

A photograph of a meeting or consultation. In the foreground, a man in a white shirt is looking down at a document. To his right, a woman with glasses and a gold necklace is writing in a spiral notebook. In the background, another person is standing and talking on a mobile phone. The scene is indoors, possibly in a community center or office.

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# **NO ACCESS TO JUSTICE: HOW LEGAL ADVICE DESERTS FAIL REFUGEES, MIGRANTS AND OUR COMMUNITIES**

**MAY 2022**

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# TABLE OF CONTENTS

<b>ACKNOWLEDGEMENTS</b>	<b>9</b>
<b>ACRONYMS AND GLOSSARY</b>	<b>10</b>
<b>EXECUTIVE SUMMARY</b>	<b>11</b>
<b>Introduction</b>	<b>11</b>
<b>UK-Wide Picture</b>	<b>12</b>
<b>Regional breakdown</b>	<b>15</b>
Scotland	15
The North West	17
The North East	18
Yorkshire and the Humber	19
The Midlands	20
Wales	22
The South West	23
The South East (excluding London)	25
The East of England	26
Northern Ireland	28
<b>SUMMARY OF RECOMMENDATIONS</b>	<b>31</b>
<b>Home Office (UK-wide)</b>	<b>32</b>
<b>Lord Chancellor and Ministry of Justice (E&amp;W)</b>	<b>33</b>
<b>Legal Aid Agency (E&amp;W)</b>	<b>33</b>
<b>Scottish Legal Aid Board</b>	<b>34</b>
<b>Legal Services Agency Northern Ireland</b>	<b>35</b>
<b>Local authorities</b>	<b>35</b>
<b>Funders and other organisations</b>	<b>36</b>
<b>Legal and voluntary sector response</b>	<b>37</b>

<b>INTRODUCTION</b>	<b>39</b>
<b>UK-WIDE PICTURE</b>	<b>41</b>
<b>Provision overview</b>	<b>41</b>
Legal aid	41
Other free or low-cost provision	45
<b>Demand overview</b>	<b>47</b>
Asylum	48
Unaccompanied Children	50
Post-asylum applications: settlement, travel documents, refugee family reunion	51
Resettlement under the VPRS and VCRS	53
Non-UK nationals in prisons	54
Modern Slavery and Trafficking	55
Foreign-born population	56
EU Settled Status	57
Domestic violence	58
Undocumented people	59
<b>Demand summary</b>	<b>61</b>
<b>Primary legal aid deficit or surplus</b>	<b>62</b>
<b>UK-Wide issues in demand and supply</b>	<b>64</b>
Inadequate supply and increasing queues for legal aid	64
Declining provision	65
Inward demand pressure on areas with adequate supply	65
Dependence on individuals	66
Widening dispersal, hotel accommodation and Operation Oak	66
Funding	67
Illusory provision	68

# TABLE OF CONTENTS

Auditing and other unpaid administrative work .....	69	Prisons .....	103
Lack of advice capacity driving irregularity .....	70	Other immigration matters .....	103
Accreditation .....	71	Primary Legal Aid Deficit .....	103
Immigration status as a barrier to advice on other issues .....	71	Sub-regional breakdown .....	104
Fee paying services .....	72	Greater Manchester .....	104
Covid and remote advice .....	72	Merseyside .....	107
Challenges on the horizon .....	73	Lancashire .....	109
<b>NATIONAL AND REGIONAL BREAKDOWN .....</b>	<b>74</b>	Cheshire .....	111
<b>Scotland .....</b>	<b>76</b>	Cumbria .....	112
Provision overview .....	78	Networks, Partnerships and Referral Routes .....	113
Legal Aid Provision .....	78	Recruitment, retention and training .....	116
Other free or low-cost provision .....	81	<b>The North East .....</b>	<b>117</b>
Demand overview .....	82	Provision overview .....	119
Asylum and related matters .....	82	Legal aid provision .....	119
Prisons .....	83	Other free or low-cost provision .....	120
Primary Legal Aid Need and Provision .....	84	Demand overview .....	120
Fees, funding and financial viability .....	85	Asylum and related matters .....	120
Networks, partnerships and referral routes .....	90	Prisons .....	122
Recruitment, retention and training .....	92	Other immigration matters .....	122
Quality and quality control .....	94	Primary Legal Aid Deficit .....	123
<b>The North West .....</b>	<b>97</b>	Sub-regional breakdown .....	123
Provision overview .....	99	Tyne and Wear and Teesside .....	123
Legal Aid Provision .....	99	Northumberland .....	123
Other free or low-cost provision .....	99	North Yorkshire .....	123
Demand overview .....	100	Networks, Partnerships and Referral Routes .....	126
Asylum and related matters .....	100	Recruitment, retention and training .....	127

# TABLE OF CONTENTS

<b>Yorkshire and the Humber</b>	<b>128</b>
Provision overview	130
Legal aid provision	130
Other free or low-cost provision	133
Demand overview	134
Asylum and related matters	134
Prisons	136
Other immigration matters	136
Primary Legal Aid Deficit	136
Sub-regional breakdown	137
East Yorkshire and Hull	137
South Yorkshire	138
West Yorkshire	140
Networks, Partnerships and Referral Routes	143
Recruitment, retention and training	146
Geographies of demand and provision	147
<b>The Midlands</b>	<b>149</b>
Provision overview	151
Legal aid Provision	151
Other free or low cost provision	153
Demand overview	153
Asylum and related matters	153
Prisons	149
Other immigration matters	155
Primary Legal Aid Deficit	156

Sub-regional breakdown	156
Stoke on Trent and Staffordshire	156
West Midlands (county)	160
Remainder of West Midlands Region	163
East Midlands	164
Derbyshire and Nottinghamshire	165
Lincolnshire and Rutland	166
Leicestershire	167
Northamptonshire	167
Networks, Partnerships and Referral routes	168
Recruitment, retention and training	170
<b>Wales</b>	<b>171</b>
Provision overview	173
Legal aid	173
Other free or low-cost provision	175
Demand overview	176
Asylum and related matters	176
Prisons	177
Other immigration matters	177
Primary Legal Aid Deficit	178
Case-type gaps in Wales	178
Funding issues	180
Recruitment, retention and training	181
Networks, Partnerships and Referral Routes	182



# TABLE OF CONTENTS

<b>The South West</b>	<b>183</b>
Provision overview	185
Legal aid	185
Other free or low cost provision	187
Demand overview	188
Asylum and related matters	188
Prisons	190
Other immigration matters	190
Primary Legal Aid Deficit	191
Sub-regional breakdown	191
Cornwall	191
Devon	191
Somerset	194
Dorset	195
Wiltshire	196
Bristol	197
Gloucestershire	199
Referral routes, networks and partnerships	200
Recruitment, retention and training	202
Infrastructural issues	203
<b>The South East</b>	<b>204</b>
Provision overview	206
Legal aid provision	206
Other free or low cost provision	207
Demand overview	208

Asylum and related matters	208
Prisons	210
Other immigration matters	210
Primary Legal Aid Deficit	210
Sub-regional breakdown	211
Hampshire	211
Surrey	212
Sussex (East and West)	213
Oxfordshire	214
Berkshire	215
Buckinghamshire	216
Kent	217
Networks, Partnerships and Referral routes	219
Recruitment, Retention and Training	220
Unseen shortages	220
<b>The East of England</b>	<b>222</b>
Provision overview	224
Legal aid	224
Other free or low cost provision	227
Demand overview	228
Asylum and related matters	228
Prisons	229
Other immigration matters	230
Primary Legal Aid Deficit	231
Sub-regional breakdown	231

# TABLE OF CONTENTS

Norfolk .....	231
Suffolk .....	233
Essex .....	234
Cambridgeshire .....	236
Bedfordshire .....	237
Hertfordshire .....	239
Recruitment, retention and training .....	239
Referral routes, networks and partnerships .....	240
Burden on support organisations .....	241
<b>Northern Ireland .....</b>	<b>243</b>
Introduction .....	245
Provision overview .....	246
Legal aid provision .....	246
Other free or low-cost provision .....	248
Primary Legal Aid Need and Provision .....	249
Demand overview .....	250
Asylum and related matters .....	250
Prisons .....	251
Other immigration matters .....	252
Local geographies .....	253
Infrastructure .....	255
Fees and funding .....	257
Networks, partnerships and referral routes .....	259
Recruitment, retention and training .....	261
Quality .....	262
Summary .....	264

<b>Appendix – data collection .....</b>	<b>265</b>
Methodology and data collection .....	265
Statistical data .....	265
Interviews .....	266
Survey .....	267
Knowledge Exchange, Meetings and Workshops .....	268
Other research informing this report .....	269

# LIST OF TABLES

**Table 1:** Legal aid provision by region.

**Table 2:** Number of OISC providers by region and accreditation level.

**Table 3:** Approximate number of grants of asylum by region, 2016.

**Table 4:** Resettled refugees by region, February 2021.

**Table 5:** Percentage of the UK's foreign-born population, by region.

**Table 6:** Numbers of applications for Domestic Violence Concession and leave to remain; UK, 2018-2020.

**Table 7:** Summary of demand estimates, by category and region.

**Table 8:** Primary Legal Aid Need and Provision by region, England and Wales.

**Table 9:** Grants of legal aid by category, Scotland, 2018-2021.

**Table 10:** Legal aid provision by access point, 2018-21, The North West procurement area.

**Table 11:** Local breakdown of s95 support figures in the North West, March 2021.

**Table 12:** Unaccompanied children in the North West, by local authority, 2019-21.

**Table 13:** Foreign nationals in prison in the North West, 31/12/2020.

**Table 14:** Legal aid provision by access point, 2018-21, North East.

**Table 15:** Local breakdown of s95 support figures in the North East, March 2021.

**Table 16:** Unaccompanied children in the North East, by local authority, 2019-21.

**Table 17:** Foreign nationals in prison in the North East, 31/12/2020.

**Table 18:** Legal aid provision by access point, 2018-21, Yorkshire and the Humber.

**Table 19:** Local breakdown of s95 support figures in Yorkshire and the Humber, March 2021.

**Table 20:** Unaccompanied children in Yorkshire and the Humber, by local authority, 2019-21.

**Table 21:** Foreign nationals in prison in the North East, Yorkshire and the Humber, 31/12/2020.

**Table 22:** Legal aid provision by access point, 2018-21, Midlands procurement area (excluding East of England).

**Table 23:** Local breakdown of s95 support figures in the Midlands, March 2021.

**Table 24:** Unaccompanied children in the East and West Midlands, by local authority, 2019-21.

**Table 25:** Foreign nationals in prison in the Midlands, 31/12/2020.

**Table 26:** Legal aid provision by access point, 2018-21, Wales.

**Table 27:** Local breakdown of s95 support figures in Wales, March 2021.

**Table 28:** Foreign nationals in prison in Wales, 31/12/2020.

**Table 29:** Legal aid provision by access point, 2018-21, South West.

**Table 30:** Local breakdown of s95 support figures in the South West, March 2021.

**Table 31:** Unaccompanied children in the South West, by local authority, 2019-21.

**Table 32:** Foreign nationals in prison in the South West, 31/12/2020.

**Table 33:** Legal aid provision by access point, 2018-21, South East procurement area (excluding London).

**Table 34:** Local breakdown of s95 support figures in the South East, March 2021.

**Table 35:** Unaccompanied children in the South East, by local authority, 2019-21.

**Table 36:** Foreign nationals in prison in the South East, 31/12/2020.

**Table 37:** Legal aid provision by access point, 2018-21, East of England.

**Table 38:** Local breakdown of s95 support figures in the East of England, March 2021.

**Table 39:** Unaccompanied children in the East of England, by local authority, 2019-21.

**Table 40:** Foreign nationals in prison in the East of England, 31/12/2020.

**Table 41:** Legal aid provision in NI.



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**Dr Jo Wilding**

Barrister, author and researcher

# ACRONYMS AND GLOSSARY

<b>CAB</b>	Citizens' Advice Bureau
<b>E&amp;W</b>	England and Wales
<b>EUSS</b>	European Union Settlement Scheme
<b>FOI</b>	Freedom of Information
<b>ILPA</b>	Immigration Law Practitioners Group
<b>ILR</b>	Indefinite Leave to Remain
<b>JR</b>	Judicial Review
<b>LAA</b>	Legal Aid Agency (for England and Wales)
<b>LASPO</b>	The Legal Aid, Sentencing and Punishment of Offenders Act 2012
<b>LSANI</b>	Legal Services Agency Northern Ireland
<b>LTR</b>	Leave to Remain
<b>NACCOM</b>	No Accommodation Network
<b>NI</b>	Northern Ireland
<b>NRM</b>	National Referral Mechanism (for identification of victims of trafficking)
<b>NRPF</b>	No Recourse to Public Funds
<b>OISC</b>	Office of the Immigration Services Commissioner
<b>PIQ</b>	Pre-Interview Questionnaire
<b>SILPA</b>	Scottish Immigration Law Practitioners Group
<b>SLAB</b>	Scottish Legal Aid Board
<b>SVPRS</b>	Syrian Vulnerable Persons Resettlement Scheme
<b>SMP</b>	Strategic Migration Partnership

## ACCESS POINT

England and Wales only. A geographical area within a procurement area, in which the LAA considers that provision is required. This only exists for asylum and immigration, not for other areas of law.

## MATTER STARTS

England and Wales only. New cases. Each provider has a maximum number of matter starts which they are permitted to open in a year. In practice, they can usually obtain more on request. The minimum allocation in immigration is 150. In some areas of law, a provider's allocation will be reduced if they do not use them all. This does not happen in immigration.

## PROCUREMENT AREA

England and Wales only. A geographical area, for LAA administrative purposes. There are different procurement areas for different categories of legal aid, so a housing procurement area is likely to comprise one or two local authority areas, while there are only four (very large) procurement areas for community care law. There are six for immigration and asylum: South West; London and South East England; Midlands and East of England; North East, Yorkshire and the Humber; North West; and Wales.

## SCOPE

The range of matters covered by legal aid. In Scotland and Northern Ireland, both asylum and immigration are in scope, and solicitors can advise on any legal matter not expressly excluded (so long as the client is eligible on the means test). In England and Wales, many matters were removed from scope under the LASPO Act, from 2013, and providers can only advise on those expressly included. Almost all non-asylum immigration work is excluded.

# EXECUTIVE SUMMARY

## INTRODUCTION

- 1** The aim of this research was to review and map provision and demand for free and low-cost immigration legal advice throughout the whole UK, by region/nation and sub-region, including legal aid and all levels of non-legal aid provision. It was commissioned by Refugee Action.
- 2** There has never been a comprehensive examination of provision, across legal aid and free or low-cost non-legal services; much less an attempt to measure demand. This research attempts to rectify that, by producing an estimate and a geographical breakdown of both demand and supply across the UK, and exploring the relationships and links between places. It is inevitably flawed and incomplete, because the available data does not support more exact figures, and because there is constant change, but it offers a starting point.
- 3** Data collection took place between January and October 2021 and included a variety of published statistics, Freedom of Information requests, 43 semi-structured interviews, 61 survey responses, and Knowledge Exchange or other workshop sessions with Strategic Migration Partnerships, practitioner groups, advice groups and migrant support organisations. The detailed methodology for demand and provision estimates and the qualitative data collection are set out in the *Provision Overview*, *Demand Overview*, and *Appendix*.
- 4** The report first explains the basis of estimates and quantitative data collection, and then sets out issues which arose across the whole UK or substantial parts of the UK. It then offers a region by region breakdown. It is anticipated that most readers will be primarily interested in a single region, within the context of the wider issues that affect the whole UK, perhaps referring to this Executive Summary to understand how their own region compares with others.



## UK-WIDE PICTURE

- 5** The overarching conclusion is that there is not enough free or low-cost immigration, nationality and asylum advice available, and this leaves people at risk of serious harm.
- 6** Legal aid operates differently in England and Wales, Scotland and Northern Ireland. The two most important differences are the **scope of legal aid** and **who is permitted to provide legal aid services**. In both Scotland and Northern Ireland, effectively all immigration and asylum legal aid matters are within the scope of legal aid, subject to the means test. In England and Wales, most non-asylum immigration is excluded from the scope of legal aid.
- 7** In England and Wales, only providers contracted to the Legal Aid Agency (LAA) in the specific category of law are permitted to do legal aid work. In Scotland and Northern Ireland, legal aid work is open to all solicitors with a practising certificate, though those in Scotland must first register for each category of law in which they want to do legal aid work. Consequently it is possible to be more precise about how many providers are involved in England and Wales than in Scotland and Northern Ireland.
- 8** Provision in England and Wales is not even adequate for first-time adult asylum applications, with a deficit of at least 6000 for asylum applications and appeals (even allowing for some applicants having the resources to pay privately), let alone other matters for people who are eligible for immigration legal aid. It appears that people are facing increasingly long waiting times to be able to access legal representation.
- 9** The majority of providers which responded to the research do not use all of their matter starts (new cases they are permitted to open in a year), and do not have capacity to open more. **This means the LAA often assumes that supply exceeds demand, because there are unused matter starts in all procurement areas, whereas the opposite is true in practice.**
- 10** The report calculates a figure for **Primary Legal Aid Need** (in the main categories within the scope of mainstream legal aid in England and Wales), which is compared with **Primary Legal Aid Provision** to give a quantitative deficit or surplus for each region/nation. **There is a Primary Legal Aid Deficit in Wales and in every region of England, with the exception of London, where there is a very small surplus.** It means that almost all need beyond those categories goes unmet.
- 11** **This suggests that remote advice is not a viable solution to the severe shortage of advice** in particular regions or sub-regions in England and Wales, because there is no significant surplus capacity to be redeployed remotely to other regions.
- 12** **Similarly, in NI, there does not appear to be an adequate supply of advice to meet need**, even for first-time asylum applications, and provision is extremely limited for other matters, including fresh claims and non-asylum cases, even though these are within the scope of legal aid.

- 13** In Scotland there appears to be adequate provision of good-quality representation for asylum matters but this is heavily concentrated in Glasgow, leaving a shortage of provision in other parts of Scotland and for some other matters within the scope of legal aid, particularly fresh asylum claims.
- 14** For all parts of the UK, the number of non-UK nationals referred into the National Referral Mechanism (NRM) as possible victims of human trafficking far outstrips the availability of specialist trafficking and immigration legal advice.
- 15** Examples were given where lack of access to specialist legal advice, and particularly the lack of mainstream legal aid for the Domestic Violence Concession application, created a **barrier to escaping from abusive relationships**.
- 16** There is an issue of clients being ‘dropped’ by the legal aid representative either when they are dispersed to another part of the UK or when the asylum application is refused, leaving people without representation for an appeal. The latter appears to be most common with complex cases.
- 17** The legal aid auditing regime was the primary reason that several firms in England and Wales gave for having withdrawn from legal aid, and the reason that several non-legal aid organisations gave for choosing not to apply for a legal aid contract. The overall unpaid administrative burden of doing legal aid work was cited as an obstacle by almost every legal aid provider in England and Wales who participated. This is a significant threat to provision. There is some unpaid administrative burden in other parts of the UK, also creating a threat to provision, and the respective legal aid administrations are encouraged to identify and reduce these burdens as far as possible.

- 18** In many parts of England and Wales, and to some extent in NI, legal aid provision depends heavily on one individual, or a small number of people. Examples include Plymouth and Stoke-on-Trent where there is only one qualified legal aid caseworker in an asylum dispersal city, and the entire surrounding county. This relates to the wider recruitment crisis, but additionally makes provision precarious in many areas and is a mark of a dysfunctional market. It does not appear to be the case in Scotland in general, though provision is very scarce outside Glasgow.
- 19** The geographies of asylum support and accommodation have been changing and continue to do so as a result of Home Office policy. Large numbers of people remain in hotel accommodation at the time of writing. Local authorities and Strategic Migration Partnerships were also experiencing or expecting changes under the Widening Dispersal project, which aims to accommodate people seeking asylum in areas which had not previously had dispersed accommodation, and to increase the numbers in some regions/nations. This is causing concern because of the lack of asylum legal advice in many areas.
- 20** Provision outside the scope of legal aid is of much greater importance in England and Wales than in the rest of the UK because it is (at least in theory) covered by legal aid in Scotland and NI.
- 21** There is a serious shortage of free and low-cost advice outside the scope of legal aid in most parts of England and Wales, leaving undocumented people and those with limited leave unable to regularise or to maintain their lawful immigration status. Examples were given of women staying in abusive relationships because they could not access free representation for applications under the domestic violence provisions of the immigration rules.

**22 The deficit in legal aid and non-legal aid capacity across much of the UK means that any area which has a more abundant supply faces inward demand pressure from surrounding areas of shortage.**

That means certain kinds of case which are more complex or financially more challenging get 'displaced' by the inward demand pressure, and cannot access representation even in areas where there appears to be adequate or surplus provision. Any matter which i) does not have a deadline attached or ii) is likely to be complex and long-running or iii) is likely to make particularly significant financial losses is less likely to be taken on, even in areas with apparently adequate supply.

**23 Throughout the UK, there were organisations closing altogether, or closing projects, and consequently losing or moving down a level of accreditation, because of loss of funding.**

Given the limited number of organisations that advisers can move to in most regions/nations, and given that individual accreditation is lost after six months of not practising as an adviser, this represents a significant loss of human resource within an area, and it is important to consider long term sustainability.

**24 In all parts of the UK, there is less provision on closer investigation than might initially have appeared,** both for legal aid and non-legal aid work. In Scotland and NI, this is because some firms appear on finder tools as being technically able to provide immigration legal aid work, but do not in fact do so (or do only very little). In England and Wales, it is because the allocation of matter starts creates illusory provision because the vast majority of providers are not able to undertake as many 'matter starts' or new cases as they are allocated each year. The same applies to non-legal aid provision in many areas, particularly in respect of casework and representation, as opposed to one-off advice.

**25 Advice and casework for non-asylum immigration and nationality matters is very limited throughout the UK, although this is numerically the greatest area of need.**

It means there is little support for the estimated 809,000 undocumented people estimated to live in the UK (including children born here), and the shortage of advice is exacerbated by the complexity of the system. This lack of access to advice and casework, in the context of complex rules and procedures, drives immigration status irregularity, causing poverty and exclusion, which is arguably contrary to any public interest.

**26 Organisations found it relatively easy to obtain and retain OISC Level 1 accreditation, but much more difficult to reach Level 2.**

At the same time, the Asylum and Protection accreditation is much easier to obtain than the Immigration accreditation, because the curriculum for the latter is so large. To some extent, breaking down the Immigration qualification into smaller blocks was advocated as a solution, but respondents also cautioned against training advisers so narrowly that they could not understand the wider context and identify other routes under which their clients might qualify. This is a difficult balance.

**27 Immigration status creates a barrier to accessing advice on other issues** such as housing and welfare benefits, when their entitlements are not well understood by other advisers, but immigration advice is unavailable.



## REGIONAL BREAKDOWN

### Scotland

- 28** Legal aid is available for asylum and immigration work in Scotland, as a category of civil legal aid. There is no procurement process and no contract system. Each solicitor's firm decides whether it wishes to do legal aid work, and those which do must register for the relevant areas of law on the Civil Legal Assistance register of the Scottish Legal Aid Board (SLAB), which they can do at any time. **They may then take on as much or as little legal aid work as they like**, within the scope of civil legal aid, subject to their professional obligations regarding competence.
- 29** The Law Society of Scotland's solicitor finder tool indicates **63 firms offering immigration legal aid work, of which 31 are in Glasgow**, which is the only dispersal area in Scotland. In total, 78 firms received a payment for immigration and asylum legal aid work in at least one of the financial years 2019-20 or 2020-21, but only around 35 firms undertook more than two or three cases.
- 30** For Advice and Assistance (the non-representation stage, covering advice or applications) there were 3,695 grants of funding for asylum and 5,242 for other immigration in 2020-21 – **a total of 8,937**. For Assistance By Way Of Representation (ABWOR) there were 668 and 375 grants for asylum and other immigration respectively in 2021, which would most likely have covered appeals.
- 31** This compares with demand indicators including:
- **3,904 people receiving s95 asylum support** in Scotland.
  - **165 unaccompanied children** in the care of authorities throughout Scotland.
  - Approximately **1,272 people likely to need help** with protection settlement applications in 2021.
  - **1,968 people resettled** under the **SVPRS**.
  - **263 foreign nationals** in **prison**.
  - Approximately **22,339 undocumented people** including **8,712 children**.
  - Approximately **116 domestic violence** ILR applications.
  - **173 people referred** into the **NRM**.
  - **108,610 people** with **pre-settled status** from EUSS applications and **9,380** with '**other outcomes**'.
- 32** Legal aid provision appears to be adequate to meet need, at least in the asylum, protection and trafficking categories considered in the Primary Legal Aid Need calculations, **though legal aid need in Scotland is higher than that because of the broader scope of legal aid**. There are some case-type gaps, notably fresh asylum claims and refugee family reunion, for which it is difficult to find provision, at least partly because of the way those cases are funded.

**33 Provision for both asylum and other immigration is heavily concentrated in Glasgow, having developed around asylum dispersal,** with limited provision in Edinburgh. Clients in all other parts of Scotland largely have to travel to Glasgow, access advice remotely or go without advice.

**34 The payment structure incentivises face-to-face time between lawyer and client, which appears to have a positive effect on quality and client care,** and it also allows for front-loading of evidence gathering at the application stage. However, there are anomalies in the payment structure which mean lawyers are underpaid or unpaid for certain essential elements of work. Most notably, they are paid on a per-word basis for complex documents (like applications for permission to appeal) which should normally be concise. Certain elements of the payment scheme would benefit from review.

**35 The relationship between immigration lawyers and the Scottish Legal Aid Board (SLAB) is significantly less hostile than their counterparts in England and Wales.** Nevertheless, there are some frustrations, particularly around SLAB 'abating' or reducing payments that lawyers claim for work they have done. SLAB is working on a major Guidance on the Administration of Legal Aid (GALA) project to set out in writing all of its policies and make its billing assessment procedures more transparent.

**36 Some well-regarded firms have withdrawn from legal aid work** or are reducing the amount of legal aid work they do because it is **unprofitable** and because of the **administrative burdens** which, though lighter than in England and Wales, are nevertheless greater than in private work.

**37** Key professional networks are around ILPA and the Law Society and Faculty of Advocates. **JustRight Scotland and Lanarkshire Law Centre** are core participants in several partnerships between lawyer and non-lawyer organisations. Key sector networks include the Roof Coalition, which brings together a range of support organisations. **However, networks are few beyond Glasgow.** In order for dispersal to be widened within Scotland, intervention and support would certainly be needed to make legal representation and other services available.

**38** Scotland's training and qualification systems are different from those in England and Wales and, within Glasgow, **it does not appear to face the same difficulties with recruitment as elsewhere in the UK.** Beyond Glasgow, however, recruitment is difficult, particularly where a mixed practice is needed.

**39** However, **a particular difficulty arises because legal aid firms cannot compete on salary and benefits with Government offices, and have found it difficult to retain their trainees or recruit new staff as a result.** Although fee rates have increased slightly in Scotland, this is not sufficient to enable equality of arms between legal aid firms and government bodies.

**40** **Quality of provision was rarely mentioned as a problem,** unlike for England, Wales and NI.

Visualise Scotland data here

## The North West

- 41** The region covers the counties of Greater Manchester, Merseyside, Lancashire, Cheshire and Cumbria. **There is no access point covering Cumbria or Cheshire.** In reality, **the vast majority of the provision in the region is in the two main cities of Manchester and Liverpool**, with a small amount in Bolton.
- 42** Across the region, there are **34 legal aid provider offices** which opened a combined total of **3,552 matter starts** in 2020–21.
- 43** There are **five OISC Level 3 organisations in the North West** in addition to those doing legal aid work; **four OISC Level 2 offices** across the region (excluding Migrant Help in Liverpool); and **52 offices registered at Level 1**, of which 32 are Citizens Advice Bureaux operating under the Level 1 exemption.
- 44** This compares with demand indicators including:
- **9,087 people receiving s95 asylum support** in the North West region.
  - **330 unaccompanied children** in the care of authorities throughout the region.
  - Approximately **3,391 people likely to need help** with **protection settlement** applications in 2021.
  - **1,536 people resettled** under the **SVPRS**.
  - **783 foreign nationals** in **15 prisons**.
  - Approximately **35,742 undocumented people** including **13,939 children**.
  - Approximately **186 domestic violence** ILR applications.
  - **565 people referred** into the **NRM**.
  - **187,390 people** with **pre-settled status** from EUSS applications and **20,500** with **‘other outcomes’**.

Visualise The North West data here

- 45** This gives a **Primary Legal Aid Deficit of -6,470** (Primary Legal Aid Need: 11,704 and Primary Legal Aid Provision: 5,234).
- 46** **Greater Manchester is the epicentre of both provision and dispersal** in the North West, and the long history of dispersal contributes to high demand beyond first-time asylum applications, and there is a **persistent deficit between need and provision**. Provision for fresh claims is a particular shortage throughout the region, as is specialist trafficking advice and representation.
- 47** **Partnerships and collaboration are very strong in Manchester**, though this can create pressure on the legal specialist/s in the partnership/s because of the shortage of advice. However, even in Greater Manchester, the networks become ‘much thinner’, and they are largely focused on **asylum rather than other immigration issues**.
- 48** **Recruitment is problematic** throughout the region but recruitment and training difficulties are particularly severe outside Manchester and Liverpool, with some advertised posts for trained workers being unfilled. Given the strong collaborative network in parts of the North West, there has been discussion of cross-organisational supervision but this creates a significant demand on the time of a Level 3 caseworker to bring up another organisation’s capacity to work at Level 2, and therefore needs careful strategic approaches.

## The North East

- 49** The region covers **Tyne and Wear, County Durham, Northumbria and part of North Yorkshire**. Both the accommodation region, for dispersal, and the Legal Aid Agency procurement area cover North East, Yorkshire and the Humber, as a single region, but they are discussed separately in the report.
- 50** The legal aid access point is called County Durham East, Teesside, Tyne and Wear, and Gateshead. **There are 12 legal aid provider offices which opened a combined total of 1,705 matter starts in 2020–21**. One provider closed its office in 2021, while another did not open any new legal aid cases. **There is no access point for Northumbria and none of the providers are in County Durham**.
- 51** There is **only one OISC Level 3** organisations in the North East in addition to those doing legal aid work; **four OISC Level 2 offices** across the region; and **24 offices registered at Level 1**, of which 11 are Citizens Advice Bureaux operating under the Level 1 exemption.
- 52** This compares with demand indicators including:
- **4,445 people** receiving **s95 asylum support** in the North East region.
  - **28 unaccompanied children** in the care of authorities throughout the region.
  - Approximately **1,272 people likely to need help** with **protection settlement** applications in 2021.
  - **1,100 people resettled** under the **SVPRS**.
  - **276 foreign nationals** in **six prisons**.
  - Approximately **8,935 undocumented people** including **3,484 children**.
  - Approximately **46 domestic violence** ILR applications.
  - **94 people** referred into the **NRM**.
  - **26,760 people** with **pre-settled status** from EUSS applications and **3,200** with **'other outcomes'**.
- 53** This gives a **Primary Legal Aid Deficit of -3,356** (Primary Legal Aid Need: 5,149 and Primary Legal Aid Provision: 1,793).
- 54** A new immigration detention centre for women opened in the region in November 2021 and the **Legal Aid Agency has been unable to procure a face to face advice service from among the providers in the North East** or neighbouring access points.
- 55** Because of the relatively small number of organisations in the region, networks and referral pathways have been difficult to build and maintain. **Those in dispersal accommodation in Northumbria have little access to services**. North East Law Centre is an important hub for partnerships in the region.
- 56** **Recruitment is very difficult in the North East**, but organisations have to depend on external support for the resources to train caseworkers themselves.

Visualise The North East data here

## Yorkshire and The Humber

- 57** The region includes South and West Yorkshire, East Riding of Yorkshire, parts of North Yorkshire, and also North and North East Lincolnshire, with some large cities but also large rural areas.
- 58** Across the region, there are **23 legal aid provider offices in three access points**, which opened a combined total of **2,260 matter starts** in 2020–21. There is no provision in Lincolnshire, most of North Yorkshire, or East Riding of Yorkshire outside the city of Hull (which has only one provider).
- 59** There are **12 OISC Level 3** organisations in Yorkshire and the Humber in addition to those doing legal aid work (two in South Yorkshire, one in Hull, and the other nine in West Yorkshire); 17 OISC Level 2 offices across the region; and 32 offices registered at Level 1, of which 14 are Citizens Advice Bureaux operating under the Level 1 exemption.

- 60** This compares with demand indicators including:
- **5,464 people receiving s95 asylum** support in the Yorkshire and the Humber region.
  - **158 unaccompanied children** in the care of authorities throughout the region.
  - Approximately **1,695 people likely to need help** with **protection settlement** applications in 2021.
  - **1,304 people resettled** under the **SVPRS**.
  - **788 foreign nationals** in 13 prisons.
  - Approx **26,806 undocumented people** including **10,455 children**.
  - Approx **139 domestic violence** ILR applications.
  - **539 people referred** into the **NRM**.
  - **118,150 people with pre-settled status** from EUSS applications and **17,810 with 'other outcomes'**.
- 61** This gives a **Primary Legal Aid Deficit of -4,329** (Primary Legal Aid Need: 6,892 and Primary Legal Aid Provision: 2,563).

- 62** **Hull is a sub-region of particular shortage**, with high demand coming from 481 people receiving s.95 asylum support and only 99 legal aid matter starts opened per year within the access point. **Domestic violence applications were identified as an area of particular shortage in Hull**. Although other parts of Yorkshire appear to be relatively well supplied, there is nevertheless **a shortfall between provision and indicated need, and particular shortages in Kirklees, Calderdale, Wakefield, and in most of North Yorkshire**. Lack of services in new dispersal areas is particularly problematic.
- 63** **There are strong partnerships and networks** in some parts of Yorkshire and the Humber, with **Migration Yorkshire** (the Strategic Migration Partnership for the region) and its sub-regional meetings being an important part of most respondents' networks, and **Refugee Action's relatively new Community of Practice** forming a core part of the support network for advice organisations, especially those which were newly accredited. These well-established networks have an efficiency, in that all organisations understand what each other does and, to a large extent, avoid duplication, but this sometimes means users have to travel across the region to access services which are only available in one place.
- 64** Despite the rich network of organisations, **recruitment of qualified staff is difficult across the region**, with few Level 2 caseworkers or above available.

[Visualise Yorkshire and The Humber data here](#)

## The Midlands

**65** The Midlands, often subdivided into East and West Midlands, covers the width of England including the counties of Staffordshire, Shropshire, Herefordshire, Worcestershire, Warwickshire and the West Midlands conurbation, which make up the West Midlands, and Derbyshire, Nottinghamshire, Leicestershire, Northamptonshire, Rutland, and most of Lincolnshire, which make up the East Midlands.

**66** Across the region, **there are 44 legal aid provider offices** which opened a combined total of **4,748 matter starts in 2020–21**. The majority of offices (28) are in the access point of **South Staffordshire, Sandwell and Birmingham**, in the West Midlands, with smaller clusters in **Derby, Nottingham and Leicester**. **Stoke on Trent has very little provision**, with one provider opening fewer than 15 new legal aid cases per year, and high demand.

**67** There are **ten OISC Level 3 organisations** in the Midlands, all in the West Midlands, in addition to those doing legal aid work; **seven OISC Level 2** offices across the region (excluding Migrant Help); and **69 offices registered at Level 1**, of which 46 are Citizens Advice Bureaux operating under the Level 1 exemption.

**68** This compares with demand indicators including:

- **8,281 people** receiving **s95 asylum support** in the Midlands region.
- **542 unaccompanied children** in the care of authorities throughout the region.
- Approximately **2,967 people** likely to need help with **protection settlement** applications in 2021.
- **2,245 people resettled** under the **SVPRS**.
- **1,725 foreign nationals** in **26 prisons**.
- Approximately **71,483 undocumented people** including **27,164 children**.
- Approximately **371 domestic violence** ILR applications.
- **1,204 people referred** into the **NRM**.
- **363,470 people** with **pre-settled status** from EUSS applications and **42,990** with '**other outcomes**'.

**69** This gives a **Primary Legal Aid Deficit for the West Midlands of -3,903** (Primary Legal Aid Need: 7,864 and Primary Legal Aid Provision: 3,961). For the East Midlands, there is a Primary Legal Aid Deficit of -2,116 (Primary Legal Aid Need: 3,095 and Primary Legal Aid Provision: 979).

**70** **Stoke on Trent faces an especially severe shortage of legal aid and other provision**, within a context of high demand from asylum dispersal and other migration and high levels of socio-economic deprivation, which affects both their ability to recruit and retain staff and their would-be clients' ability to access services.

[Visualise The Midlands data here](#)



- 71** Some other parts of both East and West Midlands have very sparse provision, which may be obscured by the relatively high number of organisations and legal aid providers operating within the West Midlands conurbation. However, **the region has the highest levels of need outside London, in many categories.** The lack of provision in other areas creates strong inward demand pressure on the services in Birmingham and the West Midlands conurbation and there is consequently **a shortfall between need and provision, particularly for more complex matters like fresh asylum claims.**
- 72** **Recruitment is particularly difficult** outside Birmingham and the West Midlands conurbation.
- 73** **Central England Law Centre (CELC)** is at the heart of several partnerships and networks within the Midlands and beyond, which significantly strengthen the overall advice infrastructure of the region.
- 74** The **East Midlands Councils' sharing of an in-house immigration solicitor** is a model which other regions should consider adopting.



## Wales

- 75** Wales does not have a devolved system of justice and legal aid, so these are controlled by the Westminster government on the same basis as in England – as are immigration law and policy. **Wales is an advice desert except in the far south but there is a serious shortage of both legal aid and non-legal aid advice for Wales as a whole**, exacerbated by the shortages in the South West of England and the westernmost parts of the West Midlands and North West.
- 76** Across Wales, there are **12 legal aid provider offices** which opened a combined total of **1,148 matter starts in 2020–21**. **Nine of these are in South East Wales**, two are in Swansea and there is only one in North Wales (Wrexham).
- 77** There is **only one free or low cost OISC Level 3 organisation in Wales**, Asylum Justice, in addition to those doing legal aid work. There are **no OISC Level 2 offices** in Wales apart from Migrant Help in Cardiff. There are **28 offices registered as non-fee charging at Level 1**, of which 20 are Citizens Advice Bureaux operating under the Level 1 exemption.

