticated and legalized official documents; and
 - iii) Authorization for the UOC to carry out appropriate checks with third parties.
3. Once the documents have been received, the relevant department assesses them, prepares the reference document and forwards it to the Admission Assessment Committee.
4. After reviewing the reference document, the Admission Assessment Committee issues a favourable or unfavourable decision within 30 days.

If deemed necessary, an interview with the applicant may be requested. If necessary, the Admission Assessment Committee may propose that examinations and other appropriate assessment methods be used to demonstrate that the applicant meets the requirements for admission.

5. The UOC sends the applicant a notification with the Admission Assessment Committee's proposed [decision](#).
6. The applicant has 5 calendar days from the day following receipt of the notification of the proposed decision to file an appeal. The appeal is reviewed by the Office of the Vice Rector for Teaching and Learning, which issues a final decision concluding the process.

If the applicant does not file an appeal within the period indicated, the proposed decision becomes final.
7. If the final decision is favourable, the student's admission is validated, allowing them to enrol. If the decision is not favourable, the student cannot enrol. If they have already enrolled, their enrolment will be cancelled and they will receive a full refund.

8. A favourable final decision does not imply, under any circumstances, the recognition or equivalence of the foreign qualification held by the applicant.