[Visualise Wales data here](#)

- 78** This compares with demand indicators including:
- **2,734 people** receiving **s95 asylum support** in Wales.
  - **65 unaccompanied children** in the care of authorities throughout Wales.
  - Approximately **1,130 people** likely to need help with **protection settlement** applications in 2021.
  - **913 people resettled** under the **SVPRS**.
  - **217 foreign nationals** in **six prisons**.
  - Approximately **8,935 undocumented people** including **3,484 children**.
  - Approximately **46 domestic violence** ILR applications.
  - **279 people referred** into the **NRM**.
  - **34,640 people** with **pre-settled status** from EUSS applications and **4,100** with **'other outcomes'**.
- 79** This gives a **Primary Legal Aid Deficit of -2,266** (Primary Legal Aid Need: 3,646 and Primary Legal Aid Provision: 1,380).
- 80** **The majority of Wales is without any immigration and asylum advice at all above Level 1**. Given the poor transport links in many parts of Wales, **this presents a real difficulty for those in need of immigration legal advice**, especially outside the main asylum dispersal areas of Cardiff, Newport, Swansea and Wrexham.
- 81** **Particular shortages appear to arise for refugee family reunion applications**, all Exceptional Case Funding matters, fresh asylum claims and applications under the domestic violence rules, but there were suggestions that even first-time asylum applicants might struggle to find a representative.

**82** Certain legal aid solicitors in South Wales were criticised for frequently ‘merits failing’ clients when the Home Office refuses asylum, and **leaving them unrepresented for an appeal**. Given the shortage of legal aid provision, this leaves many to be picked up pro bono by the sole OISC Level 3 organisation, Asylum Justice. It is not clear whether this is in fact more prevalent in Wales than elsewhere, but Asylum Justice’s success rate of around **70% indicates that asylum applicants are being ‘dropped’ when in fact their cases have merit**.

**83** Several organisations highlighted the **importance of Welsh Government funding**, which supports a range of organisations and had **prevented the closure of Asylum Justice**. The Welsh Government, in contrast to the UK one, has **a refugee action plan and a migrant integration strategy, as well as a national advice strategy**. It funded a private law firm to provide Level 2 and 3 EUSS casework, and guaranteed the support funding through to the end of 2021, whereas in England much of the government EUSS funding ended in June 2021.

**84** **Partnerships and collaboration are limited** by the small number of organisations in Wales. Legal professionals and support groups are connected to many of the same wider networks as those in England, and the Strategic Migration Partnership for Wales offers a network within Wales. The creation of on-the-ground capacity building partnerships, however, requires an investment of time and money.

**85** The limited number of accredited advisers and advice organisations in Wales appears to restrict the possibilities for capacity building via recruitment and training. This **leads to a ‘brain drain’**, as young people leave for training opportunities and then settle elsewhere.

## The South West

**86** The region is **geographically the largest in the UK but with one of the smallest populations**, covering the counties of Gloucestershire, Somerset, Wiltshire, Dorset, Devon and Cornwall. There are significant dispersal areas in Plymouth, Swindon (Wiltshire), Bristol and Gloucester.

**87** Across the region, there were **11 legal aid provider offices, almost all in the city of Bristol**, which opened a combined total of just **465 matter starts in 2020–21**. One of these providers withdrew from legal aid in early 2022. There is one small provider in Plymouth, with a single caseworker, and one provider with a contract in Wiltshire, which has been unable to do any legal aid work as it cannot recruit a lawyer. The South West is recognised as an area of extreme shortage.

**88** There are **five OISC Level 3 organisations registered in the South West** in addition to those doing legal aid work, though at least one does not do Level 3 work in practice; **two OISC Level 2 offices** across the region but one is in fact a national organisation with no physical presence in the South West; and **42 offices registered at Level 1**, of which 27 are Citizens Advice Bureaux operating under the Level 1 exemption.

Visualise The South West data here

- 89 This compares with demand indicators including:
- **959 people** receiving **s95 asylum support** in the South West region.
  - **194 unaccompanied children** in the care of authorities throughout the region.
  - Approximately **353 people likely to need help** with **protection settlement** applications in 2021
  - **1,175 people resettled** under the **SVPRS**.
  - **389 foreign nationals** in **11 prisons**.
  - Approximately **26,806 undocumented people** including **10,455 children**.
  - Approximately **139 domestic violence** ILR applications.
  - **421 people referred** into the **NRM**.
  - **116,560 people** with **pre-settled status** from EUSS applications and **9,370** with **'other outcomes'**.

90 This gives a **Primary Legal Aid Deficit of -1,165**  
(Primary Legal Aid Need: 1,712 and Primary Legal Aid Provision: 547).

91 The lack of any legal aid and non-legal aid provision in the vast majority of the region, and the very limited legal aid provision concentrated in Bristol, **causes a serious problem for people in need of immigration advice**, and the support organisations and local authorities trying to facilitate access to advice.

92 **Infrastructure is poor**, including immigration-specific facilities like biometric centres and reporting centres and also transport infrastructure, meaning people face long journeys for immigration processes with expensive and poor-quality transport. Were unaccompanied children and resettled refugees are involved, this also affects local authorities.

93 **Partnerships and collaboration in the region are strongly focused on trying to increase the capacity of legal advice.** Plymouth, Exeter, Bristol and Swindon have active networks which seek to maximise the effectiveness of their organisations but the lack of legal aid representation creates additional work for the few organisations which exist, in supporting their clients to access advice. Although better networking between cities would be an advantage, **organisations do not have spare capacity for network building.**

94 **Recruitment has proven impossible** in much of the region, leading to a collapse in provision outside Bristol. The sole provider for Plymouth was unable to replace a departing senior caseworker, and has to rely on supervision of its sole caseworker from another office, while the sole contract holder for Wiltshire has been unable to recruit a lawyer at all. Recruitment has also been difficult within Bristol.

95 **The problems with recruitment and the lack of supervisors have limited the opportunities to train new caseworkers or solicitors**, even with financial support such as Justice First Fellowships.

## The South East (excluding London)

**96** The region includes **most of the main ports of arrival from continental Europe, and is the most significant region for irregular arrivals into the UK**, with the highest number of unaccompanied children and the highest number of undocumented people outside London, and the highest foreign national prisoner population in the UK. **It is not often identified as an advice desert region**, perhaps because of the London provision, but there are **just six legal aid providers in the sub-London South East, and only seven in the entire South of England below London and Bristol**.

**97** Across the region, there are **15 legal aid provider offices** which opened a combined total of **1,425 matter starts in 2020–21**.

**98** There are **six free and one low-cost OISC Level 3 organisations** in the South East, plus Kent University Law Clinic, in addition to those doing legal aid work; **nine OISC Level 2 offices** across the region (excluding Migrant Help offices); and **81 offices registered at Level 1**, of which 66 are Citizens Advice Bureaux operating under the Level 1 exemption. However, a number of the organisations are not operating at their full accreditation level.

**99** This compares with demand indicators including:

- **903 people** receiving **s95 asylum support** in the South East region, as of March 2021, which was the data point selected for the research, but this **rose significantly by September 2021** as a result of changes to asylum accommodation policies and delays in the asylum system.
- **810–928 unaccompanied children** in the care of authorities throughout the region, with considerable instability in the numbers in Kent, and very high numbers of care leavers resident in the region.
- Approximately **141 people** likely to need help with **protection settlement** applications in 2021.
- **1,465 people resettled** under the **SVPRS**.
- **2,236 foreign nationals** in **21 prisons**, including two foreign national only prisons.
- Approximately **62,548 undocumented people** including **24,393 children**.
- Approximately **325 domestic violence** ILR applications.
- **598 people referred** into the **NRM**.
- **263,990 people** with **pre-settled status** from EUSS applications and **2,820** with **‘other outcomes’**.

**100** This gives a **Primary Legal Aid Deficit of –988** (Primary Legal Aid Need: 2,347 and Primary Legal Aid Provision: 1,359). However, this **obscures a much larger legal aid deficit on the South Coast**.

**101** Even first-time adult asylum representation is in short supply across the region, and this is becoming a more serious problem with the increasing dispersal of asylum applicants into the South East. **Provision at Napier Barracks in Kent is almost wholly remote**, from other parts of England and Wales, but the shortage applies throughout the South Coast region.

**102** There are **relatively few support groups** in most of the region, and this in itself creates a further challenge to capacity as a result of inappropriate signposting of anyone with a migration-related problem to the few organisations which exist. Where there are advice organisations, however, they have collaborative networks within their sub-regions because they know one another's work well.

**103** **Recruitment is difficult** because the cost of living is high throughout the South East but the salaries do not benefit from London Weighting in general or in legal aid fees.

[Visualise The South East data here](#)



## The East of England

- 104** The East of England region includes the three easternmost counties, Norfolk, Suffolk and Essex, which have **no legal aid provision and very limited other provision**, and the central eastern counties of Cambridgeshire, Bedfordshire and Hertfordshire, which have **some provision**.
- 105** Across the region, there are **12 legal aid provider offices** which opened a combined total of **769 matter starts in 2020–21**. Many of these providers are small, with only a single accredited practitioner on the register.
- 106** There are **two OISC Level 3 organisations** in the East of England in addition to those doing legal aid work; **seven OISC Level 2 offices** across the region; and **55 offices registered at Level 1**, of which 38 are Citizens Advice Bureaux operating under the Level 1 exemption.
- 107** This compares with demand indicators including:
- **1052 people** receiving **s95 asylum support** in the East of England region, including 531 in the three easternmost counties with no legal aid provision.
  - **528 unaccompanied children** in the care of authorities throughout the region.
  - Approximately **282 people** likely to need help with **protection settlement** applications in 2021.
  - **671 people resettled** under the **SVPRS**.
  - **1,212 foreign nationals** in **13 prisons**.
  - Approximately **40,210 undocumented people** including **15,682 children**.
  - Approximately **209 domestic violence** ILR applications.
  - **619 people referred** into the NRM.
  - **194,630 people** with **pre-settled status** from EUSS applications and **22,180** with **'other outcomes'**.

[Visualise The East of England data here](#)





- 108 This gives a **Primary Legal Aid Deficit of -1,001** (Primary Legal Aid Need: 1,791 and Primary Legal Aid Provision: 790).
- 109 The shortage of advice and representation in the eastern half of the region creates a significant burden on the organisations and local authorities which are trying to support people to access legal advice, demanding resource-intensive work, financial assistance and psychological support which they are not well-equipped or resourced to provide.
- 110 There are **some very strong partnerships and collaborations**, particularly involving Norfolk Community Law Service, GYROS in Great Yarmouth, Suffolk Law Centre, and RAMFEL in Essex as the legal (but not legal aid) specialists within wider partnerships, but they are extremely stretched. Despite a successful partnership around support for victims of domestic violence, which demonstrated the importance of legal advice for migrant DV victims, no new funding has become available to continue that work.
- 111 **Recruitment is described as ‘a nightmare’ and ‘virtually impossible’** at all OISC levels and for legal aid in most of the East of England region. Even in Luton, which is the main town for provision in the region, the Law Centre had its contract suspended for a year because it was unable to recruit a supervising solicitor to replace one who retired and another who went on maternity leave.
- 112 As is typical in **areas of extreme advice shortage**, the **organisations on the eastern side of the region are well networked** with all of the other organisations within their own county and the neighbouring ones, with a good understanding who can help with what issues. The East of England Local Government Association is concerned about the shortage of advice and has taken a proactive role in seeking to increase capacity.



## Northern Ireland

**113** NI faces the additional issue of a land border with the EU, meaning it has cross-border workers and potentially complex questions around entitlements to housing and social security which do not arise in the rest of the UK. As with Scotland, devolution influences the comparison with England and Wales because immigration remains the preserve of the UK government but many related issues, like benefits and housing, are devolved.

**114** **Legal aid is available for the full range of immigration work as well as asylum in Northern Ireland.** Any qualified solicitor may undertake legal aid work in any category.

**115** The Law Society's website listed 99 firms doing immigration legal aid work at the start of the research, but many of these firms did not undertake immigration work in practice. During the fieldwork period, the Law Society of NI agreed to ask all members to confirm whether they actively undertook immigration work, after which it published a list of just nine solicitors' firms, all but one of which is in Belfast. There are a small number of other firms actively involved but this appears to be no more than 10-15 firms regularly doing immigration work, although 39 firms were paid for at least one Advice and Assistance case in immigration and asylum in 2020-21. **Provision is concentrated in Belfast.**

**116** There were only **63 grants** for Representation in the First-Tier Tribunal in 2021, which does **not appear to be adequate provision** for representation on appeals, given the number of people in asylum support in NI during the same period.

Visualise Northern Ireland data here

**117** There are **two OISC Level 3 organisations** in NI; **four non-fee charging OISC Level 2 offices are registered**, but three of these are Barnardos offices, which work only with children, and the other was only accredited to do EUSS work. There are 56 offices registered at Level 1. The Citizens Advice Bureau in NI closed on 1 January 2019 and many offices moved under the umbrella of Advice NI, which has since acquired the same Level 1 exemption as Citizens Advice Bureaux. There are 35 Advice NI members on the register.

**118** This compares with demand indicators including:

- **825 people receiving s95 asylum** support in NI. Although there is no dispersal to NI, those who arrive there are usually accommodated within NI.
- **35 unaccompanied children** in the care of authorities throughout NI
- Approximately **212 people** likely to need help with **protection settlement** applications in 2021.
- **1,456 people resettled** under the **SVPRS**.
- **136 foreign nationals** in **prison**.
- Approximately **4,468 undocumented people** including **1,742 children**, though this is thought by interviewees to be an underestimate.
- Approximately **23 domestic violence ILR applications** though, again, this is thought to be an underestimate of actual need, because it is based on limited provision.
- **66 people referred** into the **NRM**.
- **31,020 people** with **pre-settled status** from EUSS applications and **4,480** with **'other outcomes'**.

- 119 As with Scotland, it is **not possible to calculate Primary Legal Aid Need in the same ways as for England and Wales** because the scope of legal aid is broader and, therefore, so is the eligible legal aid need. However, taking the same formula as for England and Wales, the Primary Legal Aid Need is 1,009. Provision is not separated into asylum and other immigration in the statistics available, but total provision at the Advice and Assistance stage of legal aid is 1,353. Given the accounts of respondents, both legal aid providers who are unable to meet the demand and support organisations who struggle to find lawyers for their clients, **it is apparent that there is a deficit**, even for those categories which make up the primary need calculation.
- 120 There is **a lack of data** on which to draw more robust conclusions about access to immigration legal advice and representation in NI, but the evidence points to a significant shortage at all levels. At the time of the fieldwork, need in NI was persistently high, and the border between NI and the Republic was generating significant discussion and uncertainty.
- 121 Although all immigration and asylum work remain in the scope of legal aid, in practice **provision is limited by very low fees**, of £43.25 per hour. One respondent said their actual running costs were £105 per hour, and that the fee had not increased since they started doing legal aid work in 1982. Legal aid funding had not been well adapted to the new online Tribunal procedure.
- 122 Respondents made the point that, **despite devolution, they rely heavily on both funding and legal rules from the UK government**. Therefore while EUSS funding had enabled several organisations to provide a high-quality free service, the funding had been erratic and therefore difficult to manage.
- 123 Nevertheless, the EUSS advice services were widely seen as a model of what might be possible for NI with a broader scope, given adequate and sustainable training and funding.
- 124 The **immigration services infrastructure is poor**, meaning that people have to travel to enrol biometrics, attend legal appointments and hearings, but face difficult journeys on often-poor public transport in order to do so, if they live outside Belfast. The Tribunal is described as 'unsympathetic' to attendees' difficulties in arriving at 9am.





- 125** The asylum and migrant support sector in NI was described as **‘very well networked’ and ‘a relatively cohesive sector’**. The Refugee and Asylum Seeker Forum (RASf) was said to include most of the organisations involved in support, meaning that between them they were supporting most, if not all, of the people seeking asylum in NI. **These networks, however, rarely include legal aid solicitors.** Advice NI is an important network for the wider advice sector, including those doing immigration-related work.
- 126** **The ILPA NI working group and the Law Society NI’s Immigration Practitioners’ Group** formed in 2020 and 2017 respectively, and have brought together a much stronger network of legal aid practitioners. This should be supported and strengthened, as it enables members to better identify and advocate on key issues around legal representation and access to advice.
- 127** **Recruitment of qualified advisers is very difficult throughout NI**, because there are few immigration solicitors and few OISC-accredited advisers, especially given the salaries organisations can afford to pay. This appears to be even worse in rural areas than in Belfast. Although it reflects a wider recruitment crisis, respondents believe that NI experiences a brain drain as young people leave for better opportunities elsewhere, partly because of the restrictive qualification process for lawyers in NI.
- 128** **Quality is repeatedly cited as a problem**, particularly when non-specialists take on immigration work without the necessary knowledge or experience. This was said to generate extra need, when applications and appeals fail as a result of poor-quality representation.



# SUMMARY OF RECOMMENDATIONS

This research has exposed the very severe shortage of immigration and asylum legal advice in many parts of the UK, even for the limited range of matters which remains in scope in England and Wales. The shortage threatens to frustrate both the Widening Dispersal and National Transfer Schemes which aim to ensure that people seeking sanctuary are accommodated more evenly through all parts of the UK. It already impacts on other parts of the system in that, for example, the Home Office requirement that applicants complete a Pre-Interview Questionnaire cannot be fulfilled when applicants cannot obtain sentation.

Beyond asylum, the shortage of immigration advice causes poverty, social exclusion and homelessness, as well as shifting costs onto local authorities and support organisations, and causing serious harm to the people who cannot access advice. The largest (and fastest-growing) category of need, and the smallest amount of provision, is in the non-asylum categories.





## HOME OFFICE (UK-WIDE)

The Home Office is struggling to deal with the asylum and immigration caseload, for a number of reasons. It convened a roundtable with support organisations to seek possible solutions to the shortage of asylum advice in many parts of the UK, which have obstructed its plans to widen asylum dispersal and to implement new decision-making procedures such as the Pre-Interview Questionnaire (or PIQ).

These recommendations aim at reducing both immigration and asylum advice needs by changing the application and decision-making procedures, without reducing access to justice.

- Reduce the number of applications currently required to reach settlement in cases where the grant of leave is based on long residence or close family ties, and in all applications by children. For example, replace the five applications and ten-year route to settlement, with one application for five years' leave to remain and then an application for settlement. This will reduce the burden on immigration advisers, local authorities, the Home Office itself, and applicants who are recognised as having a long-term reason to remain in the UK.
- Increase the number and geographical distribution of biometric enrolment and interview venues, to reduce the demand both on individuals and on local authorities facilitating access.
- Extend the fee waiver scheme to applications for indefinite leave to remain and to citizenship applications for children and people seeking protection (i.e. on the grounds of asylum, trafficking / modern slavery, domestic violence or human rights).
- Abandon the hostile environment policies, which drive up demand with little or no identified public benefit. It should also be recognised that these are in direct conflict with the policies of the devolved legislatures of Wales and Scotland.

- Reduce the delays in the asylum system eg i) by triaging and rapidly granting cases from countries with a high grant rate, and ii) by not considering cases for inadmissibility unless there is a current agreement in place for returns to the country to which it is anticipated that return would be proposed. This will reduce the demands on legal advice providers. It should also reduce asylum support costs by reducing the length of time people remain in the decision-making system, and should therefore reduce the need for interventions by Members of Parliament on behalf of constituents.
- Ensure genuinely close collaboration, consulting before decisions are made, with the network of local authorities, regional migration partnerships and local advice agencies and relevant stakeholders in the roll out of any new dispersal practices. This should include the long-term use of hotels and other such facilities where access to legal advice is even more precarious.





## LORD CHANCELLOR AND MINISTRY OF JUSTICE (E&W)

- Exercise the power in LASPO s2 to make different arrangements for legal aid, including grants, in areas identified as advice deserts in this report.
- Undertake independent research on demand and provision in all parts of England and Wales to inform the decision-making in respect of the power in LASPO s2.
- Increase both hourly rates and fixed fees to retain those providers who are still in the market.
- Implement a systematic scheme for providing immigration advice in prison.



## LEGAL AID AGENCY (E&W)

The Legal Aid Agency has announced its intention to extend the current contracts for an as-yet uncertain period, and to consult on the form and content of the next round of immigration legal aid contracts in 2022. These recommendations apply to both the current contracts and any future iterations, and aim at restoring and maintaining sustainability and quality in the sector.

- Undertake independent research with providers to understand the reasons why they do not open all of their matter starts.
- Undertake 'exit interviews' with those leaving legal aid to understand the factors which lead to loss of providers.
- Reduce the transaction costs for providers doing legal aid work while considering ways of both facilitating good-quality work and attracting more providers into the network. This should include an urgent review of the current auditing regime.
- Peer review a (significant) percentage of cases where a provider refuses to grant Controlled Legal Representation after a refusal of asylum and before appeal (ie, where a CW4 is issued) to ensure this procedure is not being overused.
- Publish anonymised peer review data, in the interests in transparency about the quality of advice being funded.





## SCOTTISH LEGAL AID BOARD

The fee increases and Guidance on the Administration of Legal Aid (GALA) project to set down in writing the basis of funding decisions are positive steps. Further recommendations for SLAB aim at ensuring the sustainability of legal aid practice within immigration and asylum systems over which the Scottish Government and its agencies have little control.

- Continue to review fee rates and ensure they keep pace with inflation at the very least.
- Ensure that fee rates enable legal aid firms to compete for staff on a level playing field with Scottish Government departments.
- Avoid 'stealth cuts' through abatements and through the GALA process itself.
- Consider ways of reducing the administrative burden on legal aid providers, and avoid shifting any further admin burden onto providers without remuneration.
- Research need in geographical areas beyond Glasgow, especially non-asylum need, but also asylum-related need in areas which are beginning to host asylum dispersal, resettled refugees and unaccompanied children.
- Ensure that the strengths of the current system are maintained in the planned movement towards a public service model of provision.





## LEGAL SERVICES AGENCY NORTHERN IRELAND

As with Scotland, the NI legal aid administration is bound by the asylum and immigration processes created by the Westminster government and the Home Office. It is clear from the research that more and better data on demand and supply in NI is urgently needed, and that action is required to ensure the sustainability of the sector as demand grows in NI. Action is also required to meet the complex need arising from the cross-border issues created by the UK's withdrawal from the EU.

- Review the fees paid for immigration legal aid work and raise them in line with provider costs.
- Undertake research into need for immigration legal advice in NI and whether that need is being met by the current arrangements.
- Despite the qualification of accounts, avoid the zero-tolerance auditing which has raised transaction costs and caused good-quality providers to leave the market in England and Wales.
- Consider restoring funding for a not-for-profit organisation to take on complex cases such as those likely to arise in relation to the NI border with the EU.



## LOCAL AUTHORITIES

- Consider commissioning legal advice, particularly for families with no recourse to public funds and homeless people.
- Ensure that legal advice is secured for all children in care and children in need who may not be British Citizens, as set out in more detail in the report by Coram Children's Legal Centre.<sup>1</sup>
- Consider shared employment of in-house immigration legal advice, as East Midlands Councils have done.

1. [Taking care: How local authorities can best address immigration issues of children in care.](#)





## FUNDERS AND OTHER ORGANISATIONS

The recommendations for funders are largely the same as those in the London report:

- Numerically, throughout the UK, the greatest need is for non-asylum immigration advice and casework, which is also outside the scope of legal aid in England and Wales. Funders are encouraged to consider ways of increasing support for this work
  - Funding needs to be sustainable. Short-term funding awards create difficulties with offering sustainable employment. Immigration casework tends to be long term and is rarely accommodated within a framework of months. The resulting tendency of organisations to focus on one-off advice rather than casework worsens the bottleneck between the two types of work
  - Funders should consider building funding for training into grants and contracts, rather than asking organisations to recruit fully-qualified staff from the outset. This is particularly important given the recruitment crisis for caseworkers and lawyers above OISC Level 1. It would contribute to the sustainability of the sector and aid retention of caseworkers in organisations other than the funding recipient
  - A greater proportion of open access funding would help organisations, which either turn away some clients or expend administrative resources allocating clients to funding streams on the basis of specific eligibility criteria
- As obtaining, managing and renewing funding takes up considerable management and administrative resources, funders are urged to consider how this can be minimised or mitigated
  - Funders are also encouraged to maintain advice projects which work. Organisations which participated in the research had a strong perception that funders preferred innovation over continuing funding for existing projects. Some well-used projects had ended or were about to end because funding priorities had changed, despite the fact that need remained high
  - It would be useful for funders to consider whether they could provide funding for expert reports, medical evidence and interpreters in appropriate cases where legal aid would not be available in any event, or would only be available subject to such evidence being obtained first. This may form part of an influencing case for certain matters to be brought back within the scope of legal aid





## LEGAL AND VOLUNTARY SECTOR RESPONSE

### Recruitment, Training, Retention and Supervision

The recruitment crisis in the immigration advice sector is the single biggest obstacle to increasing capacity in England, Wales and NI. Strategic action is needed to re-grow the sector, both through the structuring of grants to organisations and a wider infrastructural focus on training and supervision. This needs to replace the loss of major provider organisations which used to train large numbers of caseworkers, and to remove the cost of training from individual organisations. It should:

- create and build on sector-wide training and supervision initiatives
- consider whether all grants can include resources and time for training and accreditation of new caseworkers
- focus particularly on non-asylum immigration, since this is numerically the largest area of need with the smallest amount of provision
- consider shared and bought-in supervision arrangements to spread supervision capacity to more organisations

### Increasing casework capacity

There is a very large gap between need and capacity across the whole UK, particularly for more complex cases and those which are financially the most difficult to undertake. It is easier to access advice than casework throughout the country, which leaves people unable to access support with applications.

- Funding needs to increase the capacity of casework, including legal aid casework, so that those who have accessed advice are also able to receive casework support if needed
- Consider whether funding can allow for open access rather than imposing access requirements

### Outreach, partnerships and networks

Effective approaches include embedding advice in other services, outreach, partnership between community and specialist organisations, and referral networks. This helps ensure clients can move between advice and casework levels as needed and builds capacity in the sector for effective triaging of needs to make the most effective use of capacity.

- A range of entry points is needed, including both drop-in and outreach
- Better networking among organisations is needed in order to build more effective referral pathways, but funding is needed for the building and maintenance of these networks
- Strategic sharing and networking of data is needed to support strategic thinking and action in the sector, but this too needs proper resourcing, as well as careful planning to prevent data being used against the client group



## Community legal literacy

Community legal education has an important role in ensuring that people know when, where and how to access advice, and to protect them from exploitative or poor-quality advice.

- Delivering community legal education depends on building trust and relationships in communities, and recognising that people look to their own communities because there is a relationship of trust which may not exist with lawyers and caseworkers.
- Careful planning is needed to avoid abuse and the risk of facilitating or encouraging unregulated advice.

## Structural change and influencing points

- Structural change is needed both around the immigration system and legal aid. While expanding the capacity of the sector is a priority, there are limits to this. A strategic approach to meeting demand therefore needs to encompass strategic litigation and influencing / campaigning initiatives to reduce need. This includes promoting better understanding of the barriers to regularisation of immigration status, and that many people become undocumented because of application fees, barriers to accessing advice, and the complexity of the system.



# INTRODUCTION

The aim of this research was to review and map provision and demand for free and low-cost immigration, asylum and nationality legal advice throughout the whole UK, by region / nation and sub-region, including legal aid and all levels of non-legal aid provision. It was commissioned by Refugee Action, with a view to informing the organisation's own strategy on access to justice capacity building over the next decade. It was funded by the Community Justice Fund and Paul Hamlyn Foundation. It complements and follows on from a similar research project on immigration legal advice in London, published in June 2021, commissioned by Paul Hamlyn Foundation and the Justice Together Initiative.<sup>2</sup> It is the first attempt to explore and compare the situations for accessing immigration and asylum legal advice in Scotland, Northern Ireland (NI), and England and Wales (E&W).

Support groups, advocacy organisations, lawyers and local authorities have long argued that there is a shortage of immigration, nationality and asylum legal advice in many parts of the UK, but this has been difficult to evidence. There has never been a comprehensive examination of provision, across legal aid and free or low-cost non-legal services, much less an attempt to measure demand. This research attempts to rectify that, by producing an estimate and a geographical breakdown of both demand and supply across the UK, and exploring the relationships and links between places. It is inevitably flawed and incomplete, because the available data does not support more exact figures, and because there is constant change, but it offers a starting point which others are invited to refine.

The overarching conclusion is that there is not enough immigration and asylum legal advice available, country-wide, and this leaves people at risk of forced return to a country where they face serious harm, of exploitation of the kinds referred to in the Modern Slavery Act, of remaining in a violent or abusive relationship, or of extreme poverty and deprivation of access to essential services because they cannot regularise or prove their immigration status. The complexity of immigration and asylum law mean that few people can manage to make their applications without legal assistance, and the lack of advice and casework capacity means that some are simply excluded from the applications system. The system itself – the high fees, the number of applications required to obtain settlement, the nature of decision-making – drives up demand for immigration advice to a level which cannot be met by any reasonably practicable amount of capacity building within the advice sector alone.

The report begins with an overview of provision, explaining some of the structures of provision in each of the three separate legal aid jurisdictions and four nations of the UK. Immigration and asylum law are reserved to the UK government, and consequently the Tribunal appeals system is also common across the whole UK. Scotland and NI, however, have separate justice systems and separate legal aid systems from England and Wales, with their own funding structures and administration. Wales is debating the possibility of a devolved justice system, which would give rise to devolved legal aid as well, but currently shares a system with England. The report then sets out an overview of demand, breaking this down into categories and explaining the data available, the degree to which is it broken down geographically, and the assumptions and allowances which have been made in reaching the demand estimates for the whole country and each region / nation or sub-region.

2. Wilding, J., Mguni, M. and Van Isacker, T. (2021) A Huge Gulf. Demand and supply for immigration advice in London. Justice Together Initiative.

The next section considers some wider issues in demand and supply, which affect the whole, or a substantial part, of the UK. These include some issues arising from legal aid systems, which may apply across E&W but not to Scotland or NI. It also addresses some of the relationships between regions. Perhaps most importantly, it is argued in this section that remote advice is not a solution to the geographical variability of advice, because there is not enough advice across the UK to make up the shortages. Although remote advice can redistribute capacity, the overall shortfall remains.

The rest of the report is organised by region/nation or jurisdiction. Each regional or national section begins with an overview of provision of legal aid and non-legal aid advice and representation, followed by an overview of demand in the different categories. For the English regions, there follows a sub-regional breakdown, describing in more detail the position in different local areas within the region. For Wales, Scotland and NI, there is no sub-national breakdown because advice services are so heavily concentrated in a single part of the country, but there is discussion of the local geographies and drivers of demand. For each region, there is a sub-section discussing Networks, Partnerships and Referral Routes, which explores the specific relationships within regions and sub-regions, and another on Recruitment, Retention and Training. These present difficulties across the UK, but there appears to be a distinctly local character and pattern within each region that is influenced by, among other things, existing advice organisations and training routes, local infrastructure and urban geographies, ease of access to training opportunities, and the universities within the area.

The sections then explore any other local issues. Some of these may arise more widely, but were raised in a specific area and are an important aspect of provision or need there. For Scotland and Northern Ireland, the sections include more detailed explanation of the legal aid system, funding structure and regulation, which have already been explored for England and Wales in my earlier reports and are not repeated here for the sake of length.<sup>3</sup>

Finally, there is a list of recommendations, addressed to a range of bodies and organisations. I have argued in those earlier reports that the system as it stands does not work for anyone: migrants, lawyers, national or local government, or taxpayers – but this is not the only way that things could be. A more humane and more effective system is possible and essential.

3. Wilding, J. (2019) Droughts and Deserts. A report on the immigration legal aid market. Wilding, J., Mguni, M. and Van Isacker, T. (2021) A Huge Gulf. Demand and supply for immigration advice in London. Justice Together Initiative.

# UK-WIDE PICTURE

## PROVISION OVERVIEW

Throughout the UK, it is a criminal offence under the Immigration and Asylum Act 1999 to give immigration legal advice unless the adviser is either regulated by the Office of the Immigration Services Commissioner (OISC) or exempt by reason of qualification as a barrister, solicitor or legal executive. In this report, provision is separated into legal aid provision and other free or low-cost work. The latter may be done by legal aid providers who also offer fee-paying services, or by charities, university law clinics and others with the appropriate accreditation. Non-legal aid provision is of less significance in Scotland and NI, where a much wider range of issues are within the scope of legal aid, though some people in those jurisdictions may be just over the financial means threshold to qualify for legal aid and still be unable to afford private fees.

### Legal aid

Legal aid operates differently in England and Wales, Scotland and Northern Ireland. The two most important differences are the scope of legal aid and who is permitted to provide legal aid services. In both Scotland and Northern Ireland, effectively all immigration and asylum legal aid matters are within the scope of legal aid, subject to the means test. In England and Wales, most non-asylum immigration is excluded from the scope of legal aid. The subsections of the Demand Overview indicate those matters which are generally in scope in England and Wales. Exceptional Case Funding (ECF) may be available where the client meets the means test and there is a risk of a breach of protected human rights if legal aid is not available,<sup>4</sup> but this requires a separate funding application and the scheme has been criticised for failing to provide an effective safety net.<sup>5</sup>

In Scotland and NI, only solicitors' firms regulated by the respective Law Societies are permitted to undertake legal aid work (instructing barristers under legal aid where appropriate). In England and Wales, however, contracts may also be awarded to OISC-accredited organisations, though their individual staff will require the IAAS accreditation operated by the Law Society (representative body of solicitors) to be able to bill for legal aid work. That means in England and Wales, legal aid work and OISC provision are not mutually exclusive, but in Scotland and NI, OISC-accredited provision is wholly separate from legal aid.

In Scotland, any solicitors' firm which is registered with the Scottish Legal Aid Board (SLAB) may undertake legal aid work. There are no contracts and no limits on how many or how few cases a firm can open. SLAB does not publish figures for the number of clients each provider represents, but does publish how many grants of Advice and Assistance it makes in a year in immigration, and how much is paid to each firm for immigration legal aid work. This, however, is complicated by the fact that the figures include 'outlays' for interpreters, expert reports and so on (called 'disbursements in England and Wales') as well as the fee paid to the firm itself. Nevertheless the combination of these statistics gives a good indication of which firms do substantial amounts of immigration legal aid work and the size and distribution of the overall provider base. The estimate is given in Table 1, with more detail in the Scotland section.

4. For more detail on the ECF scheme and applications, see [Public Law Project information page](#)

5. Emma Marshall (2020). '[Almost four out of 10 legal aid firms do not use "safety net" scheme.](#)' The Justice Gap



In Northern Ireland, legal aid is administered by the Legal Services Agency of Northern Ireland (LSANI). Any solicitor with a practising certificate may undertake legal aid work, in any area of law which is not excluded from scope, provided that they are satisfied that they are competent to do so. As in Scotland, there are no further entry barriers, nor are there any contracts or limits on how many or how few cases a firm can undertake. LSANI provided data through a Freedom of Information response on the number of Advice and Assistance grants and the number of Higher Representation grants which were made per year, and the number of firms which received payments. More recently, LSANI asked firms in Northern Ireland to indicate whether they actively undertake immigration legal aid work, and this exercise produced a list of only nine firms, though other data suggest the list is incomplete. Combined with interview and survey responses from practitioners and discussion with the ILPA NI working group and others, this gives a good indication of how many firms and how many cases are involved per year. The estimate appears in Table 1, with more detail in the Northern Ireland section.

In England and Wales, only providers contracted to the Legal Aid Agency (LAA) in the specific category of law are permitted to do legal aid work. The LAA records the number of 'matter starts', or new cases, opened by each provider with a contract. The number of matter starts does not necessarily equal the number of clients represented, because one client may have more than one matter over the course of their case, for example because the Home Office withdraws a decision and remakes it, giving rise to a separate matter. Equally a matter start may relate to a couple or family, not a single client. However, the number of matter starts which are reported enables us to form a reasonable understanding of the extent of legal aid provision in an area.





Table 1 shows, for each region/nation of the UK, the number of provider offices with legal aid contracts (and the number which were initially awarded contracts in the last tender round, in 2018), the number of matter starts allocated to those providers and the number of matter starts opened in each year. The contracts began in September 2018, therefore the contract year runs from 1 September to 31 August. The number of matter starts allocated is as of 2019-20, the middle of the three years in the table, since this has changed as providers have withdrawn.

**Table 1: Legal aid provision by region.**

REGION/NATION	NO OF OFFICES 2020-21 (2018-19)	MATTER STARTS ALLOCATED	MATTER STARTS OPENED (2018-19)	MATTER STARTS OPENED (2019-20)	MATTER STARTS OPENED (2020-21)
Scotland*	35	NA	NA	NA	NA
Northern Ireland*	10-15	NA	NA	NA	NA
Wales	12 (15)	3,252	1,528	1,465	1,148
North West	34 (38)	9,018	4,621	4,528	3,552
North East #	13	3,770	2,329	1,346	1,705
Yorks & Humber #	29 (31)	6,950	3,137	2,291	2,260
East Midlands	11 (13)	2,700	1,182	944	812
West Midlands	33 (39)	7,866	4,347	3,600	3,936
East of England	12 (13)	2,850	847	753	769
South East	15	3,123	1,401	1,251	1,425
South West	11	1,924	626	550	465
London	112 (136)	28,244	10,412	10,139	11,245

# The Legal Aid Agency procurement area is North East, Yorkshire and the Humber. The figures for this procurement area are separated into the access points which most closely reflect the separate regions.

\* Data not directly comparable because the administration of legal aid is different. See the regional sections for this information.

I have anonymised FOI data showing the breakdown of the number of matter starts opened by each provider, for each access point, in 2019-20 and 2020-21.<sup>6</sup> This shows that some providers with a legal aid contract did not open any legal aid matters in the contract year. Of those who did do legal aid work, the range is broad, from one to 719 in a year.

Where there is a difference between the number of matter starts allocated and the number used, in theory this could mean that there is spare or unused capacity, in excess of the demand for a firm's services. A number of local authorities in England have reported being told by the LAA that there is such unused capacity in their region. However, the research suggests that it far more often means that providers do not have capacity to open all of their matter starts in a year. For example, where a provider is allocated 150 matter starts a year, but consistently opens 50 matter starts per year, and turns away potential clients, its capacity is 50, not the 150 allocated by the LAA. That is important because the majority of providers which responded to the research do not use all of their matter starts, and do not have capacity to open more. **This means the LAA often assumes that supply exceeds demand, whereas the opposite is true in practice.**

The total number of legal aid matter starts reported in England and Wales in the contract year to 31 August 2021 was 27,317. Not all of these will have been asylum cases, and some clients will have had more than one matter start for a single asylum case, for example because the Home Office withdrew a decision, so a new matter had to be opened. The total number of asylum applications in the UK by main applicants (ie excluding dependants) was 37,562 in the year to September 2021. Just under 4000 people, including dependants, were accommodated in Scotland. **This indicates that provision in England and Wales is not even adequate for first-time adult asylum applications (even allowing for some applicants having the resources to pay privately), with a deficit of at least 6000 for asylum applications and appeals, let alone other matters for people who are eligible for immigration legal aid.**

Judicial review work and appeals to the higher courts (Court of Appeal and Supreme Court) are counted separately from matter starts, and funded on legal aid certificates. There were 1,054 of these issued in 2020-21, compared with 1,269 in 2019-20 and 1,142 in 2018-19.<sup>7</sup> **Over half of those funding certificates issued in 2019-20 were to offices in London.**<sup>8</sup> Detention centre advice is also counted separately, and is not dealt with in this report.

6. FOI response 210315004 dated 14 April 2021 from Ministry of Justice to Jo Wilding.

7. [Ministry of Justice statistics](#)

8. Freedom of Information response 201012019 dated 26/11/2020

## Other free or low-cost provision

The OISC provided us with detailed data from its register, which gives more information, in a more accessible format, than searching the online register, and provided a starting point for the research on non-legal aid supply. The OISC accreditations cover either 'Immigration' or 'Asylum and Protection' (though an adviser can have both accreditations), and can be at Level 1, 2 or 3. Level 1 allows for the most basic work and Level 3 allows for all advice, casework and appeals (though not judicial review work).

Both the caseworker and the organisation in which they work have to be registered, meaning the register gives a fairly detailed picture of where immigration advice can lawfully be given, subject to some caveats. Some organisations which form part of a local advice picture do not appear on the register because they buy in advice from another organisation or make the advice available in a partnership. These can only be identified by talking to people with knowledge of local advice scenes, and some may have been missed from the report as a result. Given the multiple data sources for each region or nation, however, it is unlikely to represent a large omission. In addition, there is constant change. An organisation which was at Level 1 at the start of the research may have moved up to Level 2, or an organisation which was at Level 3 may have lost its project funding and, with it, the accredited advisers.

The OISC register of organisations also records whether the organisation is for-profit or not-for-profit, and the online tool enables a searcher to specify whether they want a fee-charging or non-fee-charging organisation. Some organisations offer a combination of free and paid services, and these appear as fee-charging or for-profit on the register, meaning that they will have been missed from the initial search for organisations offering free advice, unless and until local informants mentioned them as providing some free services. Again, though some free or low-cost provision may have been omitted from the report as a result, this is unlikely to be a large amount.

In many areas, provision is focused on refugees and asylum seekers, while there is no provision for non-protection advice for undocumented people. Yet, as shown in the sections below on demand, non-asylum immigration is far the greatest and fastest-growing contributor to overall need. Many organisations work with very specific client groups, such as children or a specific nationality group, meaning that there may be little or no generalist provision in an area.



Some organisations are operating at a level lower than their accreditation, often connected to funding or other contracts, or remain on the register but do not offer advice at all. That means that even apparently plentiful provision can turn out to be illusory on close examination, and the numbers in the table below are subject to caveats which are discussed in more detail in the sections on each region or nation.

**Table 2:** Number of OISC providers by region and accreditation level.

REGION/NATION	OISC L3	OISC L2 (EXCL MIGRANT HELP*)	OISC L1 (EXCL CAB)
Scotland	1	7	106 (11)
N. Ireland	2	2	51
Wales	1	0	27 (7)
North West	5	4	52 (20)
North East	1	0	24 (13)
Yorkshire & Humber	12	16	32 (18)
East Midlands	0	3	30 (8)
West Midlands	10	4	39 (15)
East of England	2	7	54 (17)
South East	6	9	81 (15)
South West	5	2	42 (15)
London	53#	26	99 (76)

\* Migrant Help has offices throughout the UK which are accredited at L2, but it holds the Home Office contract for information provision and does not offer casework or representation to individuals on their immigration cases.

# This includes a number of organisations which have a head office in London and maintains accreditation but does not in practice offer Level 3 advice and representation from its London office.

The figure for Level 1 offices includes 377 Citizens' Advice offices. Citizens' Advice is not a single organisation but a network of independent charities, whose advisors are automatically exempt from accreditation at Level 1. Many have not, therefore, received any immigration specific training. Some offices have chosen to accredit at Level 2 or 3, and are therefore counted in those columns instead, or even to hold legal aid contracts, and the organisation as a whole has a second-tier advice structure enabling advisors to seek advice (though not casework) for their clients at a higher level than their own office is able to give. Some Citizens' Advice interviewees explained that generally those offices where no one had specific immigration training made very little use of the exemption and the second-tier advice system. The separation of these figures recognises that some CAB offices are offering access to advice at Level 1 and beyond, but others are not doing immigration advice in practice.

The other organisations accredited at Level 1 range from very small organisations to nationwide charities with multiple offices at Level 1. Excluding Citizens' Advice, 115 are charities, 39 are limited companies and 6 are sole traders. Level 1 also has the fastest rate of change, as organisations gain and lose accreditation or accredited staff, or move up to the next level. Some Level 1 organisations have an EUSS-only accreditation, having trained advisers solely for the purpose of supporting EU nationals and their family members to obtain settled status. Since the EUSS deadline passed during the course of the research, it is not clear how many of these will allow their registration to lapse.

Beyond the bare number of provider offices, the type of provision and the number of clients assisted can only be discovered by asking each organisation directly, by harvesting information from their websites or annual reports, or by speaking to key informants within the area who have an in-depth understanding of the advice available. Therefore there are inevitably some gaps in the data and differences in the quality of data or the type of data recorded by different sources. For example, some organisations count every enquiry while others do not; some count legal casework differently from other kinds of casework, while others do not; few, if any, who offer different levels of advice and casework keep a record of how many pieces of work were undertaken at each level, so that 100 advice sessions or pieces of casework by an organisation accredited at Level 3 does not necessarily mean 100 pieces of Level 3 casework or advice.

## DEMAND OVERVIEW

For demand, it is much more difficult to reach a numerical estimate than for supply. The estimates are based on statistics from multiple data sources about the main categories and populations which have (or are likely to have) immigration, asylum and nationality advice needs (See Appendix). In the overview below, I have set out the data sources, the method of estimating or attributing demand and the limitations for each category of need. These are inevitably fairly rough estimates, and are likely to be underestimates because some demand is hidden: for example, need for advice in relation to trafficking and domestic violence is likely to be higher than the numbers of people who actually apply to the Home Office or enter the National Referral Mechanism (for potential victims of trafficking) for decisions on these issues, but we cannot tell how much higher. However, in most if not all regions and nations, demand is so much higher than supply that any errors are of limited significance. **It is hoped that this data offers a baseline which others can potentially refine in the future.**

Most organisations do not have the resources to meaningfully count how many people they turn away because they do not have capacity to support them; it is likely that still more people who need legal advice do not present at services because they hear that those services cannot help. The corresponding research on advice in London found that some demand is only partially met, because people seek advice, often because of some kind of crisis, then disappear from the advice system again if they are unable to access the advice or casework they need. The same applies across the UK. Nevertheless, using statistical data to estimate the size of demand in each category gives a useful picture of how capacity in those categories compares.





## Asylum

There were 37,562 asylum applications in the UK in the year ending September 2021, plus 6,628 dependants, for a total of 44,190 people.<sup>9</sup> This gives the best indication of the total 'new' demand for asylum representation across the whole UK, but this figure is not broken down geographically. To estimate demand regionally, we need to look at asylum support figures as well, which are broken down by local authority but do not differentiate between main applicants (who each need individual legal advice) and dependants (who may not).

**Unhelpfully, the asylum support data is only collated as snapshots on one date per quarter, rather than as a total number accommodated over the course of a year, making it difficult to estimate the total demand for legal assistance within a local area per year. As a local authority interviewee put it, 'It's the churn that's important rather than the snapshot numbers. The data is only valid for the moment it's released and it's immediately out of date, and that churn is what's lacking from the data.'** I have used the figure for s95 support in March 2021 to estimate regional demand in this report, since that date falls in the middle of the legal aid contract year for England and Wales.

There were 55,119 people receiving asylum support under either s95 or s98 of the Immigration and Asylum Act 1999 on 31 March 2021. Support under s98 is emergency support, often referred to as 'Initial Accommodation', while s95 is referred to as 'Dispersed Accommodation' and eligibility for support is means-assessed; those in s98 support would be expected to move into s95 support in due course. There is on average one dependant for every four main applicants. Patterns of dispersal shift over time, meaning it is difficult to predict with any certainty which areas will accommodate mainly families and which mainly single applicants, but clearly single applicants make up the majority of asylum cases nationally. As a working assumption, four-fifths of the people receiving s95 support in an area are likely to need individual legal representation.

9. [Home Office Statistical Release: Asylum and Protection](#).

10. The most recent statistics are available [here](#) in the spreadsheet showing s95 support by local authority.

11. [Home Office Statistical Release: Asylum and Protection](#). Note that this had increased to 84,457 by 31 December 2021, which reflects the lack of movement through the system rather than a substantial increase in new entrants into the system.

12. [Sturge, G. 2020. Asylum Statistics. House of Commons Library Briefing SN01403. 17 March 2020](#). Available increase in new entrants into the system.



The data are not broken down regionally for people in receipt of other forms of asylum support, under s98 and s4 of the 1999 Act. **There were 10,294 people receiving s98 support on 31 March 2021,** but there are no data showing where in the country they are accommodated. In 'normal' times, s98 support would be heavily concentrated in initial accommodation centres, where they would remain for around a month. Currently there are numerous people accommodated in hotels for periods of time, apparently transitioning from s98 to s95 without always being informed of the change. Because s98 support is not means assessed, they are not automatically eligible for legal aid, so the legal aid provider must carry out their own means assessment. **A particular difficulty at the time of the fieldwork and writing is that people in hotels are unable to get evidence of receiving s95 asylum support, to passport them for legal aid eligibility.** Where providers are already operating a waiting list, those without confirmation of eligibility are sometimes unable to access advice. Some people obtain legal representation while they are in initial accommodation and some not until they are dispersed; others are dropped by the first representative when they are dispersed, making it difficult to attribute demand to a region in any precise way.<sup>13</sup>

A further 6,122 people were receiving Section 4 support on 31 March 2021 for which, similarly, there is no regional breakdown. This may have been a little higher, as a result of additional support during the Covid pandemic, than it would normally be. Support under s4 is for those who would otherwise be destitute and there are reasons why they cannot reasonably be expected to leave the UK. As a rough guide, many support groups and SMPs assume there will be roughly 10% as many people in s4 support as there are in s95 support in an area. This is roughly consistent with the overall numbers of people receiving support. Not all of those in s4 support will need legal advice but, for many, the route out of destitution and into s4 support is receiving advice on a fresh asylum claim. Consequently, the number of people in s4 support may more closely reflect supply than demand.

It is also worth looking at the Home Office's asylum 'caseload' for an understanding of demand. The number of people awaiting a decision rose from around 5,000 on 30 June 2011 to around 20,000 on the same date in 2016, just over 40,000 in 2020 and 57,100 on 30 June 2021. **It means clients (should) also stay in their representative's caseload for a longer period, which either means the representative has an expanding caseload or can take on fewer new cases – though there may be some who close the client's file so they can bill the case, or who lose contact with the client during the long wait.**

13. It seems reasonable to assume that, if quality and availability were similar in all areas, most people would prefer a representative who is geographically closer or easier to access, therefore (given the limitations on data) I treat demand as being located with s95 support, even if as a matter of fact it manifests elsewhere.





## Unaccompanied Children

There are published statistics, broken down by local authority, showing the number of unaccompanied children who are seeking (or have received) asylum.<sup>14</sup> This records the total number of such children in the authority's care on any given day, rather than the number of new arrivals within the course of a year. That means not all will need asylum or immigration advice within a given year, if their asylum application has already been decided. However, around three quarters of unaccompanied children are aged 16 or 17 on arrival, and therefore need representation within a one- to two-year period, so the figures for unaccompanied children give a reasonable (though not exact) indication of annual demand in an area. Asylum applications by children are included in the overall number of asylum applications, so we do not need to add them together for a UK-wide estimate of need, but they give a much more accurate geographical breakdown.

These statistics do not include the number of care leavers which an authority is responsible for, who claimed asylum as children and then aged-out into care leaving services. These young people may also need representation, either for a continuing asylum application or for a fresh claim or an application for further leave to remain after being refused asylum and granted discretionary leave. It would be difficult to deduce anything meaningful about the percentage of care leavers who had outstanding applications or advice needs and this would be outside the remit of likely Freedom of Information responses. These young people do not show up in the asylum support statistics either, so it is extremely difficult to gauge the size of this demand, except that it is likely to be highest in the areas which accommodate the largest numbers of unaccompanied children in the first place.

These figures are likely to be changing rapidly as this report is finalised, because the National Transfer Scheme for moving children out of high-intake areas like Kent has become mandatory for all local authorities. This means children will be arriving into local authorities with no prior experience of accommodating them and where there may be no immigration and asylum legal advice provision in the area.

<sup>14</sup>. Local Government Association statistics. Available [here](#).







## Post-asylum applications: settlement, travel documents, refugee family reunion

Settlement applications in protection cases (asylum, humanitarian protection, refugee resettlement) are covered by legal aid in all of the UK jurisdictions. All refugees will qualify for settlement after five years, under the current rules, unless they receive a serious criminal conviction, and this is within the scope of legal aid in all three jurisdictions. Theoretically there is provision for an active review of whether they could return, which (at least for a time, around 2016–18) meant settlement applications needed to be more thorough, but in practice there does not appear to be any real review.

That means we can estimate demand for settlement applications within a region in a calendar year approximately by calculating (a) the percentage of people on asylum support five years ago who were within the specified area, against (b) the total number of grants of asylum and other protection made five years previously, with the caveat that there will be some internal migration away from some dispersal areas and towards large cities and areas with communities from refugees' countries of origin.

In 2016, there were at least 14,129 applications where asylum, humanitarian protection or other leave was granted, either at initial decision or on appeal.<sup>15</sup> Using the asylum support statistics for 2016 (including dependants), assuming the grant rate was roughly similar for all parts of the UK, Table 3 shows an estimate of the number of people granted asylum in each region of the UK in 2016, giving a rough guide to need within each region for support with settlement applications.

**Table 3:** approximate number of grants of asylum by region, 2016.<sup>16</sup>

London	10%	approx. 1,412 grants of leave
South East	1%	approx. 141 grants of leave
South West	2.5%	approx. 353 grants of leave
East of England	2%	approx. 282 grants of leave
East Midlands	7%	approx. 989 grants of leave
West Midlands	14%	approx. 1,978 grants of leave
North East	9%	approx. 1,272 grants of leave
Yorkshire & Humber	12%	approx. 1,695 grants of leave
North West	24%	approx. 3,391 grants of leave
Wales	8%	approx. 1,130 grants of leave
Northern Ireland	1.5%	approx. 212 grants of leave
Scotland	9%	approx. 1,272 grants of leave

15. Home Office Statistical Release: Asylum and Resettlement Datasets. Available [here](#)

16. Home Office Statistical Release, 'Asylum and Protection – Section 95 support by local authority, 25/02/2021; figures for 30 June 2016.

Family reunion rights, on the other hand, accrue immediately that asylum is granted, so we do not need to factor in the same time lag; equally applications need not be made immediately. Not all refugees will be eligible to apply for refugee family reunion. The range of family members admitted under the rules is very narrow, limited to a pre-flight spouse, unmarried or same sex partner (of at least two years pre-flight) and children under 18. Other child relatives may be admitted in limited circumstances. Applications can be made outside these rules, for example, when the child of a refugee has turned 18 since the refugee left their home country, or where the refugee is an unaccompanied child, but these are labour intensive applications which are relatively rare. That means it is impossible to give a meaningful estimate of demand for refugee family reunion work nationally, let alone broken down by region, save by reference to the number of applications and grants per year.

There were 5,428 grants of family reunion visas in 2020 and 7,456 in 2019,<sup>17</sup> though the data do not show how many refugees in the UK these related to. This only reflects applications which were successful, not those which were refused, nor demand for applications which were not made because no assistance was available. In other words, the data on successful applications indicate supply rather than demand.

In Scotland and Northern Ireland, refugee family reunion cases are within the scope of legal aid, though there appears to be a shortage of provision, as discussed in the regional sections. Refugee family reunion cases are not automatically within the scope of legal aid in England and Wales, except for separated children applying outside the immigration rules; adult refugees must rely on Exceptional Case Funding (ECF) to access legal aid. The family reunion rules are too complex for most refugees to apply alone, particularly with language barriers and the evidential requirements which may include obtaining DNA evidence to prove the relationship. ECF for refugee family reunion work is, it appears, now routinely granted, after an initial period where the refusal rate was extremely high, but capacity remains very limited, with projects which obtain ECF for clients struggling to refer them to legal aid providers even with funding in place.

17. Home Office Statistical Release: Asylum and Resettlement Datasets. Available [here](#).







## Resettlement under the VPRS and VCRS

The two main refugee resettlement schemes in operation at the time of the research are the Syrian Vulnerable Persons Resettlement Scheme (VPRS) and the Vulnerable Children's Resettlement Scheme (VCRS). A small number of people have also arrived on other schemes like the Afghan Relocations and Assistance Policy (ARAP) Afghan interpreters' resettlement, while the promised Afghan Citizens Resettlement Scheme opened in January 2022.

Resettled refugees do not need legal assistance for an asylum claim, since status is granted before they enter the UK, but they need to apply for settlement after five years' residence with limited leave, for which they are entitled to receive legal aid assistance. Some local authorities have commissioned advice organisations to provide this service for their resettled populations, although a number of respondents explained that the process was simple enough that advice and casework were not always needed. People in this group may also want to apply for travel documents and / or refugee family reunion, which are more complex applications. The statistics available are for individuals rather than households, though households would offer a better estimate of demand for post-asylum applications, since the VPRS mostly covers families.

**Table 4: Resettled refugees by region, February 2021.<sup>18</sup>**

REGION	VPRS TOTAL	VCRS TOTAL
East Midlands	632	32
East of England	671	100
London	773	74
North East	1100	288
North West	1536	159
Northern Ireland	1456	0
Other	0	0
Scotland	1968	251
South East	1465	80
South West	1175	154
Wales	913	93
West Midlands	1316	150
Yorkshire and The Humber	1304	414
	<b>14309</b>	<b>1795</b>

**18.** Home Office statistical release, 'Asylum and Resettlement – Resettlement by Local Authority', 25/2/2021



## Non-UK nationals in prisons

There were 9,283 foreign nationals in prison in England and Wales in March 2020, which was 11% of the prison population, but this included 721 Irish nationals, who were the 4th largest cohort. Scottish prisons were holding 263 foreign nationals as of 3 May 2021, including 152 EU nationals (excluding Irish) and 211 non-EU nationals. NI prisons held 136 foreign nationals as of 27 May 2021<sup>19</sup> (Republic of Ireland nationals are not classed as foreign nationals).

Data for foreign nationals in prisons in England and Wales is available in the Ministry of Justice's published statistics<sup>20</sup> and I have sorted the data for 31 December 2020 by region and county to give an indication of the geographical distribution of foreign nationals across England and Wales. The data for Scotland and NI came from Freedom of Information responses. Not all of these prisoners will require immigration legal advice, and certainly not all within the same calendar year, but a large percentage may face deportation action, including any with a sentence of 12 months or more. **There is no systematic scheme for providing immigration advice in prison in any of the UK jurisdictions.** For England and Wales, in particular, there are significant disincentives to doing so on legal aid because the limited scope of legal aid means it may be difficult to assess the client's eligibility for mainstream legal aid, let alone ECF, before travelling (at financial risk) to meet them.

19. FOI response 21:67 from NI Prison Service to me, dated 16/6/2021

20. Government statistics: Offender Management. Available [here](#)





## Modern Slavery and Trafficking

Data from the National Referral Mechanism (NRM) give some indication of demand for immigration legal advice in relation to modern slavery and trafficking. The data record the number of referrals into the NRM, the number of adults and children referred by each local authority, police force, first responder or government agency as well as, separately, information about nationality and type of exploitation.

In 2020, there were 10,613 referrals in total, comprising 5087 adults and 4946 children, plus 580 referrals where age was not recorded or not known. Of these, 3,560 were UK nationals, meaning 7,053 non-UK nationals were referred into the NRM. Just over half of the child exploitation was for criminal activities, but this includes two thirds of the UK nationals, indicating that County Lines trafficking plays a big role here. The biggest non-UK nationality groups are Albanian (1638 people referred in 2020), Vietnamese (653), Sudanese (460), Romanian (368), Eritrean (359), Chinese (288), and Indonesian (259).

The breakdown included in the regional sections is only partial, since the data for referrals by NGOs is not available at regional level, so these figures only include the people referred by police forces and local authorities, or Health and Social Care Trusts in NI. Nevertheless it gives an indication of the need within each region and the likelihood that this need far exceeds specialist advice capacity. Certain themes emerge from the NRM data nationally: first, local authorities referred far more children than adults and make by far the largest number of referrals of individuals under 18, followed by police forces. Government authorities, on the other hand, referred far more adults than children. They and the police are the largest referrers of adults. NGOs which are designated first responders also refer more adults than children.

However, the available data reflects the number of people identified as possible victims and referred by one of the first responder agencies. In part they may reflect expectations and understandings about who gets exploited and in what forms (for example, the high rate of trafficking of Vietnamese nationals for cannabis cultivation is now quite well known), with lesser-known indicators of modern slavery going unnoticed. Some local authorities and police forces may be better than others at identifying potential indicators and making referrals. The data cannot indicate total numbers of adults who might benefit from immigration legal advice to help inform a decision whether to consent to referral into the NRM, but are never in fact referred because they do not consent. (Consent is not required for child referrals.)





## Foreign-born population

The total size of the foreign-born population is not relevant to the estimation of demand, as it includes people who have acquired indefinite leave to remain or citizenship, who do not need immigration advice. It is used here as the basis of an approximate framework for estimating regional proportions of statistics which are only available at national level, including applications for concessions and leave under the Domestic Violence rules, and the number of undocumented people. England is home to 91% of the UK's foreign-born population. The percentage breakdown for is as follows:

**Table 5:** Percentage of the UK's foreign-born population, by region.<sup>21</sup>

REGION	PERCENTAGE OF FOREIGN-BORN POPULATION
North East	2
North West	8
Yorkshire and The Humber	6
East Midlands	7
West Midlands	9
East of England	9
London	38
South East	14
South West	6
Wales	2
Scotland	5
Northern Ireland	1

<sup>21</sup>. Office for National Statistics, Local area migration indicators, UK. Available [here](#).



## EU Settled Status

The UK's departure from the European Union led to the creation of the Settled Status scheme for protecting the rights of EEA nationals already living in the UK before the end of the transition period on 31 December 2020. Those who derived rights from the EU Treaty are eligible for Settled Status after five years' qualifying residence in the UK, or for Pre-Settled Status if they were resident by the end of the transition period, but with less than five years' qualifying residence. The deadline to make an application was 30 June 2021 and, at the time of the fieldwork, many organisations were extremely busy trying to contact and register EEA nationals under the scheme.

Detailed data tables give a variety of information, including the number of concluded applications, grants of settled and pre-settled status, and 'other outcomes', broken down by local authority. The latter two figures allow for approximate geographical estimates of future advice needs. We cannot tell how many people have not applied to the scheme at all, and are at risk of losing their rights. This may include EEA nationals and family members in prisons, particularly vulnerable individuals, and people currently in situations of modern slavery.

Those with Pre-Settled Status may need advice or support to upgrade to Settled Status in due course, particularly those who needed such support to apply in the first place. Those with 'other outcomes' may have successfully re-applied, and may also appear in the figures for people granted status, but a proportion of them will be without status. This may particularly include Zambrano carers, ie. third-country-national parents looking after an EEA-national child, as respondents suggest that this group had a particularly high refusal rate. Clearly, the exact nature and scale of advice need is unpredictable but, for each area, I have identified numbers of people with Pre-Settled Status and Other Outcomes as likely to have advice needs.

Since status is evidenced purely digitally at present, there are likely to be people who experience difficulties because they cannot access or prove their status digitally, for example because they lose access to the phone number or email with which they registered. Settled status also intersects with access to a range of other services and rights including employment, benefits, housing, health, driving licences, bank accounts and so on, meaning there are likely to be advice needs arising from inability to prove status.

It is worth mentioning that these needs arise partly because of policy decisions that:

- I) There is a need to upgrade from pre-settled to settled status, rather than an automatic or declaratory upgrade;
- II) **The status is solely digital, with no physical proof provided. This is perhaps the biggest area of concern as Home Office funding for support services has largely ended and a large cohort of people now need advice who, previously, did not.**





## Domestic violence

The Domestic Violence Concession (DVC) application allows for a person to have recourse to public funds for three months while applying for leave to remain on the basis of domestic violence, ie DVILR. All DVC recipients would therefore be expected to apply for DVILR, but some will apply for DVILR without needing a DVC application (hence slightly higher numbers of DVILR applications). In England and Wales, legal aid is available for the DVILR application but not for the DVC, unless the provider obtains Exceptional Case Funding. On the whole, though, as a legal aid provider put it, the client either needs the concession urgently so she can escape to a refuge, and does not have time to wait for a funding decision, or she does not need the concession. This means some organisations apply for the concession and then seek to refer clients to a legal aid provider, but a number of organisations around the UK have reported having difficulty referring their clients within the three-month window for the DVILR application.

The Home Office holds data on these application types at national level, but not broken down by region.<sup>22</sup> For the past three years the figures are as follows (the lower number of DVILR grants for 2020 likely reflects applications still in progress at the time of the response).

**Table 6:** numbers of applications for Domestic Violence Concession and leave to remain; UK, 2018-2020.

YEAR APPLIED	DVC/DVILR CASE TYPE	NUMBER OF APPLICATIONS RECEIVED	NUMBER OF APPLICATIONS GRANTED
2018	DVC	1,650	1,340
2018	DVILR	1,745	1,480
2019	DVC	2,275	1,925
2019	DVILR	2,320	1,770
2020	DVC	1,840	1,555
2020	DVILR	1,880	805

Since they are not broken down regionally, it is only possible to roughly estimate geographical distribution based on regional proportions of the foreign-born population, as set out above: for example, roughly 5% of the DVILR applications will be from Scotland, 8% in the North West of England, 14% in the South East of England, and so on. The calculations in this report are based on the 2019 figures since the 2020 figure is likely to be artificially low because of the pandemic and the attendant difficulties accessing advice.

22. Freedom of Information response 61418 dated 9 December 2020 from Home Office to Jo Wilding



## Undocumented people

The data estimate in this category relies heavily on the report by the GLA and University of Wolverhampton on the size and profile of the undocumented population of London and the UK.<sup>23</sup> The category of 'undocumented people' includes:

- People who arrived with leave to enter but whose permission to stay has expired
- People who arrived without leave to enter
- People who arrived with or without leave and claimed asylum but were not granted leave to remain

That research estimated that there were 674,000 undocumented people in the UK as a whole, including 215,000 children and 117,000 young people aged 18–24.<sup>24</sup> This does not include children who were born in the UK but have no immigration status.<sup>25</sup> Of these they estimate that 397,000 people are living in London, including 107,000 children and 26,000 young people.

**That would leave 277,000 undocumented people living in the rest of the UK, of whom there would be around 108,000 children (39%) and 91,000 young adults.** These estimates were the result of detailed research and it is not practical to undertake a similar exercise for each region of the UK outside London for this research, especially given that it is impossible to be very precise. However, we can make a reasonable working estimation based on the percentage of the UK's foreign-born population which lives in each region and nation of the UK,<sup>26</sup> subject to the caveat that this will not include about 130,000 UK-born children who have no immigration status.

As can be seen, London's estimated share of the undocumented population (58%) is larger than its share of the total foreign-born

population (38%), meaning the percentages of the undocumented population for other regions must be correspondingly lower. Undocumented people are likely to be concentrated around large cities where it is easier to survive without status, within existing communities of the main national groups which make up the highest number of undocumented people, and to a lesser extent in areas where there is a large non-UK workforce.

What do these figures mean for demand / need for immigration advice and casework? It is likely that all would benefit from advice on their position and options once a year, even if there is currently no application they can make. In 2009 it was estimated that 67% of the undocumented population were eligible for regularisation of status.<sup>27</sup> This will have reduced with the changes to the immigration rules in 2013 but nevertheless 60% is a reasonable working estimate. **On that basis, UK-wide, there are around 404,400 people eligible to regularise their status; excluding London, there are around 166,200.**

23. Andrew Jolly, Siân Thomas and James Stanyer, 2020. London's Children and Young People Who Are Not British Citizens: A Profile (Greater London Authority).
24. When people who were born in the UK but lack immigration status are included, the estimate increases to 809,000. That means there are about 130,000 more children in this category.
25. Sigona, N. and Hughes, V. (2012). No way out, no way in. Oxford: ESRC Centre on Migration, Policy and Society.
26. For undocumented people, we need to first subtract London from the percentages, since we know from Jolly et al that London is home to a larger proportion of undocumented people than its percentage of the foreign born population would predict, and we are working with the remainder (277,000) who are not thought to live in London. Therefore the calculation of undocumented people in other regions is adjusted to give the percentage of foreign-born people excluding London who live in that region.
27. Ian Gordon, Kathleen Scanlon, Tony Travers and Christine Whitehead, 2009. Economic Impact on the London and UK Economy of an Earned Regularisation of Irregular Migrants to the UK (LSE). Available [here](#)

Yet only a small number of applications are actually made for regularisation: out of an estimated 215,000 undocumented children in the UK, there were only 21,308 applications for regularisation for children between 2012–2017.<sup>28</sup> There is little data about the make-up of the undocumented population but Jolly et al draw on research showing that the top five nationalities of parents with NRPF supported by local authorities are Jamaica, Nigeria, Ghana, Pakistan and Malawi.<sup>29</sup> They note that nearly two thirds of this group are visa overstayers with only 5% having been asylum applicants, and therefore consider that the undocumented population likely also includes a high percentage of the top five asylum refusal nationalities which, in 2017, were Pakistan, Iraq, Iran, Bangladesh and India. Obviously these will shift over time, but they give some indication of which communities might include concentrations of undocumented people, and therefore where proactive information and advice-giving efforts might most usefully be targeted.

An identifiable risk group within this category is children in local authority care. A report in 2021 estimated that at least 18,934 children in care and care leavers are not British citizens, including at least 7,733 children under 18.<sup>30</sup> This amounts to 15% of the combined total of children in care and care leavers. The report addresses some of the consequences for the children and young people themselves of local authorities' failure to regularise their status while they are under 18, as well as the financial savings for local authorities from investing in legal advice to regularise their status. This group is not counted separately from the general undocumented population in the regional and national breakdowns, but all local authorities are encouraged to implement procedures for confirming and, if necessary, resolving the immigration and nationality status of all children in (and leaving) their care.

**28.** Ian Gordon, Kathleen Scanlon, Tony Travers and Christine Whitehead, 2009. Economic Impact on the London and UK Economy of an Earned Regularisation of Irregular Migrants to the UK (LSE). Available [here](#)

**29.** Jonathan Price and Sarah Spencer, 2015. Safeguarding Children from Destitution: Local Authority Responses to Families with 'No Recourse to Public Funds' (COMPAS). Available [here](#)

**30.** South London Refugee Association and Coram Children's Legal Centre, 2021. Taking Care. How local authorities can best address immigration issues of children in care. Available [here](#)



## DEMAND SUMMARY

**Table 7:** Summary of demand estimates, by category and region.

REGION	ASYLUM S95	UAM	ASYLUM 5 YRS^	RESETTLEMENT	PRISONS	UNDOCUMENTED	DV	NRM	EUSS – PSS	EUSS – OTHER
Scotland	3,904	165	1,272	1,968	263	22,339	116	173	108,610	9,380
Northern Ireland	825	35	212	1,465	136	4,468	23	66	31,020	4,480
Wales	2,734	65	1,130	913	217	8,935	46	279	34,640	4,100
North West	9,087	330	3,391	1,536	783	35,742	186	565	187,390	20,500
North East	4,445	28	1,272	1,100	276	8,935	46	94	26,760	3,200
Yorks & Humber	5,464	158	1,695	1,304	788	26,806	139	539	118,150	17,810
East Midlands	2,473	175*	989	632	828	23,828#	124#	401#	159,480	18,890
West Midlands	5,808	360	1,978	1,613	897	47,655#	247#	803#	203,990	24,100
East of England	1052	528	282	671	1,212	40,210	209	619	194,630	22,180
South East	903	810 – 928	141	1,465	2,236	62,548	325	598	263,990	26,820
South West	959	194	353	1,175	389	26,806	139	421	116,560	9,370
London	6,903	1,305	1,412	208	1,777	397,000	600	2,276	835,180	85,830

# Figures for the whole Midlands region have been attributed two-thirds to the West Midlands and one-third to the East Midlands, reflecting the approximate ratio in other categories.

\* Data incomplete

### Abbreviations

**UAM** – Unaccompanied Minors; **DV** – Domestic Violence cases; **NRM** – National Referral Mechanism for potential victims of trafficking;

**EUSS** – EU Settlement Scheme; **PSS** – Pre-Settled Status.

## PRIMARY LEGAL AID DEFICIT OR SURPLUS

This report covers both legal aid and non-legal aid advice need and provision. However, as can be seen from the discussion above, it is difficult to be precise about the extent of need. As an indicative figure, I have used the concept of Primary Legal Aid Need to refer to the categories which, in England and Wales, would be expected to need legal aid representation and should clearly be eligible, without an application for Exceptional Case Funding (ECF). This is effectively only those who are applying for asylum (as an initial or a fresh claim), who have asylum and are applying for settlement, have been referred into the National Referral Mechanism (NRM) for a trafficking decision, or are applying for indefinite leave to remain under the domestic violence provisions. Other matters, which might come into the scope of either mainstream legal aid or Exceptional Case Funding (prison cases, refugee family reunion, undocumented migrants) can be considered as Secondary Legal Aid Need.

A Primary Legal Aid Deficit or Surplus is calculated by comparing Primary Legal Aid Provision with Primary Legal Aid Need. A Primary Legal Aid Deficit is the gap between the two where provision is lower than demand, and a Primary Legal Aid Surplus is the gap where provision exceeds demand.

Primary Legal Aid Provision is calculated as the average number of legal aid matter starts opened in the area per year, over the past three years.

Primary Legal Aid Need is calculated as follows:

- Four fifths of the number of people in s95 support (representing the approximate number of main applicants, excluding dependants).
- An additional 10% of the total number in s95 support, as an indicative figure for other forms of asylum support.
- Three quarters of the number of unaccompanied children in the care of the local authorities (indicative of the number of children in the authority's care who are new applicants in a year, but not counting care leavers).
- Four fifths of the number of people granted asylum in the area five years earlier, and eligible for settlement within the calendar year (again reflecting main applicants and excluding dependants).
- Two thirds of the number of people referred into the National Referral Mechanism for a decision on whether they are victims of trafficking (reflecting the fact that approximately one third are UK nationals).
- The number of Domestic Violence Indefinite Leave to Remain (DVILR) applications attributed to the area.

The numbers of foreign nationals in prisons, undocumented people and resettled refugees are excluded from the calculation of primary need because they may not qualify for legal aid, or may not need legal advice within the current year. These have been calculated at regional level, but could also be calculated for sub-regions, subject to the caveat that some of the figures for primary legal aid need are not broken down to the level, and would have to be estimated.

As shown in Table 8, there is a Primary Legal Aid Deficit in almost all regions of England and in Wales. The only area which has a very narrow Primary Legal Aid Surplus is London, and the reality is that much of the provision in London is taken up by inward demand pressure from other regions (see section below), meaning there is a deficit in the sense that some of the Primary Legal Aid Need in London still goes unmet.



**Table 8:** Primary Legal Aid Need and Provision by region, England and Wales.

REGION	PRIMARY LEGAL AID NEED	PRIMARY LEGAL AID PROVISION	PRIMARY LEGAL AID DEFICIT (-) OR SURPLUS (+)
North West	11,704	5,234	-6,470
Wales	3,646	1,380	-2,266
North East	5,149	1,793	-3,356
Yorks & Humber	6,892	2,563	-4,329
East Midlands	3,095	979	-2,116
West Midlands	7,864	3,961	-3,903
East of England	1,791	790	-1,001
South East	2,347	1,359	-988
South West	1,712	547	-1,165
London	10,445	10,599	+154
E&W total	54,645	29,205	-25,440

The broader scope of legal aid in Scotland and NI means that Primary Legal Aid Need and provision cannot be calculated in the same way. What can be said is that the need in Scotland, according to the same formula, is less than the total number of grants of Advice and Assistance across the asylum and immigration categories, meaning there is likely to be approximately adequate capacity for those matters, as well as other elements of immigration legal advice need. In NI, the number of grants of Advice and Assistance narrowly exceeds the Primary Legal Aid Need figure but, since legal aid eligibility is wider than those categories, it is far from clear that the need in those categories is met.

## UK-WIDE ISSUES IN DEMAND AND SUPPLY

Certain issues arise throughout the UK and are dealt with briefly here, rather than in the regional sections.

### Inadequate supply and increasing queues for legal aid

There is a deficit between demand, even for first-time asylum applications alone, and supply. The total number of asylum applications in the UK by main applicants (ie excluding dependants) was 37,562 in the year to September 2021. Scotland accommodated 3904 people, including dependants, as of March 2021, while Northern Ireland accommodated 825.

In the contract year to 31 August 2021, 27,317 legal aid matter starts were reported in England and Wales. Not all of those matter starts will have been deployed for a new asylum claim, so the precise size of the deficit is unclear, but it is certainly fewer than the number of new asylum claims made in England and Wales during the year.

For NI, only 63 grants of representation for the First Tier Tribunal were made in the year, and 1,353 acts of Advice and Assistance in immigration. It is difficult to gauge the adequacy at Advice and Assistance level, given the limited data available, but the availability of representation appears clearly insufficient. For Scotland, the number of grants of Advice and Assistance for asylum is roughly commensurate with the number of people accommodated there, and the number of grants of Assistance By Way of Representation similarly appears commensurate with the number of appeals which would be expected.

This does indicate that provision in England and Wales and in NI may not even be adequate for first-time adult asylum applications (even allowing for some applicants having the resources to pay privately), let alone other matters for clients who are eligible for legal aid. **It suggests that remote advice is not a viable solution to the severe shortage of advice in particular regions or sub-regions.**

It is likely that, in reality, many asylum applicants receive legal representation eventually, but that they are waiting longer and longer to receive it. This is consistent with the views of provider interviewees, who said they were placing clients on waiting lists and scheduling appointments further ahead, or not taking cases on at all until the client receives an interview date. One explained that, in the past, they would offer an appointment date some weeks away and the client would find someone else in the interim. More recently, clients were not able to find anyone else in the interim, and were simply forced to wait longer before getting advice.

Many, however, are dropped by the representative either when they are dispersed to another part of the country or when the asylum application is refused, leaving people without representation for an appeal. The latter appears to be most common with complex cases.<sup>31</sup> That means people either do not appeal at all or are unrepresented on appeal, and may therefore lose their cases as a result of un-representation rather than a lack of merit.

31. Wilding, J. (2019) The Legal Aid Market. Challenges for publicly funded immigration and asylum legal representation. Policy Press.

## Declining provision

Providers in England and Wales have stated as of late 2021 and early 2022 that they are laying off staff, closing offices, and shifting legal aid capacity out of asylum applications and appeals work into judicial review, or into private work. Experienced legal aid practitioners are moving into private firms and either leaving legal aid entirely or operating as consultants part-time in legal aid firms. This does not yet show up in annual matter start figures but numerous providers report these difficulties, and support organisations report being told by providers that they are no longer taking on legal aid cases. It is caused by the combination of the chronic delays and other dysfunctions in the asylum system and the difficulties arising from legal aid funding and auditing, which providers describe as making it impossible to continue in immigration and asylum legal aid.

## Inward demand pressure on areas with adequate supply

The deficit in legal aid and non-legal aid capacity across much of the UK means that any area which has a more abundant supply faces inward demand pressure from surrounding areas of shortage. This applies, for example, to London, Birmingham and Bedford, where the bare number of matter starts reported exceeds the number of first-time asylum applications and unaccompanied children in the region, but where organisations still report difficulties finding representatives for people needing to make fresh asylum applications, domestic violence victims, or foreign nationals in prisons.

This research shows that certain kinds of case which are more complex or financially more challenging get 'displaced' by the inward demand pressure from other regions where there is an even larger deficit between demand and provision, or no provision at all. For example, unaccompanied children's cases are funded at hourly rates, meaning providers are paid for the amount of work they do (subject to some deductions) and can do the amount of work the case needs. That, combined with the fact that children are often less able to travel a long way for legal advice, need to be seen face-to-face, and often have a social worker actively referring them to a provider, means that children's cases are usually taken on as a top priority for providers. Adult asylum applications and appeals – funded on a fixed fee basis – are usually taken on by a provider, albeit after a long and increasing wait in many cases, but the fixed fee is less than it costs to do the work to a good standard, meaning many providers limit the amount of this kind of work they will do.

That inward pressure on provision absorbs any surplus capacity left over from local asylum demand, before lower preference or lower priority local cases are taken on. This applies both to legal aid and non-legal aid organisations: one OISC-Level 3 organisation described clients waiting months for refugee family reunion casework because other matters from a wide surrounding area had urgent deadlines. It can be extremely difficult to find legal aid representation, even when someone is theoretically eligible for legal aid, for other kinds of case including fresh asylum claims (after asylum has been refused), refugee family reunion cases, applications under the domestic violence provisions, ECF work (because of the initial obstacle of applying for funding and the low fee if granted), deportation cases, prison work, and trafficking / modern slavery-related work where the person does not wish to claim asylum (or needs help to decide). Any matter which:

- I) **Does not have a deadline attached or**
- II) **Is likely to be complex and long-running or**
- III) **Is likely to make particularly significant financial losses is less likely to be taken on, even in areas with apparently adequate supply**

## Dependence on individuals

In many parts of England and Wales, and to some extent in NI, legal aid provision depends heavily on one individual, or a small number of people. Plymouth, Hull and Wrexham are examples where a single individual is the only caseworker or solicitor in a dispersal city, but I was also given examples where firms had to stop taking new cases, or to send existing cases to another firm, because a supervisor or sole practitioner went on maternity leave, became ill or resigned, and a replacement was unavailable. **This relates to the wider recruitment crisis, but additionally makes provision precarious in many areas and is a mark of a dysfunctional market.** It does not appear to be the case in Scotland in general, though provision is very scarce outside Glasgow.

## Widening dispersal, hotel accommodation and Operation Oak

The geographies of asylum support and accommodation have been changing and continue to do so. Most acutely, large numbers of people remain in hotel accommodation at the time of writing. This has generally been referred to as ‘contingency accommodation’ relating to the Covid pandemic, though in fact the use of hotels at least for initial accommodation started before the pandemic as a result of the asylum decisions backlog, which increased the total number of people in asylum accommodation.

It is not clear how many people are currently in hotels, and generally that information does not appear to be collated anywhere, so it is only available by asking local authorities and other informants. The Independent newspaper reported in February 2021 that around 9,500 people were being accommodated in hotels, and that the Home Office wrote to NGOs on 18 February 2021 stating the intention to empty those hotels and move people into dispersed accommodation,<sup>32</sup> a process nicknamed Operation Oak.

Local authorities and Strategic Migration Partnerships were also experiencing or expecting changes under the Widening Dispersal project, which aims to accommodate people seeking asylum in areas which had not previously had dispersed accommodation, and to increase the numbers in some regions. This is causing concern because of the lack of asylum legal advice in many areas – an issue which appears to have come to the notice of some authorities when they took in resettled refugees.

The anticipated combined effects of Widening Dispersal and Operation Oak were mentioned in several areas of advice shortage. Interviewees in SMPs pointed out that there were no support organisations or services in some parts of their regions. Services emerged in response to dispersal in some areas which have received higher numbers of asylum applicants but, even on a best-case scenario, they take time to develop and the earlier arrivals are left with no access to services. This was raised as a particular concern in the South West, the East of England, and several sub-regions of the South East, and several other local areas. It is also causing significant problems for the people held in Napier Barracks, in Kent, where NGOs have been attempting to find legal representatives for cohorts of single men who remain there for around 60–90 days when they first arrive in the UK and therefore need access to legal representation as soon as possible.

32. May Bulman (2021) [Home Office to ‘accelerate’ movement of asylum seekers from hotels to long-term accommodation](#). The Independent 24/02/2021

## Funding

Throughout the UK, there were organisations closing altogether, or closing projects, and consequently losing or moving down a level of accreditation, because of loss of funding. For example, Citizen's Advice Reading had lost funding for its Level 2 advice project and was making its three caseworkers redundant and reverting to the Level 1 exemption status. The interviewee believed that one of the Level 2 workers would stay on for a period as a volunteer, but was already over retirement age. **This account of losing funding and therefore losing a project, qualified staff and accreditation, was typical across the UK.**

Clearly, funder priorities will change over time, and projects may not be funded indefinitely. Equally, sometimes it is only with a new piece of funding or a new project that the scale of need in an area becomes apparent. A caseworker on a newly-funded project explained that, 'because we are funded suddenly... we're meeting people who have been in Bedfordshire for years and in vulnerable situations.' However, given the limited number of organisations that advisers can move to in most regions, and given that individual accreditation is lost after six months of not practising as an adviser, this represents a significant loss of human resource within an area, and it is important to consider long term sustainability.

Local authorities have seen a reduction in their funding from the UK government in recent years and many organisations had lost local authority grants as a result. Councils receive funding for taking in resettled refugees under the SVPRS, and some funding (though not full cost recovery) for looking after unaccompanied children. They receive no additional funding to support those with no recourse to public funds for whom they are responsible. This likely feeds into local authorities' considerations around commissioning and funding advice. A small number of local authorities do fund some advice, or commission support for resettled refugees' settlement applications, for example, but this is a very small part of the overall advice picture in the UK.





## Illusory provision

In all parts of the UK, there is less provision on closer investigation than might initially have appeared, both for legal aid and non-legal aid work. For NI, this is because all solicitors are permitted to do legal aid work in any category of law without any further registration or barrier, but very few actually do so. On the Law Society's finder tool, at the start of the research, 99 firms were listed as doing immigration work. During the course of the research, the Law Society asked firms to confirm whether they regularly undertook immigration work, and then published a list of only nine firms which did so. This is certainly a truer, if not complete, picture of provision, but demonstrates that the apparently open market is not able to meet need.

In Scotland, similarly, the Law Society's finder tool indicates 63 firms doing immigration legal aid work, and SLAB's payment data show that 78 firms received a payment in at least one of the previous two years. Of these, though, 41 received less than £2,500 in one or both years, and perhaps only 10-12 firms represent any significant number of clients per year on legal aid, with the vast majority of provision being in Glasgow.

In England and Wales, the allocation of matter starts creates illusory provision. Each firm is allocated a number of matter starts, which adds up to a total matter start allocation for the access

point, the procurement area, or England and Wales as a whole. At every administrative level, the tables in the Provision Overviews show that far more matter starts are allocated each year than are actually used. Local authorities and SMPs report being told by the LAA that there is unused capacity in their area because only one third or half of the matter starts have been used, yet they are unable to find providers to take on cases within their area. Some providers with contracts are not in fact doing any legal aid work, sometimes because they cannot recruit anyone to do the work, or have lost (permanently or temporarily) a supervisor. Others undertake fewer than ten legal aid cases in a year, either because of staffing shortages or because they cannot afford the losses they incur on legal aid work and have deliberately minimised their legal aid work.

It means that areas which appear to have abundant provision, because there are several providers, may in fact be experiencing a shortage. The Cambridgeshire and Northamptonshire access point, in the East of England region, is a good example: there are four providers with contracts (at the time of writing) with a combined allocation of 750 matter starts, but they opened 47 matter starts between them in 2020-21. In Bristol, which has nine providers and 1,650 matter starts allocated, only 435 matter starts were opened in 2020-21.

The same applies to non-legal aid provision in many areas. In some parts of the UK, it is immediately clear that there are very few OISC-accredited organisations. Wales, Scotland and NI have very few OISC-accredited organisations above Level 1. In other areas, there are several organisations, which would appear to suggest (more) adequate provision but, on closer examination, provision is very limited. For example, there are six non-fee charging OISC-Level 3 organisations on the register for the South East. Two, however, do no casework or no longer operate at Level 3, and the others are solely focused on refugees and asylum seekers, meaning there is in effect no Level 3 provision for non-asylum cases. Often it is because an organisation has a specific client group (children, army families) or nationality group, or the funding for advice and casework is limited to a particular group, with no general provision for other clients.

Casework is much more limited than advice in non-legal aid settings, because capacity is restricted. Many more people can be reached with advice than with casework, but this leaves people unable to find casework support when they need it and means people 'fall out' of the advice network, as discussed in the sister report for London.<sup>33</sup> Both sets of findings suggest that funders should consider investing in casework capacity, accepting that this will reach fewer people than an advice-only service, but with more meaningful provision.

33. Wilding, J., Mguni, M. and Van Isacker, T. (2021) A Huge Gulf. Demand and supply for immigration advice in London. Justice Together Initiative.

## Auditing and other unpaid administrative work

In England and Wales, auditing and the overall unpaid administrative burden of doing legal aid work was cited as an obstacle by almost every legal aid provider who participated. This is discussed in detail elsewhere,<sup>34</sup> but is such a significant threat to provision that it must be mentioned. One provider explained that their not-for-profit had been compelled to repay a large percentage of all of the money they had been paid for work already done, because their solicitor's DBS certificate was at the solicitor's home and not on the organisation's file. This error occurred because of a change in the way certificates were issued, but led to the LAA demanding repayment for all cases where the solicitor represented an unaccompanied child. The provider was only able to survive because it persuaded the LAA not to recoup the disbursements already paid, for example to interpreters and expert witnesses, but only the fees paid for its own work.

Another described having all of their payments frozen and being threatened with a recoupment of hundreds of thousands of pounds, because of an error by the LAA about means assessments. This would have bankrupted the organisation, had the error not been rectified eventually, but in the meantime left them unable to pay their staff without 'begging' the LAA. They never formally complained about this treatment for fear of victimisation and loss of their contract. Numerous other examples were given where, for example, a senior caseworker had to take multiple days out from casework to self-review files after a minor error was spotted on audit. In one case, this senior caseworker was effectively the only caseworker doing legal aid work in a whole access point. **The auditing regime was the primary reason that several firms in England and Wales gave for having withdrawn from legal aid, and the reason that several non-legal aid organisations gave for choosing not to apply for a legal aid contract.**

Scotland does not have the same system of auditing by contract managers. It has a system of periodic peer review whereby all registered providers are reviewed once per three-year cycle, and each file is assessed individually at billing stage. Unpaid administrative work was also, therefore, cited as a problem for legal aid firms in Scotland, much of it relating to challenging funding decisions and abatements of accounts. These abatements (downward assessments of the lawyer's bill) were a source of hostility and conflict, but the Scottish system does not appear to create either the level of hostility and fear that the auditing regime in England and Wales does, or the high transaction costs and unpaid administrative burden that England and Wales' contract-based system does.

34. Wilding, J. (2019) Droughts and Deserts. A report on the immigration legal aid market. Wilding, J. (2019) The Legal Aid Market. Challenges for publicly funded immigration and asylum legal representation. Policy Press.



## Lack of advice capacity driving irregularity

Advice and casework for non-asylum immigration matters is very limited throughout the UK. In England and Wales, non-asylum matters are generally outside the scope of legal aid, and casework for this is left to the limited number of organisations which have an Immigration accreditation (as opposed to an Asylum and Protection one) at Level 2 or above. In Scotland and NI, these matters are within the scope of legal aid but support organisations report that it can still be difficult to access casework, because of limited availability or capacity of immigration specialists and because (especially in NI) the fees paid are low. The latter point, unsurprisingly, feeds into the former.

It means there is little support for the estimated 809,000 undocumented people estimated to live in the UK (including children born here), and the shortage of advice is exacerbated by the complexity of the system. The application process is complex and there is a large application fee (£1,033 per adult at the time of writing) plus an NHS surcharge of £624 per year of leave, to be paid at the time of application. A fee waiver is available if the person can prove that they cannot afford the fee, but that application is also complex, requiring evidence of every bank account the individual or family holds, annotated to explain every credit or debit over £20, as well as tenancy agreements, utility bills, payslips if anyone in the family is working, and so on.

If leave to remain is granted, it is for a period of 30 months, or two-and-a-half years, usually on a ten-year 'route to settlement'. That means that, after the initial application for leave to remain, a person has to make three renewal applications and then a final application for indefinite leave to remain. If any of those applications is late, they go back to the start of the ten-year route. There is no fee waiver for the indefinite leave application, meaning those who cannot save up the fee have to keep applying for fee waivers and 30-month extensions. This route only applies to people who have been recognised as having a long-term reason to stay in the UK.

This cycle of at least five leave applications and potentially four fee waiver applications within a decade, and possibly four applications to lift a restriction on access to public funds, drives a relentless demand for the work of advisers, which drains capacity and means fewer undocumented people are able to regularise or maintain their status, even if eligible. As argued in the sister report for London, no amount of capacity building will increase supply to meet that level of demand.<sup>35</sup> There must be a public interest in ensuring that people who are entitled to regularise their status are able to do so, and that people with status do not fall off their route to settlement. This requires a reduction in the number of applications which each person has to make, perhaps to two, five years apart, a lower fee or a sliding scale of fees, and a simpler fee waiver application process.

35. Wilding, J., Mguni, M. and Van Isacker, T. (2021) [A Huge Gulf. Demand and supply for immigration advice in London](#). Justice Together Initiative.

## Accreditation

Organisations said it is not difficult to obtain and retain OISC Level 1 accreditation, though it is 'a big step up' to reach Level 2. But a number of respondents said that the Asylum and Protection accreditation is much easier to obtain than the Immigration accreditation, because the curriculum for the latter is so large. The OISC does in some circumstances grant accreditation for a single aspect of immigration, such as domestic violence, similar to the EUSS-only accreditation which a number of organisations held while that scheme was open. Breaking down the immigration curriculum into smaller accreditations is a potential solution which should be explored, but care needs to be taken to avoid the risk that advisers are too narrowly trained and unaware of alternative routes which may be open to their clients.

A related problem is that the narrowness of the legal aid scheme in E&W led to 'deskilling' of advisers in relation to non-asylum immigration work. In order to do legal aid work, caseworkers needed to obtain the IAAS accreditation, which is separate from the OISC one. The IAAS accreditation automatically gave them an OISC accreditation at Level 2 across the board (both Immigration and Asylum), once registered with the OISC. But the IAAS scheme is described as 'not very relevant' to non-asylum immigration, so that they would still need to undertake the OISC Immigration assessment separately, 'probably Level 2 for it to be meaningful'. This was described as 'a mess', 'in need of overhauling', and particularly problematic for Law Centres since they tend to be OISC-regulated entities employing SRA-regulated solicitors to do legal aid work.

## Immigration status as a barrier to advice on other issues

A persistent theme is the intersectional or multidimensional need caused by the concurrent effects of the hostile environment laws and the loss of holistic services because of legal aid cuts. This is the case throughout England and Wales, and to a lesser extent in Scotland and NI where legal aid continues to cover non-asylum immigration and a wider range of other social welfare matters, but a shortage of immigration provision (especially outside Glasgow and Belfast) means holistic services are limited in practice.

There are some indications that the lack of immigration status affects people's access to justice in relation to other issues: for example, where someone needs housing or employment advice, but their immigration status is a factor, and immigration advice is not available, they may be told the advice service cannot help them. An interviewee gave the example of people with No Recourse to Public Funds conditions being refused housing advice because the advice service did not think they could do anything to help. It is not clear how widespread this is, but the only solution is to increase the capacity of immigration advice, to facilitate access to other advice services.

## Fee paying services

Some organisations which contributed to the research are offering fee-paying services alongside their free ones. This offers the advantages of being able to support people who are outside the criteria for their free services, and generating some unrestricted income. However, organisations also felt that they had to charge more than they wanted to for such a service to break even, that it introduces additional regulatory and other costs which they cannot afford, and that it demands different skills from their free services, so a concurrent fee-paying service is not seen as a solution for all funding difficulties for all organisations.

## Covid and remote advice

Covid has presented challenges and opportunities throughout the UK. Some organisations obtained new funding or moved into new ways of working as a result of the pandemic or were able to reach a new client group, such as people who were street homeless and were able to access immigration advice for the first time when they were accommodated during the pandemic. The slowdown in the asylum process, while challenging for asylum applicants and lawyers, also meant that some legal aid providers had capacity to take on fresh claims work which they could not normally do. Other organisations, however, lost contact with their usual client groups because of the lack of drop in advice or other social activities, and it was widely believed that people who are digitally excluded or with limited English and literacy skills particularly suffered as a result.

Remote advice is only a small part of the solution. Providers explained that it takes longer to advise remotely, meaning they face greater financial losses. It is difficult to create the rapport with the client needed to enable them to disclose traumatic information remotely. Remote advice is more suitable for follow-up appointments than as the sole form of provision. Remote advice also places a burden on support organisations which have to provide a private space, a device, an internet connection or data, sorting and scanning of documents, and the psychological support to access an adviser remotely, which few are resourced to provide. Perhaps most importantly, though, there is inadequate supply across the UK, particularly in England, Wales and NI. Remote advice at best offers geographical equality of (impoverished) access, not adequacy of provision.





## Challenges on the horizon

Alongside continuing uncertainty about the use of contingency hotels, the Widening Dispersal programme and mandatory participation in the National Transfer Scheme, pending challenges include the Nationality and Borders Bill, which is making its way through Parliament at the time of writing. This is likely to bring about significant (but as-yet uncertain) changes to the asylum advice landscape. The LAA has made an announcement in March 2022 in respect of the contracts which were awarded in September 2018:

*Immigration will be extended for a shorter period and replaced with a stand-alone Immigration specific contract which will enable us to implement changes resulting from the Nationality and Borders Bill. The length of the extension will be communicated as soon as agreed. The MoJ will be consulting in Spring 2022 on new Immigration fees as a result of the Nationality and Borders Bill and the new Immigration contract will be tendered on the basis of these proposals, once finalised.*

This leaves legal aid providers facing great uncertainty about the length of the contract extensions and the future of legal aid funding and scope, at a time when many are already under serious financial pressure, as set out above.

There are continuing uncertainties around the effects of the UK's departure from the EU and around Covid. This includes questions over the Home Office practice of delaying many asylum cases to consider whether to declare them 'inadmissible', which significantly increases the length of time applicants spend in asylum support accommodation. There are new refugee flows from Ukraine as well as those from Afghanistan and Hong Kong. These do not necessarily add to overall numbers, but do increase the complexity of the picture for local authorities and Strategic Migration Partnerships as the Home Office persists in announcing 'bespoke' schemes for different nationalities, with different rights and entitlements, while at the same time tightening limitations for others.



# NATIONAL AND REGIONAL BREAKDOWN

## THERE ARE TWO TYPES OF TYPOLOGY IN THE REPORT



### **IN-SCOPE:** LEGAL ADVICE PROVISION

These persons are part of the calculation of legal aid provision

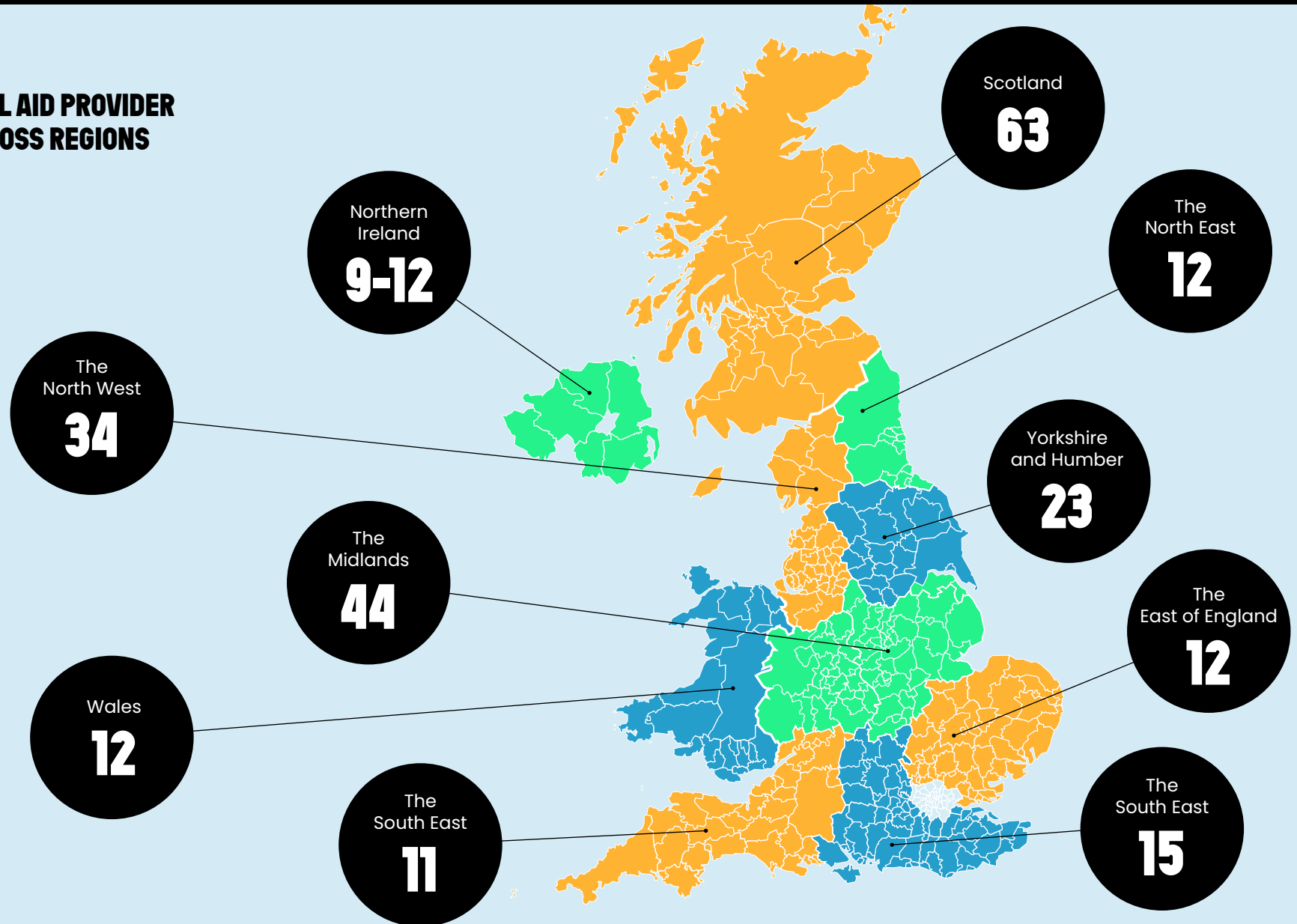


### **OUT-OF-SCOPE:** NO ACCESS TO LEGAL ADVICE

These persons are not part of the legal advice deficit as they are not included in immigration needs under XXX



## ACTIVE LEGAL AID PROVIDER OFFICES ACROSS REGIONS

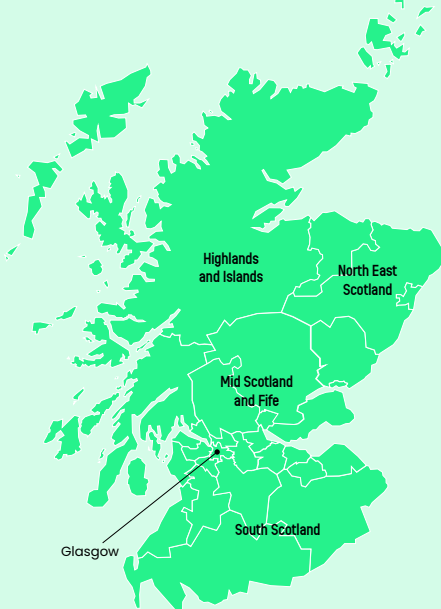


## SCOTLAND | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 63 FIRMS OFFERING IMMIGRATION LEGAL AID WORK



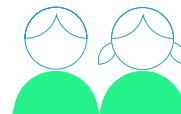
- Concentration of immigration advice in one centre – **31 firms based in Glasgow**
- Limited numbers taking on multiple cases – only 35 firms undertook more than two cases



Legal aid provision appears to be  
**ADEQUATE**  
to meet need



**3,904**  
People receiving s95 asylum  
support in 2020-21



**165**  
unaccompanied children seeking  
asylum in 2020-21



**Legal aid provision appears to  
be adequate to meet need**

at least in the asylum,  
protection and trafficking  
categories considered

**NB:** legal aid need in Scotland  
is higher due to the broader scope  
of legal aid



## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**41,683**



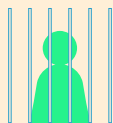
**1,272**

People who  
need help with  
**protection  
settlement  
applications**



**1,968**

People resettled  
under the **SVPRS**



**263**

Foreign nationals  
in **prison**



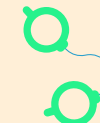
**22,339**

INCLUDING  
**8,712 CHILDREN**  
Undocumented  
people



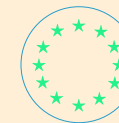
**116**

**Domestic  
violence**  
ILR applications



**173**

People referred  
into the **NRM**



**26,760**

**3,200**  
(OTHER OUTCOMES)  
People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**



Legal aid is available for asylum and immigration work in Scotland, as a category of civil legal aid. There is no procurement process and no contract system. Each solicitor's firm decides whether it wishes to do legal aid work, and those which do must register for the relevant areas of law on the Civil Legal Assistance register of the Scottish Legal Aid Board (SLAB), which they can do at any time. They may then take on as much or as little legal aid work as they like, within the scope of civil legal aid, subject to their professional obligations regarding competence. Advice and Assistance (A&A) covers or helps with the costs of advice where there are no 'proceedings'; Assistance By Way of Representation (ABWOR) is the relevant form of advice for most Tribunal work.

There are quality assurance standards which revolve around peer review of a random sample of files. The Law Society of Scotland runs the quality assurance scheme for civil work (but not for criminal or children's legal aid) and has the power to remove firms from the register if they fail their review and are unable to improve sufficiently on further review.<sup>36</sup> Clients have the right to complain about their solicitors, as in England and Wales, but may also change solicitor if they are unhappy, either by transferring their grant of civil legal aid or by asking another solicitor to sign them up. They have to satisfy SLAB that it is reasonable for them to change but, according to private email correspondence from SLAB, it 'would be most unusual to refuse to allow at least one change of solicitor in the lifetime of a case.'

## Provision overview

### Legal Aid Provision

For Scotland, the Law Society's solicitor finder tool indicates 63 firms offering immigration legal aid work, of which 31 are in Glasgow, which is the only dispersal area in Scotland. These include Law Centres, a small number of which do legal aid work as an LLP or similar entity, since they cannot be regulated as charities to do legal aid work in Scotland.

A Freedom of Information response from the Scottish Legal Aid Board shows that, in total, 78 firms received a payment for immigration and asylum legal aid work in at least one of the financial years 2019-20 or 2020-21. Of these, however, 30 were paid less than £2,500 in both years, and another 11 received less than £2,500 in one year, meaning they undertook very few cases. In all, 38 firms received payments in excess of £2,500 in the financial year 2020-21 for immigration and asylum legal aid work, though one of these is closed due to the death of the firm owner and two are in administration. At least one other has withdrawn from legal aid work, while another informed me that it is in the process of withdrawing.

36. Law Society of Scotland, undated. Civil Quality Assurance. Available [here](#)

They range in size from two firms which received over £1million in 2020-21, and a further three receiving over £500K per year, to five who received in the region of £5,000 in the year (rounded to the nearest £5,000). The average for the 40 firms in 2020-21 was £256,000 but only half of them actually received £100K or more, while a median of £90K shows how small the core immigration legal aid sector is in Scotland. These figures include 'outlays' such as interpreter payments.

This is in the context that the payment for pre-claim advice is £95, the template payment (maximum before an increase is required) for asylum applications is £495, and the template for an asylum appeal is £1,800, so an annual payment of £2,500, including outlays, is likely to represent little more than a single case, pursued through application and appeal. Immigration lawyers thought there were perhaps 10-12 'main firms' with others – those receiving £5-10,000 a year – only representing 'maybe half a dozen clients a year.'

The largest firm (by income) with any offices beyond Edinburgh and Glasgow received only £20K in total in the financial year. Although there clearly is provision of non-asylum immigration work, and although this demand is likely to arise throughout Scotland, it appears that people are largely accessing this provision in Glasgow, either remotely or by travelling there.

As to the number of cases undertaken, providers are not allocated matter starts in the same way as those in England and Wales but, instead, may grant A&A or ABWOR to clients as appropriate, subject to the means and merits test. The table below shows the number of grants in each of the last three financial years.

**Table 9: Grants of legal aid by category, Scotland, 2018-2021.**

	2018-19	2019-20	2020-21
A&A – asylum	3,405	4,536	3,695
A&A – other immigration	6,169	6,357	5,242
ABWOR – asylum	1,218	1,334	668
ABWOR – other immigration	1,087	732	375
Civil legal aid	301	238	144

In each of those years, the number of A&A grants was significantly higher for non-asylum immigration matters than the number of grants for asylum matters. ABWOR grants, however, are higher for asylum matters. The relatively low number of ABWOR grants in the financial year 2020-21 likely reflects the reduced workrate of the Home Office and Tribunal during the pandemic. The decline in ABWOR grants for non-asylum immigration work predates the pandemic, however, and most likely reflects the reduced appeal rights available for non-asylum cases.

The A&A grants for asylum work are relatively close to the number of people in receipt of s95 support (as set out in the Demand Overview below). Taking into account that some of those people will be dependents on another person's claim, it appears there is adequate capacity for first-time asylum claims as well as some fresh claims and other asylum work, though an advocate argued that, 'There are more clients than solicitors can safely deal with, in my view, and provide a quality service.'

All legal aid providers are permitted to take on clients in immigration detention. A report on Dungavel Detention Centre, Scotland's only immigration detention centre, noted that '**Access to legal representation was good and much better than at immigration removal centres in England**' [emphasis added].<sup>37</sup> In Dungavel, 90% of detainees had a solicitor compared with 72% in England, while 82% of detainees had received a visit from their solicitors, compared with 40% in England. The report attributes this to the 'more generous Scottish legal aid funding', particularly the availability of legal aid for non-asylum cases, which in turn led to less anxiety among detainees. However, those whose removal is imminent are moved to centres in England, where they lose access to non-asylum legal aid. Detainees who are moved to England do not always realise that their Scottish solicitor can no longer represent them, as a solicitor explained, so they tell detention centre staff they already have a lawyer and do not sign up to detention advice.

The ability to register for any area of legal aid meant that firms could offer a more holistic service than is possible with the more rigid system in England and Wales. One solicitor explained that their firm was going to join the criminal register in order to be able to carry out some work for existing clients, rather than to expand into criminal work per se, and similarly undertook damages claims for existing clients.

Scottish solicitors and advocates have the same right of audience in courts and tribunals in England and Wales as their English and Welsh counterparts, but only Scottish lawyers have the right of audience in Scottish courts and tribunals. Although apparently anomalous, this does not seem to be a significant cause of concern or complaint on either side of the border. However, because the law is the same, solicitors in Scotland can instruct a barrister in England for advisory work – and sometimes need to do so because the pool of advocates in Scotland is very small.

Edinburgh agents are another important element of provision in Scotland. Because the Court of Session is in Edinburgh, the majority of Glasgow firms (and those elsewhere in Scotland) use an agent in Edinburgh to do some parts of their work in the Court of Session. The original representative sees the client, secures civil legal aid funding, assembles the papers, and instructs counsel (most of whom are Edinburgh based), but then 'all of the running, the lodging and everything's done by Edinburgh agents and counsel' making judicial review work and appeals against the Upper Tribunal 'slightly abstract' for those based in Glasgow. The role of the original representative then reverts to meeting with the client and 'keeping them in the loop'. Some firms find that, given a high success or concession rate, the prospect of winning expenses (or costs) makes this work an effective source of cross subsidy for other legal aid work; another felt that, even with the prospect of winning expenses, 'I don't think the money equates to the hassle.'

37. HM Chief Inspector of Prisons, July 2018. Report on an unannounced inspection of Dungavel House Immigration Removal Centre, at paragraph 1.64

From the agent's point of view, one explained that operating as an agent offered some income without 'the hassle of having to make the legal aid applications and applying for the increases' but the work was only financially viable if they took on 'a huge amount of work from that firm'. As an example, they said,

*If I wanted to go and lodge something at the Court of Session, SLAB pay me a fixed rate of £3 [plus VAT] for that. It might be a busy day and there might be ten people ahead of me in the queue for lodging and I might spend two hours there waiting. My bus fare to go to court is £3.60, so every time I go up and do stuff in the Court of Session, I'm essentially losing money for the firm. Unless I'm getting a huge volume of work here, and I'm also getting private agency work, a lot of the time it's just not financially viable for me to do that.*

Accordingly, for a smaller legal aid firm, or one which does not do large amounts of judicial review work, it can be difficult to find Edinburgh agents and therefore difficult to do the work at all.

#### Other free or low-cost provision

There is one office in Scotland registered at OISC Level 3 non-fee charging, which is the Glasgow office of Freedom from Torture. Ten offices are registered at Level 2. Three are Migrant Help offices in Glasgow and Paisley. Of the remainder, two are the Scottish Refugee Council (Glasgow and Dundee), and two are Aberlour Scottish Guardianship Service (Glasgow and Stirling), which provides guardians for unaccompanied children in Scotland. Glasgow also has Community Infosource, plus one office of the Red Cross. Govan Community Project was registered at Level 2 at the start of the research, but has moved down to Level 1. The sole Level 2 organisation in Edinburgh is the Council of British Pakistanis.

Scotland has 106 Level 1 offices, all but eleven of which are CABs. Of these eleven, there are five in Edinburgh, five in Glasgow and one in Fife. Of the six university law clinics operating in Scotland, only the Strathclyde and Robert Gordon University clinics (in Glasgow and Aberdeen respectively) were doing immigration work at the time of the fieldwork. The comparatively limited number of OISC-accredited organisations is most likely because legal aid remains available (at least in theory) for non-asylum immigration matters, and OISC-regulated entities are excluded from legal aid work in Scotland.



## Demand overview

### Asylum and related matters

There were **3,904 people receiving s95 support** in Scotland in March 2021, which was similar to the two previous years. The overwhelming majority (3,852) were in Glasgow, which has been the only dispersal area in Scotland since the dispersal scheme began in 2000. Of the other 52, 21 were in Edinburgh. All but four of those outside Glasgow were receiving subsistence payments only, not dispersed accommodation. Those four were in Edinburgh. Asylum support appeals (against a refusal to provide accommodation and subsistence payments) were also brought into the scope of legal aid for people living in Scotland during the course of the research. They remain out of scope in England and Wales.

The Scottish Government reports that up to five unaccompanied children per month arrive in Scotland,<sup>38</sup> which is currently the only part of the UK which appoints a guardian for every unaccompanied child. Guardianship is run by Aberlour Scottish Guardianship Service, which reported helping **165 unaccompanied children in 2019**, more than double the 81 in 2018, about 45% of whom had been trafficked.<sup>39</sup> This excludes children entering under the Dubs or Dublin provisions. Scotland participates in the National Transfer Scheme, receiving 22 children who had arrived in Kent through the scheme between January and September 2021 and another 19 in October and November.<sup>40</sup> The Guardianship Service estimates about 80% of separated or trafficked children are in the central area including Glasgow and Edinburgh, with about 20% living elsewhere. Given the concentration of legal advice in Glasgow, there have been some concerns about the distance children have to travel for that and other services if

they are looked after elsewhere in Scotland. The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

Additionally there were approximately 1,272 people granted asylum, humanitarian protection or other leave in 2016 in Scotland, who were therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **1,968 people have been resettled under the SVPRS** in Scotland. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications. While asylum dispersal, from 2000, drove the growth of both asylum demand and asylum provision in Glasgow, resettled refugees live in most of Scotland's 32 local authority areas, meaning some have to travel a long distance to access legal representatives and other services like biometric data centres. Some of the Scottish Islands, for example, have welcomed refugees for the first time. Because they were invited by local authorities, they were supported to access immigration advice when needed, either by travelling or remotely, and also tended to be linked to a wider network of resettled refugees who could recommend lawyers, so access appears to have been easier than for other people who would qualify for non-asylum immigration legal aid outside Glasgow.

38. [Scottish Government, undated. Refugees and Asylum Seekers.](#)

39. Scottish Alliance for Children's Rights (2020). [Number of unaccompanied asylum-seeking children more than doubles.](#)

40. SLeamonth, A. (2021) [Scottish Government express 'major concerns' over Home Office unaccompanied child announcement.](#) Holyrood.

41. Ibid.



## Prisons

There were **263 foreign nationals in Scottish prisons** as of 3 May 2021, including 152 EU nationals (excluding Irish) and 211 non-EU nationals, of whom the largest numbers were Vietnamese, Albanian and Chinese. As in the rest of the UK, there is no duty provision of immigration advice in prisons, nor is there a list of immigration solicitors, so solicitors said that referrals generally came from criminal solicitors or by word of mouth within the prison.

## Other immigration matters

Scotland is home to 5% of the UK's foreign-born population, giving a rough estimate of around:

**22,339 UNDOCUMENTED PEOPLE INCLUDING  
8,712 CHILDREN  
116 DOMESTIC VIOLENCE ILR APPLICATIONS**

In Scotland, **173 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 74 adults, 86 children and 13 persons of unknown age. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs.

As of 30 June 2021, there had been 270,940 concluded EUSS applications from Scotland. That left **108,610 people with pre-settled status and 9,380 with 'other outcomes'**. The largest numbers of people with 'other outcomes' were in Edinburgh (1,810) and Glasgow (1,730) but there were another 900 in Aberdeen, 600 in Fife and 490 in Perth and Kinross. A solicitor explained that the UK's departure from the EU significantly changed the geography of demand, which had previously been driven by asylum need in Glasgow, while European nationals had typically moved to work in the oil industry, fisheries and fish processing industry in the North East of Scotland, and Aberdeen. An interviewee from an organisation which supported EU nationals said,

*The Central Belt is where the most EU citizens are, but for example in Greenock there's the Italian community, and in Aberdeen there's a big Spanish community. You get a lot of people in rural areas working in agriculture and on the coast in fishing, for example in Fraserburgh or in Aberdeenshire working on fisheries... there are a lot of Portuguese nationals there. You find out as well for example dual nationalities – Ethiopians and Eritreans with Italian dual nationality. There are a lot of Lithuanians and Latvians in the Scottish borders.*

By contrast, the solicitor pointed out that, *'it's probably fair to say there are no permanently placed immigration legal aid practices in Aberdeen or Inverness.'*

As with Wales and Northern Ireland, given the overwhelming concentration of provision in Glasgow, there is little to add in a detailed sub-national breakdown. However, it is important to note that people living in some parts of Scotland also struggle to access other essential immigration-related services like biometric enrolment centres. Alistair Carmichael, MP for Orkney and Shetland, pointed out in a debate on the cost of immigration applications that his constituents have to travel to at least Aberdeen and sometimes to Dundee.<sup>42</sup>

*Over and above the cost of the fee for enrolling biometrics, if someone lives in Shetland, they would have to get the 5 o'clock overnight ferry to Aberdeen, which will get them in to Aberdeen at 7.30am. They have their appointment and enrol their biometrics, and are back at the ferry terminal in Aberdeen at the end of the day to get the overnight ferry back. They leave at 5pm on a Monday, and they are not back home until 7am on the Wednesday. That is the actual commitment that is required. They could take a day trip on a plane. I have just checked the service on Loganair's website, and they can get out at 8.30am in the morning and come back at 10 past 3 in the afternoon, so it is just about doable, because enrolling biometrics is not a long process. The cost of that is £492. That is the extra charge that we pay over and above all the fees about which every other person in this debate has rightly complained.*

Similarly, those in Scotland have to travel to Liverpool to submit a fresh asylum claim and to London for an asylum support appeal, purely because the Home Office has decided that this will be the case. It reflects similar infrastructural difficulties in Wales, Northern Ireland, and several parts of England, where transport links are often poor and services are distant, but the latter at least would appear to be relatively easily remediable, if there were political will to do so.

42. [Hansard, Immigration and Nationality Application Fees](#). Vol 691, debated on 25/03/2021.

## Primary Legal Aid Need and Provision

The Primary Legal Aid Need for Scotland, using the same formula as for England and Wales, is 4,887. However, this is less meaningful for Scotland, since a far wider range of matters is within the scope of legal aid, therefore eligible legal aid need is larger than that figure suggests, and some of those matters (domestic violence applications for example) would appear in the provision for non-asylum immigration. The total legal aid provision at the Advice and Assistance stage was 3,695 grants of funding for asylum and 5,242 for other immigration in 2020–21 – a total of 8,937. This suggests there is probably no deficit for the matters included in the Primary Legal Aid Need calculations, though there are certainly shortages of advice for certain types of case, such as fresh asylum claims. Since Scottish legal aid providers can only act where there is a remedy in Scots law – effectively where the client is in Scotland, for immigration work – there is no inward demand pressure, so it makes no sense to talk about a legal aid surplus. The system in Scotland appears to be largely effective at meeting need, though some changes to the funding scheme would help to ensure that need can be sustainably met across all eligible case types.

## Fees, funding and financial viability

The fee structure in Scotland is based on an hourly rate (£55.20 at the time of the fieldwork). For common types of case, like an asylum application or appeal, there is a 'Templated Increase' which is effectively a ceiling, rather than a fixed fee. As a solicitor explained,

*That's an authorisation in theory that if you correctly account for your work at a certain rate, and different work has different rates, in theory you could incur that much expenditure and expect to be paid at the conclusion of the case, and if you need to incur further expenditure you can make additional requests which are called Further Increases, and you need to give a reason for it and it needs to be approved.*

The Template for an initial asylum application is £925 at the time of writing, and £1800 for an asylum appeal, but these sums include all 'outlays' such as the cost of interpreters. While they can apply for Further Increases, some lawyers said there is 'a 20 to 40-minute cost in terms of asking for more money' but 'sometimes it [is not] worth it because you have to ask three times to get an increase of £100 or £200.' For some matters, there is no Template, and practitioners have to instead apply for funding and Increases as they go along. One solicitor explained this was particularly difficult with fresh claims, where 'they give you £400, £500 and then you have to get small amounts of Increases if you're going over that, to try and get you through the case.' This is time consuming and the solicitor believes it had put some firms off doing fresh claims work on legal aid.

The structure of legal aid payments encourages face-to-face time with clients because solicitors are paid for attendances (or meetings) with the client but receive very little for paperwork. That means they tend to write the client's statement with the client in front of them, and to pack the working day with back-to-back appointments, but then have to complete their time recording, reading of files, and other essential preparation in the evenings and weekends. A partner described this as 'the only way you can make money and keep the doors open'. As well as incentivising time with the client, a solicitor explained that '[T]he Scottish legal aid system is fairly decently designed to accommodate... front loading' such as obtaining medical reports at the application stage, with appropriate justification; something which would rarely be accommodated in the system in England and Wales. That means it is possible to obtain all of the relevant evidence at application stage instead of waiting for an appeal.

Financially it is cost effective for solicitors to do their own Tribunal advocacy rather than to instruct an advocate, because the hourly rate for advocacy is higher than that for their other work on the case. Additionally, the hearing centre in Glasgow gives three different start times per day, rather than ordering all parties in all cases to attend at 10am, as is the practice in England and Wales. That means a solicitor attending court in Scotland is much less likely to wait all day for their case to begin, and it is more likely to be cost effective to attend court themselves.

Payments for paperwork are based on the number of words, often per 250 words, a system which '...rewards long waffly letters full of rubbish [and] punishes someone who thinks that a mark of a good lawyer is saying as much as possible, in as few words as possible.' For some matters, including the Appeal Skeleton Argument which is required in advance under the online tribunal procedure, following discussions between practitioners and SLAB, there is an additional 'framing' payment for preparation to supplement the rate per word, so that (in at least one solicitor's view) 'it's not too bad financially now for that'.

This makes applications for permission to appeal to the Upper Tribunal financially unviable for solicitors. As one explained, 'We will get [counsel] to draft grounds of appeal for the Upper Tribunal, because if we draft them ourselves, we don't get paid the time, and we get £7.56 or something per 250 words.' Several solicitors pointed out that, as with letters, the more concise the application, the lower the fee, despite the fact that a concise application often takes longer to write than a wordy one. The fee for advocates to draft the application for permission to appeal, 'was £350, then SLAB reduced it to £325, and then I think it's gone up to £360 or £380,' whereas for a solicitor, 'if it was a 750-word grounds of appeal, we'd get like £22.' This may well be less efficient, since the solicitor has run the case through the initial appeal and knows it in depth, whereas an advocate has to start afresh.

However, solicitors explained that they still do many hours of unpaid work per case. One estimated that this amounted to at least two hours of work per day, per fee earner. This might be, for example, where the client is 'a vulnerable female asylum seeker that has been tortured and raped in her home country' for whom taking the statement takes a long time but, even if that is paid for, there is no payment for 'the time that they then phone you because they can't remember what you said to them, or they've had a letter from the Home Office they don't understand', which may relate to asylum support rather than the asylum claim itself. Likewise, when an NGO or support organisation calls for an update on someone's case, the solicitor said they might only spend 15 minutes on that phone call, 'but when you're not getting paid for that, that's a quarter of one hour of an eight or nine hour day, so it really adds up.' Another example is finding and instructing a suitable expert for a medical assessment or a country report: 'All we get in terms of payment is the payment for correspondence with the experts, to try and get quotes for research and things like that, so depending on the length of your letter, you could be paid as little as £3, for what's taken you two hours.'

Although some matters are covered by legal aid in theory, in practice it is difficult to find provision for some because of the funding. Refugee travel documents are an example, as a solicitor explained:

*[Y]ou're lucky if you get £115 and that's inclusive of interpreter, so literally you're not breaking even. [For an interpreter], for one hour's work, if you can manage to do it in an hour, it's £30. If it's more than that it's per 15 minutes, £12.75 after... If [clients] have the correct documentation to give you, and if everything is available to send to the Home Office to provide the documents, it takes I think at least three hours' work and then you only get paid for one. So why would anyone do it? I do it for my existing clients, but I wouldn't take a new client on for a travel document on legal aid.*

That means there is very little provision for support with a travel document application, despite the potential repercussions of someone obtaining a travel document without having its limitations explained to them.

Refugee family reunion applications, non-asylum immigration work and fresh asylum claims support were all identified as case-type gaps in provision. Refugee family reunion work is in short supply because it is relatively complex work with one party in another country, which is 'time consuming' and 'a bit of a nightmare to navigate', leaving solicitors reluctant to take on cases except, possibly, for clients they have already represented on asylum application or appeal. This said, possibly due to the way the legal representation and migrant support infrastructure developed around asylum dispersal in Scotland, there is 'way more for refugees and people in the asylum process than there is for other migrant groups, including undocumented people', for whom 'it's really hard to find advice.'

Most interviewees thought the only way to operate on legal aid in Scotland without subsidy from private work would be to do it 'at very high volume', with lawyers specialising in legal aid work and constructing their working week around that kind of case, and 'know[ing] the legal aid system inside out'. One firm explained that having a large team of lawyers meant 'it's easier to share knowledge that you would have to go and individually research if you were a [sole practitioner] dealing with different types of cases'. It also meant that if one person was at capacity, another might be able to take a case on, whereas 'if there's just one [or] two of you... there's no slippage at all. You have to be really hitting these kind of figures.'

The combination of the fee structure, the administration of legal aid work and the complex and fast changing legal and factual context of immigration and asylum work means that, 'it's quite a hard area of law to do any sort of dabbling in, so I think if you're doing it, you probably need to do a lot of it and you need to do it regularly to make it pay.' However, the flexibility of legal aid in Scotland means that a firm doing mainly private work can do 'a wee bit of legal aid on the side for their established clients or for friends or family of established clients.' The need to operate at high volume and the high cost of living in Edinburgh mean it would be much more difficult to run an immigration legal aid firm in Edinburgh, which explains why they are so scarce.

Although firms generally believe there are economies of scale, and that doing legal aid work in volume would be the only way to make it financially viable, scale could also cause cash flow difficulties because the system pays in arrears, as in England and Wales. Having 20 solicitors meant not only a large salary bill but also a large bill for outlays like interpreters, which account for around one third of total legal aid payments to firms across immigration funding types.<sup>43</sup> These can only be claimed before the end of the case if they exceed a certain amount, but interpreters have to be paid before the firm receives the money from SLAB. For a large firm, that monthly expenditure is 'absolutely massive'.

Accounts can be 'abated', or assessed down, however, and this is one of the main sources of tension between SLAB and practitioners. Abatements are sums of money which SLAB assessors knock off the fee billed by the provider, usually on the basis that the work was excessive or unnecessary. Work will also be abated if a solicitor has gone over the expenditure ceiling, even if that is extended the next day. These 'Drummond abatements' caused particular problems during the pandemic, when interim payments had been permitted, but case management systems did not recognise that there had been an interim payment, so staff incurred further expenditure believing that they were within the limit, and then faced Drummond abatements afterwards.

Solicitors described spending a lot of time justifying work before submitting the account, to try to avoid abatements, and a lot of time contesting abatements. As well, though, they 'self-abate' by not billing work they know SLAB is likely to abate, even if it relates to something that 'you have to do'. In part, that is because they are taxed on work in progress (as in England and Wales) so there is a tax consequence attached to billing for work that they expect to have abated, even when they believe the work had to be done.

**43.** Freedom of Information Response no 498 dated 26/05/2021 from SLAB to Jo Wilding



Abatements were also viewed as stealth cuts, where SLAB 'suddenly start abating you for work that they've always paid'. For example, a solicitor said that they had 'always been paid for' the time they spent reading a client's asylum interview transcript, but SLAB had cut the amount of time they would pay for the work. The solicitor argued that, 'You can't really stop doing that work, because the first time you read a transcript of the interview can't be when you're immediately reading it with the client.' Another solicitor explained that this could start with a single firm being abated for a particular item of work which had previously been paid, and other firms then being told that their peers are 'accepting this abatement' in 'a sort of divide and rule'. Consequently, despite a 5% increase in the fee, a solicitor explained that they would still bill less money per case than a decade ago because SLAB had adjusted what work it would pay for, or changed the classification of certain types of work so that a letter, for example, attracted a lower fee than previously.

SLAB acknowledged that abatements are 'a big bone of contention' and 'high on the list' of practitioners' disputes with the Board. At the time of the fieldwork, it was working on a 'massive project right across SLAB called Guidance on the Administration of Legal Aid' which aims to put into writing 'all our policies on every decision set that we make, and... guidance on how the decision makers apply that policy to the work they do.' By improving transparency in this way, there should be less scope for unannounced changes or suspicions thereof.

Payment is 'relatively quick' for the agreed parts of the fee, though typically there are 'chunks of it unpaid until you do the negotiation'. Civil legal aid payments for judicial review and higher appeals work was described as taking longer, while it took 'maybe a year' to receive costs won from the Home Office in a successful judicial review, if costs are not agreed between the parties and pass to the Auditor.

Some firms have stopped or reduced legal aid work in recent years. Two highly regarded specialist immigration firms, McGill and Co and Drummond Miller, have significantly reduced their legal aid market share and made a transition to more private work. One interviewee explained that it is difficult to 'ride two horses' of asylum and human rights focused legal aid work and, at the same time, commercial and business immigration. Legal aid involved 'having to justify every decision... to get paid for it later' whereas private work offers faster payment of higher fees without having to justify every piece of work, so the interviewee had decided to move away from the former.

Aside from contesting abatements, transaction costs – the non-production costs attached to doing legal aid work, such as administrative and auditing costs – appear to be significantly lower for providers in Scotland than under the contracting system in place in England and Wales. Solicitors explained, however, that there has been a process of shifting more administrative tasks from SLAB to providers; another factor that impacts on financial viability. For example, when assessing the client's means, one explained,

*The client would tell us, we would fill out the form, and then we would post it to the Board and they would check and investigate to make sure it's fine, whereas now we need to do that work. And it's the same, we need to be responsible for putting that on [the online system], scanning that in when we're doing applications, instead of just sending it over, so there's a lot of unpaid admin work that we need to do. So there's a reduction in the admin budget at their end but an increase in the unpaid work that we need to do.*

Solicitors also said that the legal aid system is not compatible with the case management systems which they were encouraged to invest in on the basis that they would be compatible. This means, 'We're doing double the work to get the fees' because they have to enter information separately into each system. They said the intention had been that the legal aid system should be able to 'read' the case management system with the appropriate reference number, 'but SLAB has never managed to get to the point that their systems are compatible with that, despite promising it.'

For advocates, many payments are fixed according to a table of fees in a schedule to the Civil Legal Aid (Scotland) Regulations which 'sets out the amount of money for most things'. These fees do not cover all types of work: for example there is no fixed fee for JR permission hearings, meaning there are still some fee negotiations. It is the Faculty, rather than individual Stables or Chambers, which is responsible for chasing fees from solicitors or costs won from opponents, meaning this is not a concern for clerks. Advocates said this was 'pretty reliable' in the sense that the money would be paid, though there is an in-built delay which depends on Home Office decision times because payment is in arrears, as in the rest of the UK. Advocates' clerks suggested that, '[Y]ou certainly have to have a passion for [it]. It's not something that you go into thinking this is going to make me lots and lots of money.' Nevertheless advocates who were interviewed for the research felt they were paid reasonably for most tasks they were called on to do.

Although there are points of criticism, the fee regime in Scotland gives legal aid lawyers some protection from escalated costs caused by Home Office conduct and delays, because these costs are instead borne by the legal aid fund. The Scottish Legal Aid Board's annual report for 2019-20 expressly attributes an increase in its costs to Home Office delays in processing asylum casework and Home Office decision-making based on credibility.

*Immigration and asylum represents 21% of expenditure [on civil legal aid] and funds legal services for those seeking asylum and others before the First Tier and Upper Tribunals of the Immigration and Asylum Chamber. Expenditure in this and other categories is influenced by case numbers, duration and complexity. In May 2019 it was reported that the UK government had dropped a target to deal with most asylum cases within six months. As credibility has been the primary reason for the Home Office refusing leave to remain in the UK, firms are spending more time ensuring the evidential information provided by the client is conveyed accurately in the documentation / application. This has an impact on costs.*

In England and Wales, by contrast, those costs have been shifted onto providers under the fixed fee scheme.

## Networks, partnerships and referral routes

Key networks for immigration practitioners in Scotland are the Scottish Immigration Law Practitioners' Association (SILPA) and the Scotland working group of ILPA. As of early 2020, interviewees said that SILPA had not met for 'at least a year and a half'. SILPA pre-dated the formation of the ILPA Scotland working group, and had no joining fee, and broader membership criteria than ILPA. ILPA's Scotland working group was described as attracting a range of people doing legal aid, non-legal aid and business migration work, while the move to Zoom meetings made it more accessible to immigration lawyers outside Glasgow. A lawyer in Edinburgh said the format shift has 'certainly encouraged my regular attendance'. The same applied to ILPA's other working groups, in that 'Their attendances have gone through the roof. They're always exceeding a hundred people.... It's just opened it right up to the whole country, which is fantastic.' Scottish immigration lawyers are also connected to their counterparts within and beyond Scotland via membership of Free Movement, Refugee Legal Group and the Electronic Immigration Network, while some mentioned receiving mailings from immigration specialist Chambers in England as a useful source of information.

Other Scottish professional networks, not specific to immigration, include the Law Society of Scotland and the Faculty of Advocates. The Law Society has an Immigration and Asylum Committee, whose main role is described as drafting the Society's responses to consultations, though it was felt that the members' talents were sometimes underused. For Advocates, the Faculty of Advocates is the representative and regulatory body. The Scottish Bar is organised quite differently from that in England and Wales, with the Faculty of Advocates, via Faculty Services Ltd, undertaking much of the administration that is carried out by individual sets of Chambers in England and Wales. Scotland's university law clinics also have a network, called Scottish University Law Clinic Network.

Beyond legal professional networks, there are migrant support networks, particularly centred on Glasgow. The Roof Coalition grew out of the Stop Lock Change Evictions campaign which emerged in 2018. It includes grass roots organisations, legal organisations and third sector groups. The Coalition was described as a way of bringing together organisations, sharing expertise and avoiding duplication of effort around refugees and migrants and homelessness. Scotland shares a NACCOM hub with the North East of England, with six members in Scotland: five in Glasgow, one in Edinburgh. Those organisations are linked in with the Asylum Support Appeals Project and Network (ASAP and ASAN) and the Refugee Action Network.

An interviewee explained that there are 'a lot of informal networks within Glasgow for refugee and migrant communities, and the same with a coalition for the Roma community, which are much more informal networks.' The work around the EUSS process seems to have helped to build or strengthen some of the support networks, both formal and informal, around European nationals.

Partnerships between legal and non-legal organisations, or between legal aid and other casework organisations, appear relatively few in Scotland compared with some (though not all) other parts of the UK. Many of the partnerships in England have a law centre or other charity which does legal aid work at their core, and the relative scarcity in Scotland may be related to the regulatory barriers for law centres and other charities or Community Interest Companies to undertake legal services.

JustRight Scotland is central to many of the partnerships in Scotland. It is a charity with an LLP attached, which does both legal aid and grant funded project work. For example, it partners with the Aberlour Scottish Guardianship Service, providing a second-tier advisory service for the guardians to separated and trafficked children in Scotland, on the legal issues affecting the children. It works with Shelter Scotland and Streetwork Edinburgh, on the Street Aware project which provided EUSS advice to street homeless people in Edinburgh, with Edinburgh University students supporting with casework. It is a member of Kids in Need of Defence (KIND UK), the partnership between law centres and private firms across the UK offering pro bono work for children. It also runs a family reunion service together with the British Red Cross, in which the Red Cross employs a caseworker who is seconded to JustRight to do case preparation and ancillary support, while JustRight's lawyers take responsibility for the legal case. This is a model which evolved over several years of working together and refining the collaboration.

Other partnerships revolve around EUSS provision. Lanarkshire Law Centre is based within the CAB and provides EUSS advice and second-tier advice in partnership with it. One of the university law clinics has a partnership with a firm which supports it in working with clients. The Destitute Asylum Seeker project (DAS) provides holistic support for homeless people with immigration problems, through a partnership including Strathclyde Law Clinic, Refugee Survival Trust, Scottish Refugee Council, and Safe in Scotland (previously Glasgow Night Shelter), among others. The law clinic offers support with fresh claims, while several of the other partners support with accommodation and homelessness support.

While Glasgow has strong partnerships and networks, Scotland stands out as the part of the UK where the both the legal and non-legal support network is the most concentrated in a single city or area. In order for dispersal to be widened within Scotland, intervention and support would certainly be needed to make legal representation and other services available.



## Recruitment, retention and training

Training and qualifying differs in Scotland from the other UK jurisdictions, in that everyone starts out by qualifying as a solicitor, undertaking a degree in Scots Law (normally four years) followed by the one-year Diploma in Legal Practice and two years as a trainee in a solicitor's office. There is an accelerated route for those with a non-law degree or a law degree from another jurisdiction, involving a two-year law degree before the Diploma. The majority of people then practise as solicitors. It is possible to begin qualifying as an advocate after the first year of training in a solicitor's firm, but it is more common to practise as a solicitor first. Although interviewees said there are some paralegals working in immigration, and there are legal aid rates for work done by people who are not qualified solicitors, they are relatively few – 'probably a handful', according to one former paralegal. This appears to be much less significant as a route into the profession in Scotland than in England and Wales.

All of the firms which were interviewed said they take on trainees and that they usually offer jobs after training to all those who complete it satisfactorily. One has had a number of trainees through the Justice First Fellowship scheme and finds that it 'really does account for some of the true cost of training a trainee'. The Scottish Government launched its own training support scheme in June 2021, which will pay up to half of the salary, National Insurance, regulatory, practising certificate and trainee CPD costs for up to 40 trainees.<sup>44</sup> Within a single day, the scheme was oversubscribed and applications effectively closed. Trainees are able to do legal aid work under supervision from the start, and can begin working in the Tribunal after at least three months and a training course, at the discretion of the firm which is training them. Taking trainees is described as 'a lot of work' and a reputational risk when trying to give trainees the autonomy they need to develop their skills, but also as the only way of bringing new staff into a firm.

Recruiting staff even at newly qualified level, let alone with experience, is described as 'really difficult' and several interviewees had made unsuccessful attempts to recruit qualified staff. One firm in Edinburgh was in the process of recruitment at the time of their interview, seeking 'somebody with maybe one or two years post qualifying experience, maybe someone who's newly qualified'. Despite having 'spent quite a lot on advertising and... go[ing] through recruiters and stuff' they had only received 'maybe two or three applications [and] had one interview from somebody who was semi decent.' A particular problem is that – perhaps because of the volume model required to do legal aid work – people tend to have either asylum experience or commercial immigration experience, but smaller firms and those outside Glasgow need staff who can do a mix of work.

One of the most significant problems with recruitment and retention is competition from the Scottish Government or the Procurator Fiscal's Office, which are able to pay far more than legal aid firms can, as well as offering pensions and other benefits from the start of employment. It is described as 'a massive inequality of arms when you get to the newly qualified stage and beyond.' A well-regarded Glasgow firm had interviewed two newly qualified solicitors and offered them jobs in the past year who then opted to accept other jobs, one with a government body and the other with a commercial firm, at salaries with which 'unfortunately we couldn't compete'.

44. Law Society of Scotland website, undated. [Funded Legal Aid Traineeship Scheme](#).



Qualifying as an advocate requires a five-week foundation course, provided free of charge by the Faculty of Advocates, plus an exam. They must then undertake nine months of 'devilling' (similar to devilling in Northern Ireland and pupillage in England and Wales) with an approved devilmaster, who is an advocate of at least seven years' standing.<sup>45</sup> There is some compulsory skills training with the Faculty during the devilling period. Faculty guarantees that a devilmaster will be provided, unlike in England and Wales where would-be barristers compete for a limited number of pupillages. Having successfully completed devilling, newly qualified advocates can join one of the Stables, Chambers or Advocates groupings that exists within the Faculty. There is no further obstacle, as there is in England and Wales, of seeking a tenancy in Chambers.

Devilling is unpaid, and no other employment is permitted during the devilling period. This, combined with the time it takes to build up a flow of instructions and payments after devilling, is a potential barrier to entry, but this is mitigated by scholarships funded by the Faculty of Advocates. Under a new system instigated by the Dean of the Faculty, the scholarship scheme has been significantly expanded by all advocates contributing a proportion of their earnings to the scholarship fund,<sup>46</sup> which can not only make more awards per year but now makes them earlier, so that would-be advocates know whether they have obtained a scholarship before committing to giving up their job as a solicitor.

Numerically, there were 26 devils in Faculty in 2019–20, which was a record number, and clerks said it had been difficult to place so many with devilmasters and Stables or Chambers. In 2020–21 there were 'maybe 12 or 13', which is more typical. They are a range of ages, from those coming straight through from training to those who have spent many years as a Scottish solicitor or an advocate in another jurisdiction. Very few, however, go into immigration work and solicitors said there are 'maybe like six or seven counsel who do immigration almost full time. That's it.' Views differed on whether this was enough: some solicitors felt they could always get an advocate when needed, even if not their first choice, while others felt they struggled to find advocates particularly for advisory work. Clerks working with immigration advocates said they do not have 'folks coming to us and saying we can't find anyone to take the case on', but that those working on immigration are extremely busy and they 'could certainly get away with more immigration advocates'.

OISC-accredited organisations above Level 1 are few and far between in Scotland. Level 1 organisations said they used the Refugee Action training, or trained staff and volunteers themselves. Training, and especially supervision, to reach Level 2 is less available. One of the Level 2 organisations moved down to Level 1 during the course of the research and would require external supervisory support to be able to get back to Level 2. The shortage of organisations means there are very few qualified people moving between them, so organisations did not think it was likely that they could recruit people who were already qualified at Level 2 or above.

A positive consequence of the pandemic, however, is that Scotland-based organisations have much easier access to training and assessments, since these have moved online. Previously 'there was maybe one conference a year' on immigration law in Scotland and for anything else, as a solicitor from a large firm put it, 'we would have to travel for it or do more generic training. That's been much better from our point of view.'

<sup>45</sup>. Law Society of Scotland website, undated. Funded Legal Aid Traineeship Scheme. Available [here](#).

<sup>46</sup>. Unless they opt out, but an interviewee with in-depth knowledge of this scheme said that 'very few' advocates opted out.

## Quality and quality control

The formal quality control process consists of peer review of a random sample of files under the control of the Law Society of Scotland. Reviews happen in three-year cycles, so each firm should be reviewed once in each cycle, but may have more or less than three years between reviews.<sup>47</sup> These are more 'holistic' than the ongoing scrutiny of files by SLAB both when securing funding ('You can't sneeze on a file without getting prior approval for it.') and when an account is submitted for payment. Solicitors generally describe the peer reviews as 'fairly constructive', 'ok', and 'work[ing] really well' though there is an administrative burden in providing the files for review, particularly for a large firm which has to provide a lot of files, or 'if you do everything electronically because you have to print everything off.' Some solicitors commented that, to get top marks on peer review, they would have to be putting in work which would not be paid for on legal aid – a mismatch between what the Law Society's reviewers considered best practice and what SLAB would fund – but in general there was no dissent from peer review as a means of quality control.

Complaints through the formal systems appear to be rare. A SLAB interviewee explained that the complaints handling body is the Scottish Legal Complaints Commission, but that immigration and asylum do not 'feature heavily'. They acknowledge that asylum and immigration clients face particular barriers to complaining, but also note that the Scottish legal aid system allows clients to change solicitor when they are unhappy, unlike the rules for England and Wales, meaning that, 'Generally I think people are more likely just to change lawyer rather than submitting complaints.'

This ability to change solicitors is important, as it allows clients to leave solicitors they are unhappy with or no longer trust, rather than trapping them from the moment they sign up. For this reason, despite the fact that Scotland did not explicitly 'marketise' provision of legal aid as England and Wales did, interviewees believed that the existing market does control for quality in Scotland, and does so more effectively than the 'absolutely massive superstructure of controls and limits' in place in England and Wales.

The legal aid system does 'seem to allow people to dabble in the area, and definitely there are issues with quality when people don't do it on a regular basis', as one solicitor explained. Although there are a number of firms which receive very small legal aid payments for asylum and immigration, these are not necessarily 'dabblers', since a predominantly private firm can undertake small amounts of legal aid work. However, it is possible for a firm with no immigration expertise to 'jump in' and begin taking cases. Interviewees felt these firms usually 'realise it's actually quite difficult and then stop' or 'do a couple of cases, and panic and then abandon it', but clearly there may be serious consequences for the clients involved.

Some solicitors felt this had been a particular problem when staff at Dungavel detention centre sent a 'circular' asking for more firms to provide representation at the detention centre, and some firms 'picked up on that... as a money making exercise... and that led to a reduction in the quality of advice that was given.' The peer review structure was not thought to be capable of identifying problems of this sort quickly, and there are no supervision requirements which would ensure that providers had adequate expert knowledge before becoming involved.

<sup>47</sup>. Law Society of Scotland, undated. [Peer Review: Staying on Target](#).

Overall I heard far fewer concerns about quality of legal aid representation for immigration and asylum in Scotland than for any other part of the UK. The main firms in Glasgow, plus a few in Edinburgh, do the bulk of asylum work. Within this relatively small and specialised group, an advocate said 'I think everyone is ok.' A solicitor summarised that, 'There's a couple of people that are probably quite famous for being terrible and everyone else is reasonably good.' However, the small pool of specialists means that, as the advocate put it,

*This says something about the availability at the solicitor level: the bad people are swamped as well. Because Glasgow is a dispersal centre – I was going to say there are more clients than solicitors can deal with – that's not quite true. There are more clients than solicitors can safely deal with, in my view, and provide a quality service.*

One of the voluntary sector organisations supports people to make complaints when necessary. They noted that many of the frustrations were to do with delays and Home Office processes which were outside the solicitor's control, and another NGO pointed out that clients were often unaware of the limits of the solicitor's role. However, problems could arise with (private) firms 'charging outrageously high fees' for an application or appeal that was inadequately prepared or hopeless.

One area of concern is around interpreters. An NGO worker with lived experience both of using advice and of interpreting said that clients frequently do not understand the difference between their solicitor and their interpreter, so that, 'When I speak to people, I say they should call their lawyer, and they say they've been calling but he doesn't pick up, and 'he' is the interpreter, not the lawyer and they don't understand the difference.' This lack of separation can be exacerbated by the fact that, from the outset, 'There's a market around interpreters gathering clients for solicitors.' It means the interpreter can be 'the gatekeeper between lawyer and client and that's bad practice.'

Other quality problems identified by NGOs included solicitors losing files or documents, failing to respond to clients, or putting together witness statements that are not sufficiently detailed, though the structure of legal aid payment means this is more often the exception, rather than the rule.

Despite the potential risks, none of the interviewees advocated further entry barriers or additional regulation for doing immigration legal aid work in Scotland, partly because there are already so few providers and partly because – although 'quality of work differs' – the existing system is generally thought to be working. There is in fact a voluntary scheme, run by the Law Society, for recognition of specialist practitioners but interviewees believed there were only eight practitioners who had that particular recognition at the time of the research. Three of these were asylum practitioners at Latta and Co, the largest legal aid firm, while 'at least two of them are with Shepherd and Wedderburn so that's entirely non asylum'. In legal aid terms, there is no advantage to being recognised under the scheme, so interviewees suggested the only benefit lay in marketing for private clients.

Nevertheless, quality in Scotland is compared favourably with that in England and Wales. Clearly there are no measures by which quality can be objectively compared across the two jurisdictions, but advocates in Scotland can be instructed by solicitors in England as well, and one reflected that, 'I would say there's more of a proportion of those I'm instructed by in England that frankly don't bother.' An advocate who has sat as a judge explained that, in England, 'The range of quality is much broader', from 'appallingly bad' to 'fantastic', whereas there is less variation in Scotland. Some of the interviewees have worked as solicitors or for NGOs in both jurisdictions and a solicitor said,

*I have to say in Scotland it probably wasn't as bad as it was in England. I've seen a lot of clients come from Manchester and London especially, where you've got ten immigration law firms on the same street, and they've charged them £200 for making this Appendix FM application and... they would come back with rubbish... and that would be really frustrating.*

In part, quality comes from the cohesiveness of the sector and the way in which the sector grew, from the start of dispersal into Glasgow in 2000. A solicitor explained that, 'I think initially a lot of people trained in the same places and then they started their own firms and employed staff, so everyone is quite similar.' The number of firms which specialise in asylum and immigration increased over the years as younger solicitors, trained in specialist firms, start up their own firms and also begin training specialist immigration lawyers. As one put it, 'We try and hire trainees and then, because we train them with the way that we work... that's our way of trying to maintain the standards.' Immigration also became more of a 'normal career path' and less of a 'weird thing to go into', attracting 'younger people... who, they've got first class degrees, they came top of their year or whatever, and they're going in because they want to do this, as opposed to maybe randomly stumbling into this.'

Much of the learning and improvement comes through the professional network, via SILPA or, more recently, the ILPA Scotland working group and the less formalised networks between individuals, though the 'comparatively few who are just rubbish' were also the least likely to engage with professional networks. The guardianship service, which has access to specialist second-tier legal advice through its partnership with JustRight Scotland, also explained that it uses its own expertise to support lawyers who may not understand the asylum process for children or who are working with a trafficked child for the first time.

The system is criticised for low fees and administrative requirements which 'divert... [time] from doing good lawyering... to arguing with the legal aid board about things that someone who's not doing legal aid work just doesn't have to do.' But in comparison with the overbearing auditing system in England and Wales, the Scottish system appears more pragmatic and facilitative, meaning that the transaction costs, or the unpaid administrative costs, are very much lower than in England and Wales. I did not hear of any firms in Scotland leaving legal aid because of the auditing regime.

Therefore, although it is impossible to compare quality in the two jurisdictions in a quantitatively robust way, there seem to be fewer concerns about quality in Scotland. The rules which permit clients to move away from solicitors they are unhappy with are particularly important, as is the system of paying solicitors to spend time with their clients. A solicitor summarised:

*I think most people in Scotland feel pretty lucky to have the system that we have, albeit we complain about it all the time, because it's far from ideal. But when you look down at what's available in England, you think, thank god I'm not in England... because if someone needs to get legal aid [in Scotland], they can get legal aid and ultimately we all want to help people as well as earn a living. And if someone comes to you in need, you can usually find someone who can do it on legal aid, unlike my miserable experiences trying to get really good cases seen to by someone in England.*

## THE NORTH WEST | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 34 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



- There is no access point covering Cumbria or Cheshire. This is despite over 400 people receiving s95 support and 20 unaccompanied children in the care of authorities in the two counties
- The vast majority of the provision in the region is in the two main cities of Manchester and Liverpool, with four offices (of three providers) in Bolton and one in Oldham



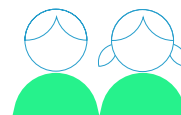
**3,552**

Legal aid matter starts opened in 2020-21



**9,087**

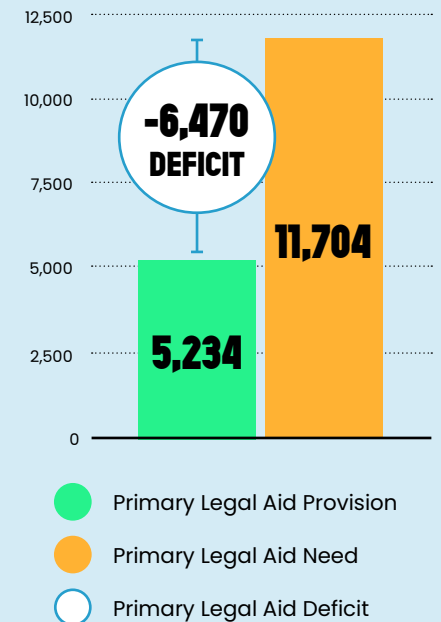
People receiving s95 asylum support



**330**

Unaccompanied children seeking asylum

#### PRIMARY LEGAL AID DEFICIT







## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**229,593**



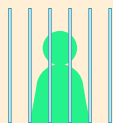
**3,391**

People who  
need help with  
**protection  
settlement  
applications**



**1,536**

People resettled  
under the **SVPRS**



**783**

Foreign nationals  
in **prison**



**35,742**

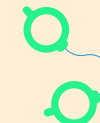
INCLUDING  
**13,939 CHILDREN**

Undocumented  
people



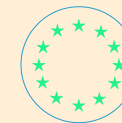
**186**

**Domestic  
violence**  
ILR applications



**565**

People referred  
into the **NRM**



**187,390**

**20,500**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

The North West of England region is the third-most populous in England, behind the South East and Greater London. It covers the counties of Greater Manchester, Merseyside, Lancashire, Cheshire and Cumbria.

## Provision overview

### Legal Aid Provision

The table shows access points within the North West procurement area, with the number of provider offices in each access point, the number of matter starts opened in each and the number of matter starts they were allocated under their contracts.

**Table 10: Legal aid provision by access point, 2018-21, North West procurement area.**

ACCESS POINT	OFFICES 2020-21 (2018-19)	MATTER STARTS ALLOCATED 2020-21	MATTER STARTS OPENED 2018-19	MATTER STARTS OPENED 2019-20	MATTER STARTS OPENED 2020-21
Greater Manchester	24 (28)	5,500	2,744	2,746	2,279
Merseyside	6	2,209	1,764	1,672	1,188
East and West Lancashire	3 (4)	750	113	110	85
	34 (38)	8,459	4,621	4,528	3,552

There is no access point covering Cumbria or Cheshire. In reality, the vast majority of the provision in the region is in the two main cities of Manchester and Liverpool, with four offices (of three providers) in Bolton and one in Oldham.

Two of the providers in Merseyside opened the largest numbers of matter starts in England and Wales in the contract year 2019-20, with 670 and 653. Their numbers were smaller in 2020-21, at 434 and 377, but nevertheless the Merseyside access point had the highest mean and median number of matter starts opened in England and Wales, at 198 and 124.5 respectively. The next highest mean is 142, in two access points, so Merseyside's average is higher by a significant margin.

By contrast, with a mean of 28 matter starts in 2020-21, the three active providers in East and West Lancashire had the second smallest average of any of the multi-provider access points, and the smallest median at 17, excluding the inactive providers. Those in Greater Manchester, excluding the inactive offices, reported a mean of 120 matter starts, with a median of 109 across 19 active offices. Despite looking well-supplied on a map, the reality is that provision is fairly scarce even in Greater Manchester.

### Other free or low-cost provision

There are five OISC Level 3 organisations in the North West besides those doing legal aid work: Lancaster and Liverpool University Law Clinics, plus Refugee Action, Revive, and Freedom From Torture in Manchester. Bury Law Centre, which was previously registered at Level 3, went into liquidation in August 2020.

There are five OISC Level 2 offices across the region, one of which is Migrant Help in Liverpool. Liverpool also has British Red Cross; Manchester has British Red Cross, Barnardos and UK Pakistan Welfare Society. There are 52 offices registered at Level 1, of which 32 are Citizens Advice Bureaux. Of the remaining 20, there are seven in Manchester and two in Liverpool.

The non-legal aid provision is overwhelmingly focused on asylum and protection, not on immigration or nationality.

## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

As of 31 March 2021, there were **9,087 people receiving s95 asylum support** in the North West region, a fall of around 500 from December 2020, broken down as follows:

**Table 11: Local breakdown of s95 support figures in the North West, March 2021.**

AREA	DISPERSED POPULATION	BREAKDOWN
Cheshire	<b>410</b>	Halton <b>213</b> Cheshire West and Chester <b>122</b>
Cumbria	<b>3</b>	
Greater Manchester	<b>5,692</b>	Manchester <b>879</b> Bolton <b>837</b> Rochdale <b>767</b> Salford <b>706</b> Oldham <b>607</b> Tameside <b>468</b> Bury <b>386</b> Stockport <b>135</b> Trafford <b>78</b>
Lancashire	<b>1,086</b>	Wigan <b>770</b> Blackburn <b>283</b> Preston <b>176</b> Lancaster <b>106</b>
Merseyside	<b>1,896</b>	Liverpool <b>1265</b> St Helens <b>168</b> Sefton <b>157</b> Wirral <b>175</b> Knowsley <b>131</b>

There were **330 unaccompanied children** in the care of authorities throughout the region, but particularly in Liverpool and Manchester.

**Table 12:** Unaccompanied children in the North West, by local authority, 2019–21. Source: Local Government Association.

	2019	2020/21
North West	370	330
Blackburn with Darwen	c	0
Blackpool	c	0
Lancashire	22	24
Manchester	82	105
Bolton	9	0
Bury	6	0
Oldham	c	0
Salford	18	10
Rochdale	22	10
Stockport	c	0
Tameside	6	6
Trafford	7	0
Wigan	10	0
Cheshire East	15	14
Cheshire West and Chester	c	7
Halton	c	10
Warrington	19	20
Cumbria	8	10
Liverpool	116	107
Knowsley	c	0
Sefton	c	0
St Helens	6	7
Wirral	10	0

[c = data withheld, usually because the number is at least one but fewer than five.]

The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended. Comparing these demand figures with provision, 3,552 legal aid matter starts were reported in 2020-21. This was roughly 1000 fewer matter starts than were reported in the previous contract year but, even so, gives support to anecdotal reports of shortages of legal aid representation in the North West, with a particularly severe shortage in Lancashire, which accommodated 1,115 people in s95 asylum support on 31 December 2020, compared with only 85 matter starts reported in 2020-21.

Additionally there were approximately **3,391 people granted asylum**, humanitarian protection or other leave in 2016 in the North West, who were therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **1,536 people have been resettled under the SVPRS in the North West**. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.





### Prisons

There were **783 foreign nationals in 15 prisons** in the North West on 31 December 2020, broken down as follows:

**Table 13:** Foreign nationals in prison in the North West, 31/12/2020. Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
Cheshire	<b>232</b> in three prisons
Cumbria	<b>8</b> in one prison
Greater Manchester	<b>215</b> in four prisons
Lancashire	<b>166</b> in five prisons
Merseyside	<b>162</b> in two prisons

Cheshire has the highest foreign national prison population in the region, and has no legal aid providers at all. Since it borders North Wales, Shropshire, North Staffordshire and North Derbyshire on three sides, the county is wholly reliant on the overstretched provision in Greater Manchester and Merseyside. In reality, all of the prison-based need in the region is likely to be unmet.

### Other immigration matters

The North West is home to 8% of the UK's foreign-born population, giving a rough estimate of around:

**35,742 UNDOCUMENTED PEOPLE INCLUDING 13,939 CHILDREN**  
**186 DOMESTIC VIOLENCE ILR APPLICATIONS**

In the North West, **565 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 174 adults, 372 children and 19 persons of unknown age. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs.

As of 30 June 2021, there had been 400,430 concluded EUSS applications from the North West. That left **187,390 people with pre-settled status and 20,500 with 'other outcomes'**. The largest numbers of people with 'other outcomes' were in Manchester (4,170) and Liverpool (2,150) but there were 1,500 in Cheshire, which has no advice above OISC Level 1, and 1,390 in Bolton, 1,230 in Oldham, and 1,160 in Salford, all of which depend on very limited advice services. There were 610 people with 'other outcomes' in Cumbria, which has no legal aid or low-cost OISC Level 2 or 3 provision, and 4,370 across Lancashire, which has very limited legal aid and OISC provision.

### Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 11,704**  
**PRIMARY LEGAL AID PROVISION: 5,234**  
**PRIMARY LEGAL AID DEFICIT OF -6,470**

## Sub-regional breakdown

### Greater Manchester

Greater Manchester is the epicentre of both provision and dispersal in the North West. It has 24 contracted provider offices, five of which did not report any matter starts in the last contract year. This continues a trend of decline in both contracted and active providers in each year since September 2018. The active providers opened a combined total of 2279 matter starts in 2020–21, which was a decline compared with the previous two years (either 2,746<sup>48</sup> or 2768<sup>49</sup> matter starts in the year to August 2020 and 2,744 in 2018–19). The largest reported 370 matter starts in 2020–21, over 100 more than the next-largest and, as set out above, the mean number of matter starts for the 19 active providers was 120, with a median of 109.

There were 5,692 people in Greater Manchester receiving s95 support as of 31 March 2021 and 131 unaccompanied children in the care of Greater Manchester's local authorities, 105 of whom were in Manchester itself. Practitioners and support groups have long argued that there is a shortage of legal aid capacity in Greater Manchester and the North West as a whole, leading (anecdotally) to Tribunal hearings in Manchester being adjourned as appellants were unable to find legal advice, although providers still had unused matter starts. Regarding capacity, Greater Manchester Immigration Aid Unit (GMIAU) explained that:

*With new asylum claims, we get calls from people who want us to take their cases on and often we say that we can't take it immediately, we might be able to in two weeks or something, so here's a list of others, and we tell them to ring back in a couple of weeks if they can't find anyone, rather than just tell them to wait. It depends – often there isn't anybody, but things change, so it might just happen that we've been able to close a few cases and then we have capacity again. We prioritise where the risks are, I suppose, so children's asylum claims, domestic violence, those kinds of urgent things, and things that have a tight deadline and we know there are huge consequences if we don't do something. But we're also mindful of what the Home Office is doing, and how likely someone is to get an interview in the near future.*

This had meant, for example, that they had gone into the contingency hotels to advise about Pre-Interview Questionnaires (PIQ) because they were receiving a high volume of calls from people in distress because 'they get a letter saying if you don't fill this form in about your claim, in English, and return it to us within 7 days, we'll withdraw your asylum claim, so that's caused panic.' In practice, organisations described putting their clients 'on the referral list' for one of the good quality providers, which would not take on the case immediately but could then 'escalate fast if they're called for interview'. This meant they might wait some months to get advice, until the interview was scheduled, but it was thought, 'It's better she waits and gets someone decent.' There were concerns about the quality of some of the other legal aid providers, as one support organisation interviewee described it: 'Now there are people coming saying they've signed up with this dodgy solicitor and had no communication at all from them and can I change? So that's problematic... because it's really hard to change.'

Greater Manchester has four organisations registered at Level 3, including an office of Freedom From Torture and one of Refugee Action, both in Manchester itself. Manchester also has Revive, which focuses on holistic support for asylum seekers and refugees, prioritising those who cannot access legal aid. Bury Law Centre, which was the only organisation outside Manchester city, remained on the register in February 2021 but went into liquidation on 18 August 2020.

48. FOI response 201012019 dated 26 November 2020 from LAA to Jo Wilding.

49. FOI response 201315004 dated 14 April 2021 from LAA to Jo Wilding.

Greater Manchester Immigration Aid Unit, alongside its legal aid work, is central to the provision of non-asylum advice in Greater Manchester and Merseyside, with 24 staff in all, mostly specialist caseworkers. Although GMIAU's waiting list was described by others as 'huge', they offer a phone line which is open for four hours a day, where an OISC Level 3 caseworker takes around 20–25 calls per day and can give 'really direct advice and... either do something immediately or refer them to someone else.' It depends heavily on grants and legal aid, in roughly equal shares, and has concerns about the stability and sustainability of this.

At Level 2, Greater Manchester has three organisations, all in the city of Manchester itself: Barnardos, The British Red Cross, and the UK Pakistan Welfare Society. The Red Cross does Level 2 work on family reunion in Manchester, while Barnardos operates its Independent Child Trafficking Guardians scheme throughout Greater Manchester, helping trafficked children to understand and navigate processes including the immigration ones.

There are 16 Level 1 organisations on the register in Greater Manchester, including five Citizens Advice offices. Bolton has two organisations: The Destitution Project and Befriending Refugees and Asylum Seekers. Bury Council is registered at OISC Level 1 for EUSS support. Salford has Manchester Refugee Support Network, which offers advice and support through the Asylum Guides scheme.

Manchester has the other seven non-CAB organisations. Two are refugee and asylum-focused: Manchester Refugee Support Network (as above) and RAPAR, or Refugee and Asylum Participatory Action Research. RAPAR is a campaigning and advocacy organisation which does some immigration advice. Two are generalist advice centres which offer immigration advice: Cheetham Hill Advice Centre offers generalist advice in multiple languages, including for those with no recourse to public funds. East Manchester Community Association offers immigration advice through its Rainbow Haven project, in partnership with Cheetham Hill and Revive, as well as destitution support for refugees and asylum seekers in partnership with the Red Cross, describing itself as a 'gateway' to other services. Three do EUSS advice: Europa supports EU nationals generally, while INCA CGIL is specifically for Italian nationals, and Work Rights Centre offers EUSS support in the context of its employment rights work.

The level of demand and limited provision has increasingly pushed people to look beyond Greater Manchester for advice, as explained by a provider in Bolton:

*[I]n about 2004–5 or so... we just did legal aid and there were decent providers in most of the boroughs around Manchester and so we generally got people at that point mostly just from our own borough. As time has gone on, particularly since 2013, that's when the geographical remit started to broaden to, say, Greater Manchester. Come 2015, when we started doing immigration fee paying work, that then broadened again.*

There is an overlap between Greater Manchester and the southern part of Lancashire. Bolton, for example, is administratively a borough of Greater Manchester but historically a part of Lancashire, and its legal aid providers are treated as part of the East and West Lancashire access point, so it is discussed with Lancashire in this report. It forms part of a wider geographical pattern of need, however:

*In the North West, Liverpool is sort of an axis and then Greater Manchester has a lot of boroughs around it, Bolton and Bury and Stockport, places like that, which are all decent sized towns, all with significant immigration need. Lots of different communities, with a breadth and diversity and range of communities that Manchester has, with different drivers for immigration, the historic and the recent immigration, paints quite an interesting picture.*

The history of dispersal to Greater Manchester contributes to persistent high demand for fresh claims work, which GMIAU sought to meet:

*We have a particular project around fresh claims, which is grant funded, and we are really committed to that work because people are destitute and they're at risk in all sorts of ways and at risk of being ripped off. It's not the most appealing work unless there's something really compelling so you've got to be really committed and also there's huge demand because people stay destitute for a long time. Occasionally they get removed or detained, but the reality is that the majority will just live very precarious lives. And we work with the local authority to try and keep people off the streets, so they have a big push to make sure people are not street homeless, yet at the same time you have the asylum system which makes people destitute once they're refused. So we do a lot of fresh claims but we can't meet the demand.*

In this context, interviewees noted the loss of not-for-profits in the region, with only GMIAU and Bury and Bolton Citizens Advice remaining. Various respondents expressed concerns about quality among some (certainly not all) of the private providers in the Greater Manchester access point and the region as a whole. While support groups endorsed GMIAU, Fountain Solicitors, Kalsi Solicitors and Bury and Bolton CAB, they reported that when large numbers of people were arriving in contingency hotels, there were:

*[S]ome dodgy local solicitors standing in car parks signing people up for legal support or running minibuses from the car park to their offices and the worst offender was a solicitor who also has a really bad reputation for signing people up and then doing nothing, especially Libyans who they can get the fixed fee and get a positive decision with no work at all, so a lot of people at the hotel have dodgy provision.*

Support organisations referred to 'some cases that have been really damaged by poor advice,' explaining that this is at its worst when new contracts are awarded and there are unknown new firms who 'go round proactively signing people up as they expect to be able to make it work, and within a year they're gone as they couldn't pass their audit or they can't make money.' Volunteers were training for the Asylum Guides programme which, it was hoped, would in future prevent new arrivals being signed up by poor-quality providers without understanding their options.





## Merseyside

There are five legal aid offices in Merseyside, all in Liverpool, and all of which also have an office in Manchester. A sixth withdrew in the year to August 2020. They opened a combined total of 1,672 matter starts in the year to August 2020 and 1,188 in 2020-21, a much higher average than in any other access point in England and Wales. Two reported 670 and 653 matter starts in 2019-20, which were the two highest reported numbers for the whole of England and Wales.

Despite this, organisations in Merseyside felt legal aid advice was in short supply, given the 1,896 people in s95 support in the county, and 107 unaccompanied children in the care of Liverpool City Council alone, with another seven looked after in St Helens. Liverpool also has initial asylum accommodation. As a result, a non-legal aid organisation believed that, 'There are serious gaps. This is especially the case for fresh claims and other complex work, but we are increasingly hearing that people with initial asylum claims are unrepresented.' For those who could not find a representative in Liverpool, 'Some are just unrepresented. Some go to Manchester but that's not fantastically served either – there's not a lot of spare capacity.'

Significant quality concerns have been raised about certain of the Merseyside providers, though they have passed peer reviews. Two firms in particular were named by several respondents as typically producing poor quality work. There were also reports of firms merits failing clients for legal aid and either leaving them unrepresented or representing them for a fee. Another organisation was described as 'on a constant rolling recruitment' but is nevertheless very small, with one OISC Level 3 caseworker and two Level 1 staff on the register, relying on contracted barristers to undertake judicial review work.

The only non-fee-charging OISC Level 3 organisation is Liverpool University Law Clinic, which offers specialist work in statelessness and trafficking, as well as some more general help but in very small numbers. Respondents emphasised that Law Clinics' main purpose is education of students, and should not be viewed as filling a gap in service provision. Liverpool's Law Clinic has a particular specialism in statelessness and receives referrals from all over England and Wales for those cases. They have relationships with barristers in the North West and use a small funding pot to pay them what they can.





At Level 2, Merseyside has a Migrant Help office and the Red Cross, both in Liverpool. At Level 1, there are ten organisations registered as non-fee-charging, six of which are Citizens Advice offices. Wirral Change is a BAME community centre offering various activities and advice, though it does not mention immigration advice specifically on its website. Sahir House is an HIV support centre, whose website does not explicitly mention immigration advice. Migrant Workers Sefton Community is, as the name suggests, an employment rights group with a particular interest in A8 migrants. Refugee Women Connect offers refugee and asylum-seeking women a social drop in with various additional support.

The OISC register also includes Asylum Link Merseyside, which is registered as fee-charging though it does not appear to charge users. It supports refugees and asylum seekers and offers destitution support. For a period of time, it was able to support effectively with fresh claims thanks to a part-time solicitor 'going out of his way to find evidence for them, and using his many years of experience,' in a collaboration between the support organisation and a legal aid provider.

Liverpool City Council has published the 'Our Liverpool' strategy for working with refugees, people seeking asylum, and vulnerable migrants. The term 'vulnerable migrant' is defined as including (non-exhaustively) EU nationals without status, victims of domestic violence or trafficking, and people who are homeless as a result of refusal of an asylum claim. This includes a detailed needs assessment addressing access to education, move-on support for newly granted refugees, and needs of people seeking asylum. A NACCOM hub attendee explained that there is an NRPF sub-group, co-chaired by Refugee Women Connect, which brings together Children's Services, adult social services, Law Centres and the University Law Clinic. It aims, among other things, to ensure that residents with NRPF understand their rights and entitlements and are able to exercise them. For example, Liverpool City Council has a power to underwrite refuge places for people experiencing domestic violence but with NRPF, but this was said to be 'little known'. It was undertaking a consultation on whether and how to commission legal advice. This appears to be a good example of proactive work by a local authority to address needs, including legal advice needs, in a holistic way.



## Lancashire

The access point of East and West Lancashire has three provider offices of two organisations, with two offices of Bury and Bolton Citizens Advice and one private firm. All of them are located in Bolton, which is part of Greater Manchester, but the Legal Aid Agency treats these three as being Lancashire providers. Another provider withdrew in the contract year to August 2020, having opened no matter starts. These three opened a combined total of 85 matter starts in 2020–21, and 100 and 113 in the two previous years. The 2020–21 breakdown between offices was 61, 17, 7.

There is some outreach provision in Lancashire. Two firms, AGI Criminal Solicitors and Compass Immigration Law, are authorised to operate in Preston; another two, Allison Law and Ashwood Solicitors, are authorised to do so in Blackburn, and Primus Solicitors have an outreach authorisation for Lancaster. Apart from Compass, which is based in East and West Lancashire, these are all based in the Greater Manchester access point. As with other outreach arrangements, it is difficult to know what number or percentage of matter starts is involved, since they are counted in the provider's main access point, but they are part of the total number for the procurement area.

Demand for legal aid work far outstrips provision, therefore, as there were 1,086 people in the county of Lancashire receiving s95 support on 31 March 2021, but this excludes the 807 people in s95 support in Bolton itself, which is treated as part of Greater Manchester in the asylum support statistics. There were also 24 unaccompanied children in the care of Lancashire local authorities. Many of these will have to travel to other parts of the region for legal advice, but there is no legal aid provision in the bordering counties of Cumbria and North Yorkshire, meaning they must rely on provision in Greater Manchester, Merseyside and West Yorkshire. Reflecting on recent changes, a legal aid provider interviewee said,

*Geographically, now there's dispersal in more of Lancashire, and I imagine the Bolton provision will pick up South Lancashire, and Accrington, which became dispersal areas. It's not totally put together, so it has organically grown.*

At the time of the fieldwork, support organisations were struggling to help after 28 asylum applicants, including six children, were 'dumped into' small towns with no support infrastructure, including Burnley, Pendle and Calne, some of them with no means of cooking food. As one reflected, 'The problem seems to be with Serco being overwhelmed with people being brought in', but without access to legal advice, it was difficult to support the people involved.

The only OISC Level 3 organisation in Lancashire is Lancaster University Law Clinic, whose website says the clinic is run in collaboration with an organisation called Refugee Advocacy Information and Support (RAIS), in Lancaster. RAIS does not have accreditation in its own right, but its website indicates that it hosts an immigration solicitor once a week, which does not appear to be limited to university term times. There are no Level 2 organisations in Lancashire. There are twelve non-fee-charging Level 1 organisations, ten of which are Citizens Advice offices. The other two are the Children's Society office in Preston and a charity called Global Link in Lancaster, which is an education centre offering, among other things, integration support for refugees and new migrants.

The lack of advice in areas of Lancashire may have an impact on the knowledge and practices of local authorities which in turn exacerbates the need for legal advice:

*If you've got a no recourse person from ... some of the regions of Lancashire, man alive, it's a nightmare. It's ridiculous, having conversations with [the local authority] that are not founded in law or anything, and the further away you get from those centres – Salford is very good. Bolton was poor but has got better with us taking them to court frequently. That helped for their learning. It's a mixed picture but my impression is it's generally better in the big urban centres so again, in terms of immigration advice, my argument about the advice deserts is when you get out to places like Burnley and Blackburn and Preston, the problems are a) the lack of supply, but b) the lack of local infrastructure and c) the local authority approach is sometimes quite frankly backward, to be honest, and it makes a potent mix of things which you might not see in urban centres.*

In this context, a particular area of concern in Lancashire are the 4,370 applications to the EUSS scheme which resulted in 'other outcomes', ie neither settled nor pre-settled status. These are in all parts of the county. While some people who initially received this outcome may have re-applied successfully, the absence of any free advice services in most of the county is likely to be problematic.

The fee charging service at Bury and Bolton Citizens Advice arose out of clients' need for work which could not be done on legal aid, which led to them 'getting completely ripped off' by private providers and returning 'two years later, literally £3 or 4k lighter and their claim had been completely messed up, and it was those instances that made us do it.' Accordingly, the kinds of work offered grew out of (proactive rather than hidden) demand:

*It's basically a full range of non-business and non-work-related immigration things. It tends to be things like family reunion, and the whole entry clearance range of things, settlement, indefinite leave to remain, citizenship. Things like Windrush-related things became a bigger piece of work over the last few years but it's mainly more individual and family-based stuff rather than business related.*

Even so, the fee-charging service could not meet demand for casework, with an average of 30 matters per month being taken on for casework, compared with about 130 new presentations per month, all of whom would receive free advice. As the interviewee explained, 'Not all of those need casework, but there is a number, probably another 20 or 30 a month who we really wish we didn't have to turn away.' Capacity does, however, depend on 'what's happening with dispersal' and the need for asylum work.

## Cheshire

Cheshire has no legal aid providers and no OISC Level 3 organisations. Its western border is with North East Wales, which has one very small provider, and its southern border is with the northern part of Staffordshire, where there is likewise one very small provider in Stoke on Trent. People in Cheshire must therefore rely on providers in Merseyside and Greater Manchester. During 2021, Cheshire, Halton and Warrington Race and Equality Centre (CHAWREC) moved up to Level 2. It offers free advice in both immigration and asylum and protection, and runs the Syrian VPRS support. At Level 1, there are eight organisations, six of which are Citizens Advice offices. The other two are offices of CVS Cheshire East, an umbrella organisation supporting other voluntary sector groups rather than delivering advice itself.

There were 410 people in Cheshire receiving s95 support in March 2021, and 51 unaccompanied children looked after within the county. There is also initial asylum accommodation in Halton, as well as contingency hotels whose use has persisted throughout 2021. There were, in summer 2021, 256 people accommodated in a contingency hotel which was 'between two motorways'. Children accommodated in this hotel had no access to schools and the local authority had had to commission private tutors to meet its statutory responsibilities to provide education, meaning the costs to the local authority were far higher than they would be with dispersal accommodation. Cheshire also has the largest foreign national prison population in the region, with 232 people held in three prisons as of December 2020, and around 1,500 people who received 'other outcomes' than settlement on EUSS applications.

An interviewee from a local authority within Cheshire argued that 'the important message is the government is insisting on moving and dispersing into areas that are not diverse or used to the issues and there needs to be some support for that.' They felt that the support models which worked in diverse areas were not suited to their area. For example, GP practices found it difficult to support an asylum-seeking population because 'using Language Line they found it useless' for interpreting in appointments. Yet a practice manager in a more diverse area said they rarely need telephone interpreting services because a person who cannot speak English will bring along a friend to translate. This lack of 'out of hours community support' could change quickly, but requires up-front support until it evolves.

Within the county, one local authority had offered financial support for its Citizens Advice office to move an advisor up to OISC Level 2, but the organisation felt that it was too time consuming to get someone to that level of qualification, and that the organisation could not afford to sacrifice a staff member for the time it would take. This authority had used some of its refugee resettlement funding to buy in a service from GMIAU for refugee family reunion advice. Their resettlement workers 'helped families prepare their paperwork in advance so we were not wasting the solicitor's time,' which proved a cost-effective way of helping people to access high-quality expert advice. The Council was considering other ways of commissioning or otherwise funding advice in an area which does not have any providers, but without any additional government funding to help meet the needs of a dispersed population in an area with no legal advice services.



## Cumbria

Cumbria has no advice above Level 1, and all of its four Level 1 organisations are Citizens Advice offices. There are some support organisations which do not do advice work: Carlisle Refugee Action Group, which is part of Carlisle One World Centre, Penrith and Eden Refugee Network, and Multicultural Cumbria. Together with Citizens Advice, Greystone Community Centre and a church community sponsorship group, these make up the Carlisle City of Sanctuary network.

There were only three people receiving s95 support in Cumbria in March 2021. There were ten children in the care of the local authority and Cumbria has committed to both the transfer of children arriving in Kent and resettlement through the SVPRS. Cumbria borders the advice deserts of Lancashire and North Yorkshire to the south, and Scotland to the north, which has a separate legal aid system for which they are ineligible. Anyone in Cumbria in need of advice is likely to have to seek it in the North East, despite the shortage of advice in that region.

The very sparse network of organisations in Cumbria highlights a persistent obstacle to growing the advice sector. An individual who wished to get accredited at Level 2, and was ready to take the exam, was unable to register at Level 2 at their existing organisation because the organisation was not yet ready to accredit at Level 2. That left the individual seeking another organisation to volunteer with, to be able to register and gain experience, but facing a near-200-mile round trip to the closest opportunity.





## Networks, Partnerships and Referral Routes

One organisation described Manchester as ‘wonderful for the networks and referral pathways and joint working,’ This had been enhanced when the Mayor of Greater Manchester, Andy Burnham said ‘something unhelpful about Greater Manchester always bearing the burden of dispersal.’<sup>50</sup> A number of organisations came together and wrote a joint letter, which led to a meeting with the Mayor and a ‘huge event with speakers, which was really successful and was used as a consultation, with people from all the local authorities invited.’ This was said to have led to ‘a more strategic approach... with a strategic lead within Greater Manchester Combined Authority... who has tried to join together a partnership approach.’ At the same time, the organisations which had begun meeting regularly to organise the event found it useful to continue meeting quarterly, although ‘it didn’t include everybody it should, we were excluding tens of organisations that could have been there, so was just the organisations that were vocal.’

The Greater Manchester Refugee Support Partnership, a five-year project funded by the Big Lottery, included Rainbow Haven, Revive, Refugee Action and the Red Cross, with a ‘strategic and consolidated approach’: Rainbow Haven provided holistic support, orientation and health education, while Revive offered OISC Level 2 advice and support with immigration issues outside the scope of legal aid, and so on. The funding ended in late 2019 and a larger coalition, the Greater Manchester Step Change Consortium, bid for further partnership funding which was granted during the fieldwork period by the National Community Lottery Foundation. The Consortium comprises nine initial partners (MRSN, Asylum Matters, Boaz Trust, Manchester City of Sanctuary, Revive, British Red Cross, Rainbow Haven, Refugee Action and GMIAU) with a further two, BRASS and SWAP, joining the Consortium at a later date, with GMIAU leading the legal advice element of it. As one of the partners explained it, this would enable them to ‘do all the work around preparing applications and put in a lovely bundle for GMIAU to do the application and, when we get a positive outcome, pick them up and do that support work.’

Greater Manchester Law Centre was set up by a group of people after the closure of South Manchester Law Centre. It does not do immigration legal advice, but GMIAU has one of its offices within the Law Centre and another within Merseyside Law Centre. The latter emerged out of Merseyside Welfare Rights Advice which had ‘never had a tradition of providing immigration advice’. Recognising the lack of provision, however, Merseyside Law Centre was considering ‘whether they’re interested in providing immigration advice in the future, and what it would take to get to the point where they can do that.’ During the research, a grant from the Justice Together Initiative enabled GMIAU to place an immigration solicitor with Merseyside Law Centre part-time to support that development. The collaborations in Merseyside and Greater Manchester demonstrate that, despite the imposition of a market in legal aid, the system works best not where organisations compete with each other but where they co-operate.

Partnerships can however create pressure on the already-limited capacity of the legal advice specialist in the relationship, whose expertise is likely to be in the highest demand and the shortest supply. GMIAU highlighted a particularly effective partnership with the Boaz Trust, which works with and accommodates destitute people who are failed asylum seekers. Their support worker does not have OISC accreditation but has in-depth knowledge of the asylum process:

*So she works almost as an assistant to our Level 3 person by gathering the papers and dealing with queries, managing expectations, so people know what we’re waiting for, and other agencies do as well, so that works really well. It’s where our model is, it’s almost a system for the administration of things and people can do those things because they’re not advising, but doing it under a Level 3 adviser who’s doing the advice and submitting the application.*

50. Parveen, N. (2018) [Andy Burnham criticises ‘mounting chaos’ of UK’s asylum system](#). The Guardian, 07/11/2018.

This was described as working well, providing a useful role for the non-advice organisation and helping to grow capacity, as well as making effective use of existing capacity.

The sector was described as 'close... at least in Manchester'. Greater Manchester, however, was described as 'a bit weird' in the sense that the inner boroughs 'where people can get into Manchester on a bus in ten minutes' are much more connected to the Manchester network than 'the outlying boroughs like Wigan, Bolton, Oldham that are more like towns' which might or might not have their own services, but were less reliably connected to the network. Therefore, it was argued, 'When I say the network is brilliant, it is, but it doesn't operate as a whole.' The network is also very much thinner outside Greater Manchester and Merseyside.

The increased use of remote meetings for key networks like ILPA, and remote provision of training, had however offered networking opportunities for advice organisations in the North West to participate more. Even events in central Manchester had involved a significant time commitment for those in other parts of Greater Manchester and particularly in the more northerly areas like Preston or Carlisle. Training and exams had often been available only in Birmingham or London, meaning, 'It's the cost of a hotel and a train fare and all that kind of stuff so there's a significant geography to this as a provider.'

There was some frustration that the networks which existed were largely focused on refugees and asylum seekers, with far less in place for people with no recourse to public funds. These networks were a positive response to dispersal of asylum applicants into the region, but had 'never moved on'. As one interviewee pointed out, 'At least if you're an asylum seeker, it's rubbish but you have a roof over your head and a pittance of some money to buy food. If you've got NRPF, you've got nothing.' Destitution projects were similar focused on people whose asylum claims had been refused, rather than people with no recourse for other reasons. Consequently, the interviewee said,

*Historically we've had people with small children and have had to really fight the local authority to get them to do something, been at the doors of court at 9pm on a Friday night because they won't do anything, so we've really had to have those battles because the infrastructure and the network isn't there to have those conversations.*

Although this issue was described specifically in Greater Manchester, it is likely to apply to many parts of the UK where dispersal has shaped responses to inward migration.

The use of contingency hotels has created both difficulties and new partnership opportunities as described by an OISC Level 1 organisation:

*One of our work strands is around health access, so we said we would help the medical team around setting this up [in contingency accommodation] and they've been brilliant, very focused on understanding. They're from one of the whitest areas in Manchester, very affluent South Manchester and suddenly they had 500 migrant people who needed very specific health care and they went back to the Home Office and Clinical Commissioning Group and said you need to fund us to set up a specialist service.*

This had been productive but also resource intensive because 'it's been based on relationship building rather than any formal or official pathways set up by Serco and the Home Office'. At the same time, there was no onsite support from Migrant Help, which has the Home Office contract to provide advice and information to applicants, as well as addressing any problems with accommodation or financial support. Although, theoretically, there was telephone access to Migrant Help, many people had their phones confiscated on arrival in the UK, 'supposedly for investigating the criminal networks, supposedly only for a few weeks, but actually they keep them for months'. That had increased the difficulties for organisations supporting those people but had also 'really consolidated the network'.

As to other referrals, some organisations explained that they try to actively refer clients rather than merely signposting, because clients 'often can't get through themselves. It is much more likely that I can refer an existing client for a matter I can't deal with for some reason, than that client could get access to that service by themselves.' Frequently this came down to the organisations knowing one another. Others, however, find it impossible to take on the role of making active referrals.

A particular difficulty around referral, even in Merseyside and Greater Manchester, is 'finding criminal solicitors around here that know anything about trafficking' who would deal with trafficking-related defences or appeals against trafficking-related criminal convictions. One solicitor at a firm called Birds was identified as the only option for these referrals.

## Recruitment, retention and training

Recruitment is problematic throughout the region but particularly outside Manchester and Liverpool. One of the larger firms, with offices in both cities, was described as having 'advertised twice a couple of years ago for Level 2 and got no applications so they then decided to take someone unqualified and train them.' Another organisation was 'on a constant rolling recruitment'. One solicitor summarised that recruitment was 'A terrible problem in the North West. The most that happens is that people move from one place to another. It's not new people coming in.' Yet it can be difficult for new law graduates to access good quality training, particularly given some of the quality concerns discussed above. The law clinic at Liverpool has 'good students who come through the clinic and get interested in immigration but there are no opportunities for them here.' A further problem arises within organisations when a volunteer or non-advice staff member in an advice organisations wants to obtain OISC accreditation, or when trainees and Justice First Fellows complete their training:

*If we train our staff coming through... it's also where they go after training. I want to put [them] on a training route, for [them], but that's a new job. We have managed to keep them all but we have to create capacity internally for that.*

Given the strong collaborative network in parts of the North West, there had been discussion of cross-organisational supervision but one potential supervising organisation pointed out that this creates a significant demand on the time of a Level 3 caseworker to bring up another organisation's capacity to work at Level 2. It therefore needs careful strategic approaches. For example, refugee family reunion is a supply gap in the North West. Applications could be undertaken by Level 2 caseworkers, but this raises questions about the supervising organisation's capacity to take on any appeals generated through the Level 2 work. As set out above, using Justice Together funding, there is now an arrangement where an immigration solicitor and accredited supervisor employed by GMIAU works 1.5 days per week with Merseyside Law Centre to increase their capacity, with a view to applying for a legal aid contract in the next round. It is a valuable model, but a resource intensive one.

These difficulties are particularly severe in parts of the region outside Manchester and Liverpool, where there are very few organisations in which to train, and where training and exams have in the past been very difficult to access, with significant travel and accommodation costs attached.

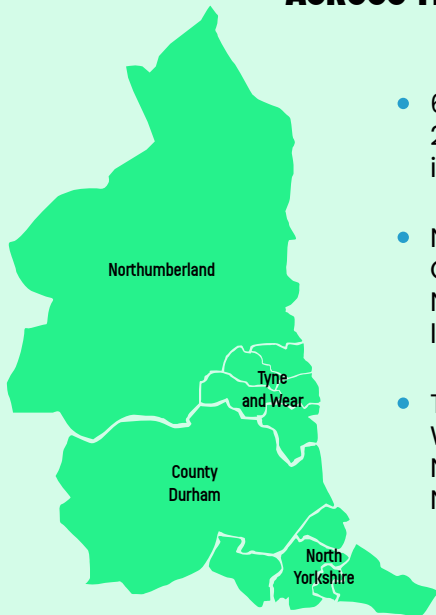


## THE NORTH EAST | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 12 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



- 6 in Newcastle-upon-Tyne, 2 in Gateshead, 5 are in Middlesbrough
- No provider offices in County Durham or Northumberland therefore no legal aid access points
- The region covers Tyne and Wear, County Durham, Northumbria and part of North Yorkshire



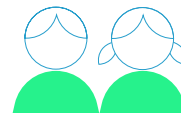
**1,705**

Legal aid matter starts  
opened in 2020-21



**4,445**

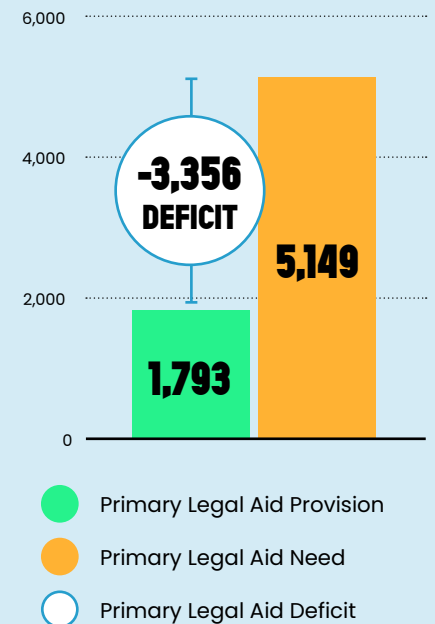
People receiving s95  
asylum support



**28**

Unaccompanied children  
seeking asylum

#### PRIMARY LEGAL AID DEFICIT







## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**41,683**



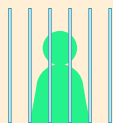
**1,272**

People who  
need help with  
**protection  
settlement  
applications**



**1,100**

People resettled  
under the **SVPRS**



**276**

Foreign nationals  
in **prison**



**8,935**

INCLUDING  
**3,484 CHILDREN**  
Undocumented  
people



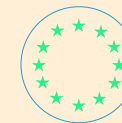
**46**

**Domestic  
violence**  
ILR applications



**94**

People referred  
into the **NRM**



**26,760**

**3,200**  
(OTHER OUTCOMES)  
People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

The legal aid procurement area is the North East, Yorkshire and the Humber, and these two regions are also conflated as a single one for asylum dispersal accommodation. The access point which covers most of the North East overlaps with North Yorkshire, which makes it more difficult to separate some of the provision and demand indicators. However, they are two distinct regions with separate Strategic Migration Partnerships, and are treated as such in this report.

## Provision overview

### Legal aid provision

Much of the North East is not covered by a legal aid access point. The sole access point in the region is County Durham East, Teesside, Tyne and Wear, and Gateshead, which includes Middlesbrough, in North Yorkshire. In reality, there is no provision in County Durham. There are three more access points in Yorkshire. There is no provision in Northumbria.

**Table 14: Legal aid provision by access point, 2018-21, North East.**

ACCESS POINT	NO OF OFFICES SEPT 2021 (SEPT 2018)	MATTER STARTS ALLOCATED 2019-20	MATTER STARTS OPENED 2018-19	MATTER STARTS OPENED 2019-20	MATTER STARTS OPENED 2020-21
County Durham East, Teesside, Tyne & Wear, Gateshead	12 (1 inactive)	3,770	2,329	1,346	1,705

As can be seen, provision dropped in all access points in the contract year 2019-20, as against the previous year, and rose only slightly across the procurement area in the most recent contract year.

In the North East, the 12 active providers averaged a little higher than the other access points within the procurement area, with a mean of 142 matter starts in the 2020-21 contract year, though the median is lower, at 115.5, with two large providers skewing the mean. The smallest reported three matter starts; the largest reported 400, with four providers opening fewer than 50 matter starts, but six reporting more than 100.

The immigration detention centre at Derwentside, in County Durham, opened on 23 November 2021. A few days earlier, on 16 November, the LAA announced that the procurement process for face-to-face Detention Duty Advice providers had been cancelled, because it had not received sufficient compliant bids. This indicates that providers within the North East and surrounding access points may not have capacity to expand provision – though it could also mean that the detention contracts were not attractive to those providers. At the time of writing, only remote advice is in place, despite assurances that a face-to-face advice service would be procured from the outset.

### Other free or low-cost provision

At OISC Level 3, the North East has one office, Freedom From Torture's Newcastle office. At Level 2, the North East has four offices, three of which are branches of the North of England Refugee Service, in Newcastle, Sunderland and Middlesbrough. The other is Justice First in Stockton on Tees. There are 24 Level 1 offices, of which 11 are Citizens' Advice. Six are offices of Your Homes Newcastle, which is a charity that manages the local authority's housing. The Red Cross and Children's Society each have two registered offices. Apart from one Red Cross office in Stockton on Tees and a charity called Action Foundation in Sunderland, all of the other Level 1 organisations are in Newcastle. As in other areas, the limited non-legal aid advice available is heavily weighted to asylum-related matters rather than non-asylum immigration, despite numerically greater need for the latter.

One organisation has a fee-paying service which covers any matters their free services cannot provide, enabling them to cross-subsidise their free services while attempting to avoid doing work which could be done under legal aid. They explained that the fee-paying service 'generates a surplus which is useful because it's unrestricted funds, which gives us a bit more control of our destiny'. This has become 'incredibly popular' because 'clients often want to help someone else by proxy' by supporting a service which also gives free advice.

### Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

There were **4,445 people in receipt of s95 support in the North East** as of 31 March 2021. Parts of North Yorkshire are treated as the North East, rather than Yorkshire and the Humber, in the s95 statistics. The breakdown is as follows:

**Table 15:** Local breakdown of s95 support figures in the North East, March 2021.

AREA	DISPERSED POPULATION	BREAKDOWN
North Yorkshire	666	Redcar and Cleveland <b>106</b> Middlesbrough <b>560</b>
Tyne and Wear	2,479	Newcastle <b>891</b> Gateshead <b>603</b> South Tyneside <b>362</b> Sunderland <b>347</b> North Tyneside <b>276</b>
Northumberland	223	
County Durham	1,077	Stockton on Tees <b>623</b> Hartlepool <b>319</b> Darlington <b>133</b> Durham <b>2</b>

There are **28 unaccompanied children** in the care of local authorities in the North East, as follows:

**Table 16: Unaccompanied children in the North East, by local authority, 2019-21.**  
Source: Local Government Association.

	2019	2020/21
<b>NORTH EAST</b>	<b>40</b>	<b>28</b>
Darlington	c	0
Durham	c	0
Stockton-On-Tees	c	0
Hartlepool	7	0
Newcastle Upon Tyne	9	11
North Tyneside	c	0
South Tyneside	0	0
Sunderland	c	0
Gateshead	c	0
Redcar and Cleveland	10	17
Middlesbrough	c	0
Northumberland	0	0

[c = data withheld, usually because the number is at least one but fewer than five.]

The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

These figures compare with 1,346 legal aid matter starts reported across the procurement area in 2019-20 and 1,705 reported in 2020-21, suggesting there is likely to be a deficit overall in access to asylum advice, especially in Northumbria and County Durham which have no provision and have to rely on already-stretched provision in neighbouring areas.

Additionally, there were approximately 1,272 grants of asylum in the North East or other leave in 2016 for people who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further 1,100 people have been resettled under the SVPRS in the North East. This group arrives with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.

### Prisons

There were **276 foreign nationals in prison in the North East** on 31 December 2020 (treating North Yorkshire as part of the neighbouring Yorkshire and the Humber region), broken down as follows:

**Table 17:** Foreign nationals in prison in the North East, 31/12/2020. Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
County Durham	<b>209</b> in four prisons
Northumbria	<b>53</b> in one prisons
Stockton on Tees	<b>14</b> in one prisons

### Other immigration matters

The North East is home to 2% of the UK's foreign-born population, giving a rough estimate of around:

**8,935 UNDOCUMENTED PEOPLE INCLUDING 3,484 CHILDREN**

**46 DOMESTIC VIOLENCE ILR APPLICATIONS**

In the North East, **94 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 60 adults, 29 children and 5 persons of unknown age.

As of 30 June 2021, there had been 60,520 concluded EUSS applications from the North East region, resulting in **26,760 people with pre-settled status and 3,200 with 'other outcomes'**. The largest numbers of these were in Newcastle upon Tyne and Middlesbrough, followed by County Durham and Gateshead.





## Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 5,149**

**PRIMARY LEGAL AID PROVISION: 1,793**

**PRIMARY LEGAL AID DEFICIT OF -3,356**

## Sub-regional breakdown

### Tyne and Wear and Teesside

The access point for legal aid is County Durham East, Teesside, Tyne and Wear, and Gateshead. This is the only access point which is within the North East, rather than Yorkshire. There are 13 provider offices, one of which opened no matter starts in the year to August 2021 and another opened only three. There are six in Newcastle-upon-Tyne (Collingwood Immigration Services, Duncan Lewis, Immigration Advice Service, North East Law Centre and two offices of Brar and Co), five in Middlesbrough (Collingwood Immigration Services, Edwards Immigration Services, Halliday Reeves, Immigration Advice Centre, and Iris Law) and two in Gateshead, both of which also have a Middlesbrough office (Halliday Reeves and Iris Law). None are in County Durham. The North East Law Centre is the only provider of free Refugee Family Reunion services in the North East.

The 12 active providers reported 1,705 matter starts between them in the year to August 2021, an increase on the 1,346 in 2019–20 but still well down on the 2,329 reported in 2018–19. In 2019–20, two providers reported significantly more matter starts than the others, with a combined total of 49% of all the matter starts. In 2020–21 this dropped to a 42% share of the matter start total, with the middle cohort increasing its share. Demand does appear to outstrip provision: as one of the legal aid providers said:

*I was working 7 days a week and it wasn't sustainable. We would still be turning away about 30% of enquiries. Whenever we increase capacity, it gets filled very quickly, so that suggests we're still not getting to it all, so we're keen to increase our capacity and in our partner organisations, to meet that unmet need.*

The North East as a whole has 4,445 people receiving s95 support, of whom Tyne and Wear has 2,479. There are 11 unaccompanied children in Newcastle. County Durham (with no legal aid providers) has 1,077 people receiving s95 support, including 623 in Stockton on Tees, 319 in Hartlepool and 133 in Darlington. All of these people will need to travel north to Newcastle or Gateshead or south to Middlesbrough for legal advice. Within County Durham, four local authorities were looking after unaccompanied children in 2019, but there were none remaining under 18 in the county in 2020–21.

Middlesbrough has 560 people receiving s95 support, and no longer has any unaccompanied children in local authority care. Redcar and Cleveland, at the bottom of the access point, looks after 17 unaccompanied children and has 106 people receiving s95 support. Although Middlesbrough is geographically part of North Yorkshire, it shares the access point with the North East and the matter start figures are not currently available to separate provision.

Freedom from Torture's Newcastle office is the only OISC Level 3 organisation in the North East. At Level 2, the North East has four offices, three of which are branches of the North of England Refugee Service, in Newcastle, Sunderland and Middlesbrough. The other is Justice First in Stockton on Tees. Justice First's advice work focuses on assisting refused asylum seekers with fresh claims. NERS offers advice and support to people going through the asylum process and in the immediate move-on period, with up to two years' supported housing and other integration support. There is no non-asylum immigration advice and casework in the North East at Level 2 or above. An interviewee said,

*It was scary when we did a census ourselves of local OISC provision in the North East – there's so little of it, which means that the only alternative for clients is private practice, which is the last resort in signposting, especially as the majority of our clients are on a low income.*

At Level 1, there are 16 offices in Tyne and Wear, four of which are Citizens Advice offices in Newcastle, Sunderland, North and South Tyneside. The Children's Society has two offices in Newcastle and the Red Cross has one. The housing charity which operates the local authority's housing stock, Your Homes Newcastle, accounts for six of the offices, all within Newcastle. The others are Riverside Community Health Project in Newcastle and two offices of Action Foundation, in Newcastle and Sunderland. Action Foundation offers hosting, supported move-on housing and bail accommodation, as well as language and integration support. One worker was said to have reached Level 2, and 'a couple in process but, as an organisation, they're not yet registered.'



### Northumberland

Northumberland is not a legal aid access point. There are no OISC Level 3 or 2 organisations in Northumberland. Citizens Advice Northumberland is the only organisation registered at Level 1. There were 223 people in receipt of s95 support in December 2020. The closest advice at any level is in Newcastle Upon Tyne, at the southern tip of Northumberland. An interviewee summarised:

*There's nobody north of Newcastle with regulated advisers except for the Citizens' Advice exemptions... We would really struggle without them as they pick up a huge amount of the advice need, but for anything specialist, it's not enough. In the North East, it's pretty bleak in terms of provision, and that's one of the key areas we want to change – we want to really increase the capacity of smaller organisations through providing supervision and support to increase capacity, to bring them up to that level to create more advisers.*

### North Yorkshire

Most of North Yorkshire is not a legal aid access point. Middlesbrough is in North Yorkshire but it is within the access point of County Durham East, Teesside, Tyne & Wear, and Gateshead, which is the reason for including North Yorkshire in the North East section of the report. Five offices are in Middlesbrough but the provision figures are not broken down within the access point, so it is difficult to pin down provision in Middlesbrough precisely. It is also the main part of North Yorkshire which receives dispersed asylum applicants, with 554 as of 31 December 2020, and a further 111 in Redcar and Cleveland. York city and North Yorkshire have only two people in receipt of s95 support. North Yorkshire county has 11 unaccompanied children in its care, in addition to the 17 in Redcar and Cleveland.

There are no OISC Level 3 organisations in North Yorkshire, and only one Level 2 organisation registered, MAIS in Selby, but this appears to be a single person operating from the Methodist Church and the only available information about the service is a profile of the adviser and a PDF client care letter. At Level 1, North Yorkshire has five Citizens Advice offices.



## Networks, Partnerships and Referral Routes

Although legal aid and asylum dispersal both operate at the larger regional level of the North East, Yorkshire and the Humber, most of the key networks cover either the North East or Yorkshire and the Humber. There are two separate Strategic Migration Partnerships, the North East SMP and Migration Yorkshire. This was said to lead to some discontinuity of provision:

*If someone goes into Urban House [in Wakefield] and then to dispersal accommodation in Middlesbrough, there's no soft handover between the different organisations supporting them, and that's something I really want to do. It is this porosity of boundaries. It feels like the world has clumped the region together and divided us by the Pennines.*

The North East shares its regional NACCOM hub meetings with Scotland, with some groups crossing over to an extent into the North West region as well. There are some City of Sanctuary groups in different towns and cities within the region and the Frontline Immigration Advice Project was cited as an important source of support. In general, the networks appear to be fewer and more stretched in the North East than in Yorkshire or the North West.

Because of the smaller number of organisations, the networks and referral pathways have been more difficult to build and maintain. As a legal aid provider explained, 'We know clients are getting missed, partly because the dispersal areas are changing. There are pockets and hard to reach areas in North Northumberland and there's no asylum provision, no free advice provision at all.' As well as contingency hotels, a change of accommodation provider 'has gone dreadfully wrong' and some applicants had been placed in 'very isolated accommodation, some very rural communities who aren't that accepting of asylum seekers'. This offers important lessons for the ongoing Widening Dispersal plans.

During the research, North East Law Centre (which has been at the heart of many of the partnerships and referral networks that do exist) received a grant from the Justice Together Initiative which funds a partnership between them and the Action Foundation, North of England Refugee Service and Justice First, together with support organisations across the region. That partnership aims to increase access to advice which is outside the scope of legal aid, as well as fresh claims and family reunion work, throughout the whole region, and to grow the number of advisers working at Level 2 and above.



## Recruitment, retention and training

Recruitment is difficult in the North East, where inability to recruit had led to enforced investment in training, which one organisation described as only viable because of support from outside organisations:

*We went through a period of not being able to recruit anyone and we concluded that we would have to grow our own, and that is what we've done. We've brought people in as paralegals and trained them up to Level 1 and then 2, and we've been lucky to have Justice First Fellows join us, but we had to be quite inventive to do that because recruitment in this area is hugely problematic.*

Training is 'time intensive' in terms of not only the supervision but also 'to protect staff and to make sure they're looked after... in terms of well-being'. A solicitor described, in their own early years in practice, 'dealing with torture victims and abuse cases with no support for years' and therefore seeing the importance of this support for retention of trainees and staff – within the sector, if not within the organisation itself. This had led to having to split the role of one person into two, with one remaining as training principal and another taking over part of their role; something which would not be affordable if they were relying mainly on legal aid income, or relying wholly on their own resources without outside training support.



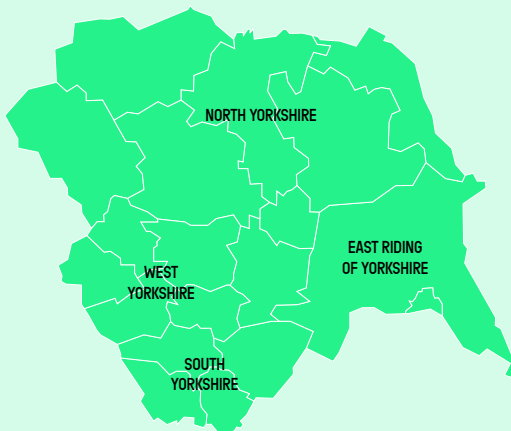


## YORKSHIRE AND THE HUMBER | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 23 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



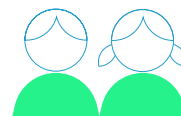
- The region includes South and West Yorkshire, East Riding of Yorkshire, parts of North Yorkshire, and also North and North East Lincolnshire
- City of Kingston Upon Hull 1, South Yorkshire 7, West Yorkshire 15 – no provision in North Lincolnshire, most of North Yorkshire, or East Riding of Yorkshire outside the city of Hull



**2,260**  
Legal aid matter starts  
opened in 2020-21

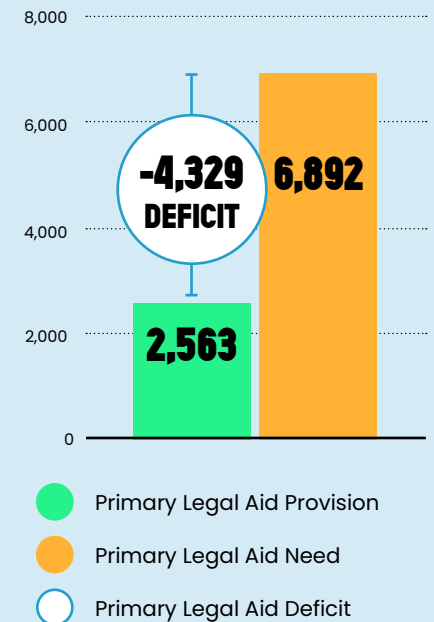


**5,464**  
People receiving s95  
asylum support



**158**  
Unaccompanied children  
seeking asylum

#### PRIMARY LEGAL AID DEFICIT





## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**149,421**



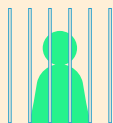
**1,695**

People who  
need help with  
**protection  
settlement  
applications**



**1,304**

People resettled  
under the **SVPRS**



**788**

Foreign nationals  
in **prison**



**26,806**

INCLUDING  
**3,484 CHILDREN**

Undocumented  
people



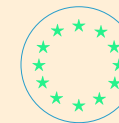
**139**

**Domestic  
violence**  
ILR applications



**539**

People referred  
into the **NRM**



**118,150**

**17,810**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

## Provision overview

### Legal aid provision

The legal aid procurement area is the North East, Yorkshire and the Humber, but I have separated them for the purposes of the report. There are three access points within Yorkshire and one which covers part of the North East and overlaps into North Yorkshire. There is no provision in North Lincolnshire, most of North Yorkshire, or East Riding of Yorkshire outside the city of Hull.

**Table 18:** Legal aid provision by access point, 2018-21, Yorkshire and the Humber.

ACCESS POINT	NO OF OFFICES SEPT 2021 (SEPT 2018)	MATTER STARTS ALLOCATED 2019-20	MATTER STARTS OPENED 2018-19	MATTER STARTS OPENED 2019-20	MATTER STARTS OPENED 2020-21
City of Kingston Upon Hull	1	300	138	99	99
South Yorkshire	7 (9)	2,250	1,239	775	813
West Yorkshire	16 (21)	4,400	1,760	1,417	1,348
Totals	23 (31)	6,950	3,137	2,291	2,260

As can be seen, provision dropped in all access points in the contract year 2019-20, as against the previous year, and rose only slightly across the procurement area (which includes the North East) in the most recent contract year. Eight provider offices have withdrawn since the start of the contracts but there are another two inactive offices across the access points, while another West Yorkshire office reported only two matter starts, so there is clearly a net loss of both providers and provision in the region.

For South Yorkshire, the mean number of matter starts opened per provider office in 2020-21 was 116, excluding the inactive provider. The median, however, was much lower, at 66 excluding the inactive provider. The range was 9 – 358, but only two providers did more than 100 matter starts, so the mean is heavily skewed by their totals of 358 and 255. For West Yorkshire, excluding the inactive provider, the mean was 96 and median 87, with a range of 2 – 228. Even some of the active providers are very small, with five out of 14 reporting fewer than 50 matter starts per year.

Together with the sole provider in Hull, which reported 99 matter starts for each of the last two years, this accounts for the difficulties that organisations describe in finding representatives for their users in Yorkshire, despite the apparent wealth of providers in the region. An organisation in Leeds, for example, concluded that there was not enough legal aid provision in their area even for initial asylum applications and appeals, let alone fresh claims or other work. They also noted that many legal aid providers would not take on a client until they had proof of their asylum support status, which was not being given promptly, particularly to those in hotel accommodation. This should now be resolved via agreements between the Home Office, LAA and Migrant Help. Nevertheless, an NGO solicitor gave a list of legal aid firms in their area to which they had tried to refer a client the previous day, all of which said they had no capacity. The only firm in the area which said it had capacity was one the solicitor was not willing to refer to for quality reasons.

As described by a Level 2 advice organisation, 'Most initial asylum cases are easily taken on by local legal aid firms', but they have to turn to the Manuel Bravo Project in Leeds for support with appeals where legal aid representatives had merits failed a client. They found it much more difficult to place non-asylum work. Another support group interviewee emphasised the persistent shortage of advice for fresh claims.

*Most will take initial claims, and if not then usually that's a short-term thing while they catch up, but most are not taking on further submissions. I've got one now that I want to refer, that's quite straightforward, won't necessarily succeed in the end but it's quite a good case. It needs an expert report so we can't do it, but I can't even get anyone to talk to me about it, and that's a relatively simple case.*

Similarly, a number of interviewees said they could not get clients taken on by legal aid providers within Yorkshire even when they had obtained ECF. A workshop participant said 80% of their applications for funding via ECF succeeded, yet they could not get legal aid solicitors for the clients:

*I've given up doing them. Three that were successful recently, I've been ringing around [for four months] and can't get them taken on. They're family reunion applications for unaccompanied children. I'm doing them pro bono, but they have to pay for their own DNA tests.*

A solicitor argued that their firm had 'plenty of ECF matters ongoing', and they knew of other firms that would take them, 'yet the front-facing services are saying no one will take them on.' It is unclear whether this is simply a measure of the gap between demand and supply, whether certain kinds of cases are easier to refer, or whether there are some firms to which frontline services are reluctant to refer.

Interviewees outlined the situation at the level of individual firms. One praised the quality of the two Law Centres, Kirklees and Bradford, but noted that capacity was very limited there. This person's view was that, 'There's no one these days actually in Leeds I would recommend. Just outside Leeds there's Fisher Stone.' A solicitor at Batley Law was described as 'good, but he doesn't take that many cases any more. I think he's managing the whole thing.' Similarly, Ison Harrison were identified as 'good for JR but they hardly ever take immigration cases anymore.' A survey respondent had been informed by Ison Harrison that their pre-covid department of four people had dwindled to one, adding that 'we couldn't get a referral accepted when there were four' because of capacity. Likewise a Law Centre solicitor 'doesn't seem to have picked up his full caseload on return from furlough, leaving some clients coming to us asking who is representing them.' The interviewee's view was that 'Parker Rhodes have kind of withdrawn from West Yorkshire,' with a key practitioner having reduced their involvement. This level of detail may appear excessive, and is of course subject to constant fluctuation, but it helps to explain precisely how change within individual firms affects an entire area. The interviewee summarised the local position as, 'It feels like it's got less. [It] does feel a bit like provision has continued to atrophy a bit' – an assessment which is borne out by the year-on-year numerical decline in provision, especially in West Yorkshire.

The shortage of legal aid provision has a knock-on impact on the capacity and provision decisions of non-legal aid providers, as one described:

*[The] Domestic Violence Indefinite Leave to Remain (DVILR) application is in scope of legal aid but the Domestic Violence Concession (DVC) [which gives access to benefits and refuges] is not, unless you use ECF. Some representatives probably just do the DVC, because of the length of time to get a response to the ECF application. But often they say they can see them, but not for a month, and they can't just not have the concession for a month, so it's hard not to get involved and that distracts.*

Yet these non-legal aid organisations are also in short supply, as the next section shows.





### Other free or low-cost provision

At OISC Level 3, Yorkshire and the Humber has 13 offices registered at OISC Level 3, three of which are in Sheffield (South Yorkshire), one in Hull, and the other nine in West Yorkshire: four in Bradford, three in Leeds, one each in Halifax and Keighley. Some offer both low-cost services and free ones.

At Level 2, there are 17 offices, of which there is:

- one in East Yorkshire (Refugee Council in Hull);
- two in North Yorkshire, namely the North East Refugee Service (NERS) office in Middlesbrough, plus an organisation called MAIS in Selby, which appears to be a single person operating from the Methodist Church;
- four in South Yorkshire, including two offices of the Refugee Council in Sheffield and Doncaster; Sheffield Hallam University Law Clinic, which now includes the HKC Refugee Hub, and Rotherham and District Citizens' Advice;
- ten in West Yorkshire, one of which is the Migrant Help office in Wakefield. Of the other nine, four are in Leeds (Pafras, Chapeltown CAB, Red Cross and Refugee Council), two are in Bradford (Karmand Community Centre and West Bowling Community Advice) and one each in Keighley (Bangladeshi Community Association), Halifax (St Augustines Centre), and Huddersfield (DASH).

At Level 1, Yorkshire and the Humber has 32 non-fee charging offices, 14 of which are Citizens' Advice offices and 18 are other organisations.

A non-advice organisation commented that 'There's no mapping of legal provision, no one owns that. People are just told, put your postcode into the OISC site.' They believed, however, that the gap is often filled by well-meaning but unaccredited people within the Voluntary and Community Sector, who do not realise that it is illegal for them to provide advice. This appears to happen particularly when need rises in a particular area, so that in 2015 when people became aware of numbers of people camping in the 'Jungle' at Calais, 'we had people wanting to help, by driving from Yorkshire to Calais to collect children'. This raises a particularly important issue as plans to widen dispersal come into effect, since there will be many new areas of the UK receiving people seeking asylum for the first time, amid a lack of asylum legal advice in many of those areas. As elsewhere, however, the bulk of the available advice relates to asylum, despite numerically greater demand for non-asylum immigration and nationality advice.

## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

There were **5,464 people in receipt of s95 support in Yorkshire and the Humber** as of 31 March 2021. Parts of North Yorkshire are treated as the North East, rather than Yorkshire and the Humber, in the s95 statistics. The breakdown is as follows:

**Table 19:** Local breakdown of s95 support figures in Yorkshire and the Humber, March 2021.

AREA	DISPERSED POPULATION	BREAKDOWN
City of Kingston Upon Hull	<b>481</b>	
York	<b>3</b>	
South Yorkshire	<b>1,828</b>	Barnsley <b>373</b> Doncaster <b>244</b> Rotherham <b>383</b> Sheffield <b>828</b>
West Yorkshire	<b>3,066</b>	Bradford <b>1,037</b> Calderdale <b>326</b> Kirklees <b>666</b> Leeds <b>827</b> Wakefield <b>210</b>

There are **158 unaccompanied children** in the care of local authorities in Yorkshire and the Humber, a significant drop from 259 in 2019, as follows:

**Table 20:** Unaccompanied children in Yorkshire and the Humber, by local authority, 2019-21. Source: Local Government Association.

	2019	2020/21
<b>YORKSHIRE AND THE HUMBER</b>	<b>259</b>	<b>158</b>
Barnsley	<b>c</b>	<b>0</b>
Doncaster	<b>8</b>	<b>0</b>
Rotherham	<b>9</b>	<b>0</b>
Sheffield	<b>25</b>	<b>18</b>
Bradford	<b>23</b>	<b>19</b>
Calderdale	<b>12</b>	<b>0</b>
Kirklees	<b>11</b>	<b>7</b>
Leeds	<b>60</b>	<b>49</b>
Wakefield	<b>31</b>	<b>14</b>
East Riding of Yorkshire	<b>16</b>	<b>7</b>
Kingston Upon Hull, City of	<b>40</b>	<b>33</b>
North Yorkshire	<b>24</b>	<b>11</b>
York	<b>c</b>	<b>0</b>

[**c** = data withheld, usually because the number is at least one but fewer than five.]

The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

These figures compare with 2,291 legal aid matter starts reported across the procurement area in 2019–20 and 2,260 reported in 2020–21. Assuming approximately four-fifths of these are main applicants, rather than dependants, this suggests there is likely to be a deficit overall in access to asylum advice, which is severe in certain sub-regions, especially Hull.

As well as dispersed accommodation (DA), Wakefield in West Yorkshire has Urban House, an initial accommodation (IA) centre currently operated by Mears. Urban House has a normal (non-covid) capacity of 300, which was reduced to around 150 some months into the pandemic. People should normally remain there for only around 21 days before moving to DA. Even before Covid, people were spending significantly longer periods in Urban House and there was increasing use of hotels throughout Yorkshire and the wider region. This appears to cause real problems with access to legal advice since those in Urban House receive no cash support and can only access food at the centre at certain times. They cannot pay any travel costs and cannot eat if they are away from the centre during those hours [email correspondence, local support organisation]. As a solicitor argued, even once they receive subsistence payments, 'The cost of travel [to a firm outside Wakefield] would be the whole of their NASS support for a week, and they wouldn't be able to eat. They shouldn't have to choose between legal representation and food.'

Additionally, there were approximately **1,695 grants of asylum or other protection in Yorkshire and the Humber** in 2016 for people who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **1,304 people have been resettled under the SVPRS in Yorkshire and the Humber**. This group arrives with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.



### Prisons

There were **788 foreign nationals in prison in Yorkshire and the Humber** on 31 December 2020, broken down as follows:

**Table 21:** Foreign nationals in prison in the North East, 31/12/2020. Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
East Yorkshire	<b>148</b> in two prisons
North Yorkshire	<b>57</b> in two prisons (a third had no foreign nationals)
South Yorkshire	<b>330</b> in four prisons (all in the Doncaster area)
West Yorkshire	<b>253</b> in five prisons

### Other immigration matters

Yorkshire and the Humber is home to 6% of the foreign-born population, giving a rough estimate of around:

**26,806 UNDOCUMENTED PEOPLE INCLUDING 10,455 CHILDREN**

**139 DOMESTIC VIOLENCE ILR APPLICATIONS**

In Yorkshire and the Humber, **539 people were referred into the NRM** as potential victims of modern slavery by local authorities and police. The number comprised 268 adults, 263 children and 8 of unknown age. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs.

In Yorkshire and the Humber there had been 289,600 concluded applications, with **118,150 receiving pre-settled status and 17,810 having 'other outcomes'**. Leeds, Bradford, Sheffield and Doncaster had the highest numbers in these groups, but several local authorities with no advice organisations had numbers in the thousands in the pre-settled category as well as hundreds with 'other outcomes'. A non-advice organisation noted that they were seeing increasing numbers of EU migrants who did not qualify for benefits because they had pre-settled status or no status and had been made street homeless as a result. This included a family whose children were young adults and therefore did not qualify for local authority support. One of the advice organisations suggested there is an urgent need for an updated destitution report for Hull and the wider area, the last such report for Hull having been produced in 2009, when EU migrants were unlikely to feature.

### Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 6,892**

**PRIMARY LEGAL AID PROVISION: 2,563**

**PRIMARY LEGAL AID DEFICIT OF -4,329**



## Sub-regional breakdown

### East Yorkshire and Hull

Hull was described by the Guardian in 2006 as ‘probably the least ethnically diverse large city in Britain’ with 749 Chinese people making up the largest group other than white, until asylum dispersal began to change this picture. Perhaps as a result, there is little support and minimal legal advice infrastructure. The only legal aid provider in the whole of East Yorkshire is in Hull itself, and reported 99 matter starts in each year 2019–2021 (138 in the previous year). This is in the context of 481 people in receipt of s95 support in Hull on 31 March 2021, and 33 children in the care of the local authority, as well as 7 children in the East Riding of Yorkshire authority.

At the start of this research, there were no OISC Level 3 organisations in East Yorkshire, but Community Integration Advocacy Centre (CIAC) in Hull has since reached that level. There is one Refugee Council office in Hull registered at Level 2. The only Level 1 organisation in East Yorkshire is the Citizens Advice office in Hull. In terms of access to services, Hull was described as ‘out on a limb’, with many organisations reluctant to locate or do outreach there, meaning users ‘have to go miles’. Organisations have to try to refer people to South Yorkshire Refugee Law and Justice (SYRLJ) in Sheffield and Manuel Bravo Project in Leeds for non-legal aid advice.

Domestic violence representation appears to be a particular shortage, with one organisation saying that the sole legal aid provider ‘doesn’t do them’. Because of the time pressure in these cases, another advice organisation was undertaking domestic violence work despite it being eligible for legal aid. Although there is very little in the way of ‘Windrush’ type need, because of the non-diverse history, the more recent history of dispersal has generated more need outside the realm of asylum work which cannot currently be met.





## South Yorkshire

South Yorkshire is a legal aid access point with seven provider offices: one in Rotherham (Parker Rhodes Hickmotts) and six in Sheffield: Allison Law, the Anti-Trafficking Legal Unit (ATLEU), Bankfield Heath, Crater Law, Immigration Advice Service and Legal Justice Solicitors. There were initially nine in the access point when the contracts were awarded. These offices reported a combined total of 813 matter starts in the year to August 2021, an increase over 775 matter starts in the year to August 2020, but a drop compared with 1,239 in the previous year. It is unclear whether disruption to the asylum system has played a role or whether it was solely down to reduced supply. The largest provider undertook 44% of the matter starts in the year to August 2021, and 37% in the year to August 2020. The largest two combined were responsible for 75% of all matter starts in the access point in the year to August 2021, with the remaining five opening only 200 between them. One provider, ATLEU, is a specialist provider focusing on trafficking cases and taking only a very small number of complex cases per year.

Demand for asylum work includes 1,828 people receiving s95 support (including Barnsley 373; Doncaster 244; Rotherham 383; Sheffield 828). There are 18 unaccompanied children in Sheffield's care. Doncaster and Rotherham did not have any unaccompanied children in their care according to the most recent Local Government Association data, but would have responsibility for care leavers who were previously unaccompanied children. There are 330 foreign nationals in four prisons, all in the Doncaster area, which has no providers.

There is, on the face of it, a relatively rich and varied set of OISC-registered organisations within South Yorkshire but demand still far outstrips provision. At OISC Level 3 there are three organisations, Citizens Advice Sheffield and Sheffield Hallam University, which has merged the Helena Kennedy Centre Refugee Rights Hub and the new Family Reunion

Clinic. The Family Reunion Clinic received funding to employ solicitors to work throughout the region on family reunion applications in addition to its work with students, and moved up from Level 2 to Level 3 registration. SYRLJ is registered at Level 3 and supports with asylum advice, help gathering evidence for fresh claims, and long residence and article 8 work outside the scope of legal aid, but is restricted by limited funding for expert evidence, and seeking ways of building its capacity. High levels of demand mean it sometimes has to temporarily close to new referrals, demonstrating the very large gap between need and provision in South Yorkshire.

At Level 2 there are three offices in total, two of which are Refugee Council offices in Sheffield and Doncaster. Rotherham and District CAB is registered at Level 2, though respondents said it was only operating at Level 1 since its Level 2 caseworker had left. At Level 1 there are 13 offices on the register, three of which are Citizens Advice offices. Of the other ten, there are four in Rotherham and three each in Sheffield and Doncaster, with varied remits. Rotherham has two offices of Clifton Learning Partnership, which appears to be focused on children and families particularly in the Roma community. The Rotherham Ethnic Minority Alliance describes itself on its website as 'the infrastructure support organisation for the Black and Minority Ethnic Voluntary and Community Sector of Rotherham' and appears to advise groups rather than individuals. Rotherham Diversity Forum appears on the register and appears to offer advice, but its website no longer exists, its charity reporting is more than a year overdue (as of March 2022) and there is no information available online about any activities.

Sheffield has Learn for Life Enterprise, Firvale Community Hub and Ashiana. Firvale Community Hub runs a generalist advice service including immigration, covering nationality, visa extensions and settlement, and specialist services such as an EU migrants' advice drop in and a Somali advice drop-in. Ashiana Sheffield is a specialist domestic violence organisation, focusing on black, Asian, ethnic minority and refugee women. Learn for Life Enterprise offers support with form filling and guidance for refugees and asylum seekers and more generally around education, as well as EUSS support and other services like English lessons.

Doncaster's Level 1 organisations are Phoenix Women's Aid, Doncaster Conversation Club, and St Leger Homes. The latter manages social housing on behalf of the local authority. Phoenix WoMen's Aid supports victims of domestic abuse, including a distinct immigration advice service alongside its other advice and advocacy work. Doncaster Conversation Club is an asylum seeker and refugee support group, which offers general support including help with form filling and making contact with Migrant Help. They describe in their newsletter from January 2020 having 'given up on' the single telephone number which was introduced for all enquiries around asylum, accommodation and repairs, Aspen cards, and all other issues, and instead focusing on building a relationship with Mears, who (pre-pandemic) were attending the Club's weekly sessions, while other organisations were reporting two to three-hour queues on the single phone number. This is likely to apply throughout Mears' contract area. The newsletter explains that attendance had increased by almost 50% from a weekly average of 91 in 2014 to 135 in 2019. They note that the Red Cross and Refugee Council provided outreach asylum advice at the Club's drop-ins in 2014 but, as funding was lost, they lost access to this advice and two of their own staff had trained up to Level 1 Asylum and Protection.



## West Yorkshire

West Yorkshire has 16 providers with legal aid contracts, down from 21 when the contracts were initially awarded, but one was inactive in the contract year to August 2021. There are six in Leeds (Bankfield Heath, Collingwood Immigration Services, Duncan Lewis, Immigration Advice Service, Ison Harrison and Kalsi Solicitors), five in Bradford (Allison Law, BA Chambers, Citizens Advice Bradford and Airedale/ Bradford Law Centre, Hallmark Legal and Ibsa Legal), two in Wakefield (Halliday Reeves and Ibsa Legal, down from five in the previous year) and two in Huddersfield (Ison Harrison and Kirklees Law Centre). Halifax has one: Fisher Stone.

These 15 provider offices, of 13 firms, opened a combined total of 1,348 matter starts in the year to August 2021, a decline on both of the previous years: 1,417 in 2019–2020 and 1,760 in 2018–19. One of the provider offices did not report any matter starts in the year to August 2021 and another opened only two. Provision is far less robust than the number of provider offices would suggest, particularly at the local level. For example, one organisation explained that they were consistently unable to get cases taken on by Ison Harrison's Huddersfield / Kirklees office, while the Law Centre's solicitor seemed not to have resumed a full caseload after returning from furlough.

*Our understanding was that Kirklees Law Centre was the only legal aid provider in Kirklees (apart from Batley Law in North Kirklees). [According to LAA data] Ison Harrison are operating in Kirklees but we've never been successful in having a referral accepted there, with capacity cited as the reason. We are not aware of any asylum seekers in Kirklees accessing Ison Harrison for asylum casework. In reality, therefore, we consider that there is only one legal aid provider in Kirklees – a dispersal area with approximately 750 asylum seeking individuals.*

This is in the context of high rates of asylum applicant dispersal throughout West Yorkshire. In all there were 3,066 people receiving s95 support on 31 March 2021: Bradford 1,037; Calderdale 326; Kirklees 666; Leeds 827; and Wakefield 210. Wakefield also has the Urban House initial accommodation centre which normally accommodates about 300 people who are on s98 (emergency) asylum support. West Yorkshire's local authorities look after 89 unaccompanied children between them, of whom 49 are in Leeds, 14 in Wakefield, 19 in Bradford, and 7 in Kirklees. Five prisons within West Yorkshire held 253 foreign nationals as of 31 December 2020.

One of the legal aid providers explained that they had always had to turn away potential clients because of capacity, but felt that it had become more difficult for clients to find an alternative provider.

*I turn away fewer now because people are desperate and they're willing to wait for later appointments so now, we try to be honest about how long they'll have to wait and people are more accepting of that than in the past. Or they would accept the later appointment but, in the meantime, they would find someone else. Now we're finding they're accepting the later appointment and not finding anything else.*

One of the legal aid providers expressed the view that legal aid contract management in West Yorkshire might be more collaborative or supportive than in some other parts of the country. The solicitor described their contract manager as 'lovely, really helpful, very pragmatic' and added that, 'I think a lot of them in West Yorkshire seem to be nice,' based on conversations with peers in the area and contrasted with 'horror stories' they heard from elsewhere. The solicitor had had a positive experience with the area manager as well, while their own contract manager was off sick, and suggested that the area manager's leadership contributed to more positive relationships. I am unable to confirm how widespread this view is, but it raises an important question around whether more positive relationships between LAA and providers could help to maintain legal aid provision in other parts of England and Wales.

At OISC Level 3, West Yorkshire has nine organisations on the register – the second highest number after the West Midlands. Four of these are in Bradford, three in Leeds, and one each in Halifax and Keighley. The Bradford organisations include two offices of Bradford and Airedale CAB, which is also a legal aid provider, plus Refugee Action, and Gillington Advice Centre. Refugee Action, however, explained that they can take on a maximum of five cases per month and, although they aim to respond to all queries within a week, it may be a month or more before they can actually take on the case. Those in Leeds are Freedom From Torture, St Vincent's Support Centre and the Manuel Bravo Project. Manuel Bravo Project takes up asylum appeal and fresh claim cases for people with no representative, but cannot help with non-asylum immigration matters.

There are another ten organisations in West Yorkshire registered at Level 2. Wakefield only has a Migrant Help office. Leeds has four organisations, including one office each of the Red Cross, which does refugee family reunion work at Level 2 in Yorkshire, and the Refugee Council (but the Refugee Council states that it does L1 work at the Leeds office). It also has the well-established Pafra and Chapeltown Advice Centre. Bradford has two Level 2 offices – Karmand Community Centre and West Bowling Community Advice, both of which are community centres with a range of activities, which operate generalist advice centres including immigration advice. The other three organisations are the Bangladeshi Community Association in Keighley, St Augustines Centre in Halifax and DASH in Kirklees / Huddersfield (Destitute Asylum Seekers Huddersfield).

One of these organisations explained that they undertook 'about 40 cases' in 2020 for 30-35 clients, these being a mix of casework and advice, on leave to remain applications, ECF applications and representation to the Home Office. It also did 'a lot of non-legal work with people in the asylum system'. This is a significant amount of work for an individual caseworker with other responsibilities but, when set against the indicators of need in this section and the Demand Overview above, it becomes clear that these nine organisations (apart from Migrant Help) cannot meet the need.

Another interviewee explained that many of the accredited organisations do not in fact do work that needs a Level 2 accreditation, instead 'just gathering evidence and passing it on to a legal aid solicitor.' They felt that this did not, ultimately, increase capacity, arguing that 'People feel daunted by the prospect of doing proper representations and sending it to the Home Office.' The complexity of the law and the high risks to clients appear to inhibit willingness to do casework. They urged that, 'Level 2 caseworkers need to do Level 2 work – otherwise it's just statistics, and there's nothing there when you dig down.' This illustrates a problem across the country, where apparently plentiful Level 2 and 3 provision is often illusory.



At Level 1, there are 11 organisations on the register, three of which are Citizens Advice offices in Calderdale, Leeds and Wakefield. Of the others, there are five in Bradford, two in Keighley and one in Wakefield. Respondents said that the CAB is unable to meet the need for applications to lift NRPF conditions. Beyond advice organisations, a housing organisation in Bradford offered emergency accommodation during the Everyone In scheme in 'pods' which were part-funded by a church. They are described as basic, but a safe place to sleep, with toilets, and next to a community centre where breakfast is available. They are accepted as a form of rough sleeping by the Everyone In team, with an aim that people use them for no more than three days. Although not migrant-specific, these had offered an entry into services for a number of people with immigration advice needs.

As an overall picture, West Yorkshire appears to have a somewhat illusory legal aid supply, but a particularly rich non-legal aid advice sector, with a variety of organisations and a larger number of independent organisations than elsewhere. However, this is not evenly spread and some areas, especially Wakefield and Calderdale, appear to have very limited advice and high demand. A Bradford-based interviewee said, 'We've got Refugee Action on our doorstep, walking distance. There's St Vincents, and a lot of our clients were accessing their services, and the Red Cross. A lot of local churches are quite proactive and there's Bradford City of Sanctuary.' By contrast, Wakefield has 'almost nothing': although Wakefield City of Sanctuary is 'quite active', it is 'nowhere near in terms of services'. Again, this illustrates a wider problem across the UK of sharp variations within regions, so that some people face very serious difficulties and long journeys to access advice.





## Networks, Partnerships and Referral Routes

As explained above, while both legal aid and asylum dispersal operate at the larger regional level of the North East, Yorkshire and the Humber, most of the key networks cover either the North East or Yorkshire and the Humber, with separate Strategic Migration Partnerships, the North East SMP and Migration Yorkshire. Migration Yorkshire operates a representative system with an Integration and Partnerships Officer working with 15 nominated area representatives for the voluntary sector who 'act as a conduit' to the thousands of organisations. Almost every organisation within Yorkshire which responded to the survey or participated in interviews or workshops cited the Migration Yorkshire network and its sub-regional meetings as being a significant part of their webs of connections to other organisations.

Many organisations doing, or intending to do, any level of advice work were also part of the Yorkshire Community of Practice operated by Refugee Action. This offered mutual support, a forum for communication and also a way of accessing second tier advice. At the time of the fieldwork, relatively few of the legal aid providers were attending the Community of Practice meetings, and much of the second-tier advice, or answering of legal questions, was falling on one or two people. Efforts were underway to recruit more of the local legal aid providers into the network.

These meetings had exposed a point of contention in that, 'the front-facing services are saying no one will take them on... and solicitors are saying we have capacity,' particularly in relation to ECF cases. This seemed to be part of a wider issue whereby some solicitors felt there were strained relationships with, and between, support groups such that, '[A] lot of agencies [are] working against, rather than with each other. My impression is that there's conflict between the front-facing services and lawyers and that seems quite bizarre when the ultimate aim is to help the clients.' One explained that this was not 'done maliciously' but nevertheless created a problem, such that some solicitors would turn down referrals from certain agencies which were 'a nightmare to deal with':

*The number of times I've had a client on the phone wanting me to explain what's happening in their case and I explain it all, often through a friend who's interpreting, and five minutes later someone from an agency in an accusing tone saying you haven't done anything in this case, and then another in a similar tone later that same day. If you are the fourth or fifth agency in a day to have done that, you will get short shrift from me because you're not only stopping me from getting the thing done, or my work for other clients, but it's also demoralising because I've often done that thing they're asking about already and this is a third person asking why hasn't this been done.*

The Community of Practice is a relatively new initiative and participants expressed a hope that it will offer a forum for resolving some of these issues, or for better understanding of one another's difficulties and concerns.

The region is separated, for the purposes of NACCOM hub meetings, into South Yorkshire and the East Midlands, and West Yorkshire and Humberside. Other national networks with significant local groupings include City of Sanctuary groups in different cities within the region. Several interviewees in Yorkshire referred to the importance of Refugee Action and the Frontline Immigration Advice Project. Other networks were less formal, or more issue specific, such as those around destitution but in general it appears that there are strong and well-connected networks in the South and West of Yorkshire, while those in the North and East are more sparse and stretched.

These networks feed into referral routes. An asylum focused organisation explained that,

*There's a lot of Article 8 stuff but a lot of it can be referred elsewhere. Chapeltown Citizens Advice have Level 3 [via an outreach arrangement] and they have a lawyer who does immigration matters pro bono which is a really good resource but it is just one person.*

Sometimes, the interviewee explained, another organisation would agree to take on the client if his organisation could do the fee waiver application, which he said they often did, to help a client, but this was time-consuming and outside their usual remit. In this way, a shortage of advice in an area in one sphere diverted capacity from another sphere. The shortage was also diverting capacity into turning away and signposting clients.

*Yesterday I had ten voice messages, not including emails. I have tried to tell people not to email me directly but I still get maybe five or six enquiries by email a day on top of voice messages. Just this morning we've got six, seven voice messages already, so we'll see how many by the end of the day. If I'm taking five cases a month and getting ten voice messages a day, we're having to signpost people a lot to other organisations and capacity is a massive problem.*

Via the Community of Practice, there is a project to develop a 'single point of access' system which organisations would be able to sign up to, which organisations hope will make it easier to see who has capacity, and for what, though it depends on willingness to join the system and the development of trust between the parties to such a system.

Non-asylum immigration advice appears to be much more limited, even outside legal aid organisations, and this appears to be typical of major dispersal areas, where dispersal creates downstream non-asylum need but the support and advice organisations tend to have evolved around asylum-related need. In part, however, this also seems to reflect the fact that many respondents said it is much easier to pass the exams at Levels 1 and 2 for Asylum and Protection than for Immigration, the latter having a much broader curriculum.



One organisation in Yorkshire summarised its referral and signposting routes as follows: if refused asylum seekers have some fresh evidence, they will try to refer them directly to a legal aid representative. Without fresh evidence, they refer to South Yorkshire Refugee Law and Justice. When legal aid has been refused, they refer to the Manuel Bravo Project in Leeds. Indefinite leave applications are referred to local legal aid solicitors, citizenship applications to Citizens' Advice branches, and refugee family reunion cases to the new clinic at Sheffield Hallam University. All non-asylum immigration matters, they attempt to send to Kirklees Citizens' Advice and Law Centre (KCALC). Meanwhile they received people signposted from other organisations for help with their travel documents and Biometric Residence Permits. Another organisation gave a very similar list of referral destinations, adding a list of welfare support organisations: Welcome Mentors (befriending), This Way For English (ESOL), Women Centre, Welcome Centre (foodbank), Streetbikes, Sanctuary Clothing, baby banks, GP registration, Solace mental health charity, S2R (crafting), as well as local authorities' Post Decision and New Arrivals teams.

These well-established networks have an efficiency, in that all organisations understand what each other does and, to a large extent, avoid duplication. This said, it is recognised that 'There probably is more demand than they can meet but also less funding than anyone would like.' It also means that, to access many services, people are likely to have to travel across the region, when there is only one service for each issue. The references to 'local' legal aid providers sometimes include those in Manchester, so significant distances are involved.





## Recruitment, retention and training

Recruitment appears to be difficult throughout the region, even in areas with more organisations. One organisation in West Yorkshire, which had recently recruited at OISC Level 2, had received only one application. A particular difficulty appears to arise where funded projects cover specific and narrow areas of work, meaning those working in a more generalist setting might not want to apply because of the risk of de-skilling in the wider range of work. As the interviewee put it, 'There are just not very many Level 2s out there'. This person weighed the possible advantages of advertising for a recruit at Level 1 with a view to reaching Level 2 in six months, which is 'doable' but 'a lot of pressure' on both the employee and the organisation, bringing additional requirements to supervise or source external supervision. Another organisation described having to 'tailor-make make a job description to fit the people you think will apply because otherwise nobody was going to apply', but still receiving only two applications, one of which was from someone not yet accredited.

The same applied to solicitors: one explained that they advertised for accredited caseworkers in two offices, because their 'workload didn't really allow for trainees' but received 'zero applications [and] had no choice but to train people myself.' Sheffield Hallam University had received new funding shortly before the fieldwork began, and was described as having 'had to poach' from other organisations in order to actually run the project. This was despite being in a position to pay better salaries than most organisations. At lower casework levels, they 'try to grow our own through former students', as do other university law clinics which are able to do immigration work. Other organisations were considering whether an apprenticeship model in conjunction with universities might be feasible for them.

The 'grow-your-own' strategy ran up against problems with a low pass rate on OISC exams, particularly for the immigration exam:

*I think to solve my gap, around the 33% [pass rate], the solution is to offer practice experience before they sit the exams and that would increase their chances. I found it fascinating with my caseworker that she felt better prepared to sit the exam by having practical experience.*

This, however, had the disadvantage that caseworkers were without a qualification for a longer period of time. But in common with other areas with the most severe recruitment crises, organisations were compelled to manage this and the attached costs and capacity constriction.

## Geographies of demand and provision

Across the region, provision at all levels is described as ‘patchy’, with the main cities well-served by large legal aid firms but ‘getting an appointment for a person outside those cities is a nightmare.’ This patchiness applied both to the sub-regional geography and to case type: one support organisation explained it would be a six-mile walk for people accommodated in some of the hotels to reach their drop-in session, while another described Yorkshire as ‘a massive area – what happens in Sheffield is not the same as what happens in Kirklees’. Meanwhile interviewees said that the area had, at one extreme, organisations with a volunteer at OISC Level 1 and, at the other end of the scale, ‘the most incredible barristers’ who would work pro bono to take strategic cases to the European Court of Human Rights, but far too little provision in between.

A number of organisations argued that limited information sharing from the Home Office and accommodation contractors makes it difficult for them to understand need within their areas. There was ‘talk’ of a new initial accommodation centre opening in Sheffield with 130 bed-spaces but even the Strategic Migration Partnership for the region had no firm information about the intentions. It was difficult to establish how many people were in hotel accommodation around the region and support organisations were receiving very little information about plans for dispersal into new areas under Operation Oak. Meanwhile any accommodation unit could change without warning ‘from a family unit to four single guys’ or vice versa without any obligation on the accommodation provider to inform the local support organisations of such changes. In particular, organisations struggle to plan because there is no clarity around current populations or future plans in terms of either numbers or distribution around the region, including which new areas will be used for dispersal.

Geographically, demand is heavily influenced by histories of dispersal, such that dispersal areas would have higher numbers of recognised refugees, who might need family reunion support: the new project at Sheffield Hallam University is one example of attempts to meet that need. On the other hand, it was noted that people who are refused asylum,

*...normally gravitate to the bigger cities, so there will be more refused destitute asylum seekers in cities than are known to the agencies. They go to Bradford, Sheffield, Leeds, but also to Manchester – the boundaries are porous. People from Calderdale or Kirklees are as likely to go to Manchester as to Leeds, and at the southern end of the region, you have Derby, with initial accommodation, and Nottingham – so there’s a porosity of regional borders.*

Demand partly explains provision in the region, both of legal aid and support organisations, but not completely:

*Sheffield’s provision as a city is incredibly good. The Director of City of Sanctuary is incredible, and you can’t compare the problems that Sheffield faces because of numbers with Wakefield, which has initial accommodation at Urban House, hotels, dispersal, unaccompanied children, and not a single OISC Level 3 organisation.*

Nevertheless, the lack of services in areas suddenly accommodating people in contingency hotels or under Widening Dispersal were presenting a challenge. Asylum applicants had been placed into at least one hotel in York, for example, which has no advice or support infrastructure.

*York is not a dispersal area, so I’ve had to work quickly with the local authority to get up to speed even on the simple stuff like how to talk to someone who doesn’t speak English, and the process and the support people need, stuff you would normally learn as you go along and suddenly there’s a hotel with 80–90 guys in it, and where’s the legal provision?*



The existence of initial accommodation within the region gives rise to a debate over whether it is better for people to find a legal aid solicitor straight away or wait until they are dispersed, given that their dispersed accommodation could be anywhere in the country. In theory, once dispersed, they might find a provider closer to their accommodation, and not want to travel too far. Historically, organisations also report that solicitors in the initial accommodation area have ‘dropped’ clients who are moved away, leaving them to look for a new representative. However, there may be few or no providers in the dispersal areas; increasingly, the widening dispersal project means people are accommodated in areas with no legal aid provision, and the delays in providing accommodation mean they may need to complete the Pre-Interview Questionnaire (PIQ) or even attend an interview before moving into dispersed accommodation. There are anecdotal accounts that those in initial accommodation are being advised not to sign up with solicitors until dispersed, and then having to contact solicitors far from the dispersal area pleading for representation.

Although interviewees pointed out shortages in all parts of the region, some felt more remote or poorly served than others:

*Being in Hull, we're a bit end of the line. Organisations set up services for Yorkshire and the Humber, but they find it a long way to Hull so they just do things in Leeds and Sheffield – it's a strong bone of contention in Hull – we see that with loads of services.*

It was explained that the Citizens' Advice office had previously done legal aid work but lost its funding, while another solicitor had withdrawn from immigration work, meaning that, ‘from about 2013–14 we were without any legal aid in Hull, till Oct 2018 when Collingwoods got a contract.’ An interviewee believed this happened only by luck, because that firm had an experienced immigration lawyer in another office who wanted to move. Nevertheless this was a single individual and, despite a matter start allocation of 300 per year, ‘That's why they only do 99 matter starts a year [because they] had to limit it a bit because it was too much.’ The shortage of advice in Hull means that organisations there are also seeking to refer to those elsewhere in Yorkshire, which are already over capacity.

An immigration detention centre at Morton Hall, in North Lincolnshire, closed in July 2021 with the intention that it will re-open as a prison holding exclusively foreign nationals – the UK's third such prison, along with HMPs Maidstone (Kent) and Huntercombe (Oxfordshire). Some legal aid interviewees in the region had held Detention Duty Advice contracts to work at Morton Hall, but there are no providers located within North Lincolnshire and currently no provision for duty advice in prisons.

Despite core provision figures which suggest abundant provision in Yorkshire, therefore, comparing these with demand data shows that there is both an overall shortage in the region and a very severe shortage in most sub-regions, which is likely to worsen as dispersal and the use of hotels spread to more areas.

## THE MIDLANDS | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 44 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



- West Midlands counties of Staffordshire, Warwickshire, Herefordshire, Worcestershire, Shropshire, and the West Midlands county (Birmingham, Coventry and Wolverhampton)
- East Midlands counties of Leicestershire, Derbyshire, Nottinghamshire, Northamptonshire, Rutland, and Lincolnshire, but excluding North and North East Lincolnshire
- South Staffordshire, Sandwell and Birmingham **28**, Greater Nottingham, Nottinghamshire, Derby and South Derbyshire **6**, Coventry **2**, City of Leicester **5**, City of Stoke on Trent **1**



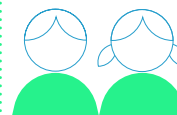
**4,748**

Legal aid matter starts opened in 2020-21



**8,281**

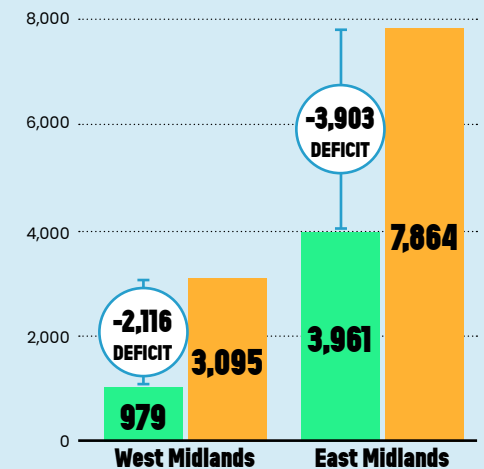
People receiving s95 asylum support



**542**

Unaccompanied children seeking asylum

#### PRIMARY LEGAL AID DEFICIT



- Primary Legal Aid Provision
- Primary Legal Aid Need
- Primary Legal Aid Deficit



## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**443,465**



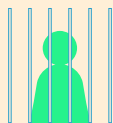
**2,967**

People who  
need help with  
**protection  
settlement  
applications**



**2,245**

People resettled  
under the **SVPRS**



**1,725**

Foreign nationals  
in **prison**



**71,483**

INCLUDING  
**27,164 CHILDREN**

Undocumented  
people



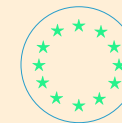
**371**

**Domestic  
violence**  
ILR applications



**1,204**

People referred  
into the **NRM**



**363,470**

**42,990**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

The Midlands region includes the West Midlands counties of Staffordshire, Warwickshire, Herefordshire, Worcestershire, Shropshire, and the West Midlands county, which includes Birmingham, Coventry and Wolverhampton; and the East Midlands counties of Leicestershire, Derbyshire, Nottinghamshire, Northamptonshire, Rutland, and Lincolnshire, but excluding North and North East Lincolnshire. The Legal Aid Agency's administrative boundaries do not fully correspond with regional ones, with the procurement area including the East of England region and one access point overlapping the regional boundary. There are two separate Strategic Migration Partnerships for the West and East Midlands. The East Midlands Councils have a shared in-house immigration solicitor at the time of writing, whose role is discussed below.

It is generally agreed that the West Midlands are much better served for legal advice than the East, although provision is not evenly spread in the West and there are areas within both sides of the region with no provision at all. Refugee family reunion work was identified as a particular shortage in the East Midlands, with 'not one person' working on it, while the sole Level 3 provider in the East, Derbyshire Law Centre, is 'inundated'. Legal aid advice is in short supply even in the main cities of the East Midlands like Leicester and Nottingham where there is high demand and respondents felt they would 'expect there to be more'. Birmingham and the West Midlands county show particularly high demand, possibly the highest in the UK outside London, and somewhat similar patterns of high need for non-asylum advice and casework.

## Provision overview

### Legal aid Provision

The table shows access points within the Midlands side of the Midlands and East of England procurement area, with the number of provider offices in each access point, the number of matter starts opened in each and the number of matter starts they were allocated under their contracts. One access point crosses the regional boundary (Cambridgeshire and Northamptonshire) and their statistics are included in the East of England section, though Northamptonshire is discussed in this section.

**Table 22: Legal aid provision by access point, 2018-21, Midlands procurement area (excluding East of England).**

ACCESS POINT	NO OF OFFICES SEPT 2021 (SEPT 2018)	MATTER STARTS ALLOCATED (2019-20)	MATTER STARTS (OPENED 2018-19)	MATTER STARTS OPENED (2019-20)	MATTER STARTS (OPENED 2020-21)
South Staffordshire, Sandwell and Birmingham	28 (36)	7,116	4,156 (7/36 inactive)	3,396 (6/35 inactive)	3,691 (4/30 inactive)
Greater Nottingham, Nottinghamshire, Derby and South Derbyshire	6 (7)	1,500	984	682	631
Coventry	2	600	178	197	240
City of Leicester	5 (6)	1,200	198	262	181
City of Stoke on Trent	1	150	13	7	5
Totals	44 (52)	10,566	5,529	4,554	4,748

There is no access point covering Lincolnshire or North Derbyshire in the East Midlands, nor Warwickshire, Hereford and Worcester, or Shropshire in the West Midlands. On a map it is clear that provision is concentrated in the central strip of the Midlands, with no provision in the far west or east of the region. Across the Midlands as a whole, provision dropped in 2019-20 as compared with the previous year, and then rose slightly in 2020-21.

In the West Midlands, the South Staffordshire, Sandwell and Birmingham access point lost six offices over the first two years of the contract, and a further two offices have withdrawn in the last year. Four of the 30 who appear in the data for the contract year 2020-21 reported no matter starts, while one reported only one matter start, and two others reported six each. The mean number of matter starts reported is 142, excluding the four inactive providers, but the median is only 87. A small group of large providers reported high numbers of matter starts (626, 465, 421, 293, 230, 213), while eight of the 26 active providers undertook 50 or fewer matter starts and 13 undertook fewer than 100.

The providers in the South Staffordshire, Sandwell and Birmingham access point reported a combined total of 3,691 matter starts in the 2020-21 contract year. Four of the 30 contracted offices reported no matter starts in the year. In the previous year, there were 35 provider offices, of which six reported no matter starts. The 29 active offices opened a combined total of either 3,396<sup>51</sup> or 3,379<sup>52</sup> matter starts in the year to August 2020, with a range from 510 down to 1 matter starts, a mean of 117 and a median of 80. Again, a small group of providers reported larger numbers of matter starts (510, 344, 299, 275, 230, 225, 201) while eleven reported fewer than 50 and eighteen out of the 29 opened fewer than 100. Coventry bucks the regional trend with a year-on-year increase in provision by the two providers (Central England Law Centre and Tann Law), who reported 153 and 87 matter starts. Stoke on Trent, however, has very limited and dwindling provision from a single provider, Staffordshire North and Stoke-on-Trent Citizen's Advice.

Across the West Midlands region as a whole (including Stoke-on-Trent), the totals of 5875 people receiving s95 support and 500 unaccompanied children in care in the region are likely to have more-than used up the 3,936 matter starts reported in the region's three access points without any capacity spare for fresh claims and other work eligible for legal aid.

In the East Midlands, the six providers in the access point covering Nottinghamshire and (parts of) Derbyshire reported 631 matter starts in 2020-21, out of an allocation of 1,506 for that year. The largest two offices reported 254 and 196 matter starts, while the smallest two reported five and nine, for a mean of 105 and a median of 84. One office withdrew in the first year of the contracts. Likewise, Leicester lost one of its six contracted offices in the first year. Although the remaining five all reported matter starts in 2020-21, none reported more than 70, with a combined total of 181 out of an allocation of 1,200. The mean was 36 and median was 34.

One issue appeared to be that, with high demand driven by dispersal and other need, firms bid for immigration legal aid work, 'with no experience of doing it before, and they get a contract and then look for someone who can do legal aid work.' This means some firms have received contracts 'despite not having the level of experience'. This inability to recruit lawyers to do the work accounts for some of the inactive contracts. This may also apply in other geographical areas.

51. FOI response 201012019 dated 26 November 2020 from LAA to Jo Wilding

52. FOI response 210315004 dated 14 April 2021 from LAA to Jo Wilding



### Other free or low cost provision

There are ten OISC Level 3 offices in the West Midlands region, seven of them in Birmingham, with the remainder in Walsall, Wolverhampton and Staffordshire. The Refugee and Migrant Centre accounts for three of these offices, with one in each of Birmingham, Walsall and Wolverhampton. There are no Level 3 providers in the East Midlands.

At Level 2 there are nine organisations, two of which are Migrant Help in Birmingham (West Midlands) and Derby (East Midlands). Of the other seven, three are in the East Midlands: Equality Action in Loughborough, Nottingham Law Centre, and Nottinghamshire and Nottingham Refugee Forum (NNRF). There are a further three in Birmingham – Asian Community Advice Service, Refugee Council and Barnardos, plus the SEWA Centre in Wolverhampton.

The East Midlands has 30 offices registered at Level 1, including 22 Citizen's Advice offices. It has three Red Cross offices: two in Nottingham and one in Leicester. The remaining five offices are in Nottingham (1), Derby (1) and Leicester (3). The West Midlands has 39 Level 1 offices, 24 of which are CABs. Of the other 15, there are 5 in Birmingham, and the others are spread through the region in Coventry (1), Evesham (1), Smethwick (2), Telford (1), Tipton (1), Warley (1) and West Bromwich (2).

### Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

There were **8,281 people in receipt of s95 support in the Midlands** on 31 March 2021, **2,473 in the East Midlands** and **5,808 in the West Midlands**. The geographical breakdown is:

**Table 23:** Local breakdown of s95 support figures in the Midlands, March 2021.

AREA	DISPERSED POPULATION	BREAKDOWN
<b>East Midlands</b>		
Derbyshire	<b>749</b>	Derby <b>742</b>
Leicestershire	<b>813</b>	Leicester <b>757</b>
Lincolnshire	<b>5</b>	
Northamptonshire	<b>31</b>	
Nottinghamshire	<b>875</b>	Nottingham <b>814</b>
<b>West Midlands</b>		
Coventry	<b>875</b>	
West Midlands conurbation	<b>3,982</b>	Birmingham <b>1547</b> Sandwell <b>901</b> Wolverhampton <b>791</b> Walsall <b>477</b> Dudley <b>266</b>
Stoke-on-Trent	<b>904</b>	
Staffordshire	<b>15</b>	
Warwickshire	<b>6</b>	
Shropshire	<b>9</b>	
Worcestershire	<b>17</b>	

There were **542 unaccompanied children** in the care of local authorities across the East and West Midlands in 2020–21, with particular concentrations in Northamptonshire (in 2019) and Birmingham.

The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

These figures compare with 4,554 legal aid matter starts reported across the procurement area in 2019–20 and 4,748 reported in 2020–21, suggesting there is likely to be a deficit overall in access to asylum advice, which is severe across parts of the region. The East Midlands provider offices reported a combined total of 812 matter starts in 2020–21, compared with 2,575 people in s95 support and at least 175 unaccompanied children (not including those in Northamptonshire, for which the statistics are missing). The 240 matter starts reported in Coventry in 2020–21 are far outstripped by the 790 people in s95 support and 18 unaccompanied children. Stoke-on-Trent's s95 population of 920 people compares to the sole provider's five matter starts reported in 2020–21.

The East Midlands had 7% and the West Midlands 14% of the people who were dispersed to asylum accommodation in 2016, so there would have been approximately **989 grants of asylum or other protection in the East Midlands and 1,978 in the West Midlands** in 2016 for people who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **632 people have been resettled under the SVPRS in the East Midlands and 1613 in the West Midlands**. This group arrives with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.

**Table 24: Unaccompanied children in the East and West Midlands, by local authority, 2019–21. Source: Local Government Association.**

	2019	2020/21
<b>EAST MIDLANDS</b>	<b>346</b>	<b>175*</b>
Derby	40	20
Derbyshire	36	18
Leicester	11	6
Leicestershire	28	26
Lincolnshire & N & NE Lincolnshire	80	55
Northamptonshire	93	No data
Nottingham	43	33
Nottinghamshire	23	17
Rutland	c	0
<b>WEST MIDLANDS</b>	<b>500</b>	<b>360</b>
Birmingham	140	69
Coventry	37	18
Dudley	6	6
Herefordshire	6	0
Sandwell	24	11
Shropshire	14	6
Solihull	62	52
Staffordshire	65	49
Stoke-On-Trent	16	18
Telford and Wrekin	c	7
Walsall	11	11
Warwickshire	68	84
Wolverhampton	11	6
Worcestershire	37	30

[c = data withheld, usually because the number is at least one but fewer than five.]

\* Data missing for Northamptonshire from the published statistics. It has not responded to a FOI request.

## Prisons

There were **828 foreign nationals in prison in the East Midlands** and **897 in prison in the West Midlands** on 31 December 2020, broken down as follows:

**Table 25:** Foreign nationals in prison in the North East, 31/12/2020.  
Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
<b>WEST MIDLANDS</b>	
Birmingham	<b>152</b> in one prison
Shropshire	<b>33</b> in one prison
Staffordshire	<b>388</b> in five prisons
Stoke-on-Trent	<b>14</b> in one prison
Wolverhampton	<b>137</b> in two prisons
Worcestershire	<b>173</b> in two prisons
<b>EAST MIDLANDS</b>	
Derbyshire	<b>23</b> in two prisons
Leicestershire	<b>172</b> in two prisons
Lincolnshire	<b>165</b> in three prisons
Northamptonshire	<b>102</b> in two prisons
Northamptonshire	<b>266</b> in four prisons
Rutland	<b>100</b> in one prisons

As can be seen, some of the areas with larger numbers of prisoners – Worcestershire, Staffordshire, Lincolnshire – have no legal aid providers at all, while others, like Nottinghamshire and Leicestershire have providers but these are already unable to meet need from asylum work in the community, meaning this will be almost entirely unmet need.

## Other immigration matters

The Midlands is home to 16% of the foreign-born population, giving a rough estimate of around:

**71,483 UNDOCUMENTED PEOPLE INCLUDING 27,164 CHILDREN**  
**371 DOMESTIC VIOLENCE ILR APPLICATIONS**

In the Midlands, **1,204 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 345 adults, 824 children and 35 persons of unknown age, with roughly two-thirds in the West and one-third in the East Midlands. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs. These are large numbers, particularly for children, and are higher than for any other part of the UK except London – though it may represent better identification by police and local authorities rather than a higher prevalence of modern slavery per se.

As of 30 June 2021, there had been 386,830 concluded EUSS applications from the East Midlands and 433,870 from the West Midlands, for a total of 820,700 across the Midlands. That left **363,470 people with pre-settled status** (159,480 in the East and 203,990 in the West) **and 42,990 with 'other outcomes'** (18,890 in the East and 24,100 in the West). By far the largest numbers of these were in Birmingham (7,590 people), with more than 1000 people with 'other outcomes' in Leicester (4,270), Coventry (3,130), Northampton (2,610), Sandwell (2,300), Wolverhampton (2,300), Derby (1,850), Nottingham (1,820), Boston, Lincolnshire (1,300), Stoke-on-Trent (1,240), and Walsall (1,130). Lincolnshire is wholly without accredited immigration advice, while many of these areas have a shortage of advice.

## Primary Legal Aid Deficit

### West Midlands

**PRIMARY LEGAL AID NEED: 7,864**

**PRIMARY LEGAL AID PROVISION: 3,961**

**PRIMARY LEGAL AID DEFICIT OF -3,903**

### East Midlands

**PRIMARY LEGAL AID NEED: 3,095**

**PRIMARY LEGAL AID PROVISION: 979**

**PRIMARY LEGAL AID DEFICIT OF -2,116**

## Sub-regional breakdown

### Stoke on Trent and Staffordshire

Stoke on Trent is an access point in its own right, apparently because of the large population of asylum applicants dispersed to the city. There were 904 people receiving s95 asylum support in Stoke on 31 March 2021, plus 18 unaccompanied children in the care of the Stoke on Trent local authority and a further 49 children in Staffordshire County Council's care. There were 14 foreign nationals in the prison in Stoke itself, and 388 in five prisons in Staffordshire as a whole.

It has only one legal aid provider, the Citizens' Advice office, and there are no other OISC Level 3, 2 or 1 organisations registered in Stoke. The legal aid provider reported only five legal aid matter starts in the year to August 2021 and seven and thirteen in the two previous years. It has only one supervising caseworker accredited at Level 3, and two Level 1 caseworkers. It has an allocation of 150 matter starts per year 'which is the fewest we can get' but in reality it is limited to the number of matters a single person can take on alongside 'having to do the whole of the phone line because we couldn't recruit' and supervising the two Level 1 caseworkers. The supervisor had a period of three months on sick leave, during which they could not take on any new legal aid work, and had to pay for a locum from another firm to manage the existing cases, by special agreement with the Legal Aid Agency.

The supervising caseworker 'has pretty much specialised in unaccompanied children's cases', which were said to make up at least half of her overall caseload. This specialisation arose because Staffordshire receives a relatively high number of unaccompanied children, via three major service stations on a main motorway route from Dover. That began with 'fighting social services more than anything else' over age assessments and a lack of access to education or proper accommodation. Representing unaccompanied children 'is also good for funding. We still made a loss, just it was smaller.' Nevertheless, the provider does not have capacity for all of the unaccompanied children in the county, and those they cannot help are often taken to a provider in Wolverhampton.

Asylum demand is highly variable 'because people in initial accommodation work hard to get them solicitors in Birmingham' before dispersal, and because dispersal 'stopped almost completely' during the first 2020 lockdown. Nevertheless, in early 2021, 'we have been ringing newly dispersed people to assess their needs and the main one is that they have no solicitor, including people who arrived in 2019!'

Legal aid work was problematic financially because of auditing and clawbacks. They previously employed staff interpreters, which was cheaper than outsourcing, but had to make them redundant because they did not have the qualification required under the 2018 legal aid contract. This means they generally have to rely on interpreters from Birmingham, because they are not available closer. Pre-pandemic, they would travel, and the interpreting companies would not bill them out for less than two hours including travel. Yet the LAA would only pay for one hour, and the organisation had to cover the rest of the cost. Even so, they had problems on audit:

*There was one where we used an interpreter for a meeting lasting 55 minutes and we'd paid them for an hour and [the LAA] wanted to recoup the 83p for the other 5 minutes. And then we wasted 2 days of our supervising caseworker's time going through every file, and we ended up owing them about £8.*

A larger recoupment arose when the system for issuing DBS certificates for caseworkers changed, and the caseworker was unaware that the certificate had been sent only to her, and not to the organisation as well. Consequently, although a DBS certificate had been issued, the organisation did not have it on file. The LAA initially demanded repayment of about £10,000, representing all of the work done on unaccompanied children's cases while there was no current certificate on file. It was eventually persuaded to accept £6,000 and not to recoup the disbursements associated with those files, 'because I said I thought we would have to give up the contract.' The interviewee summarised:

*It's an administrative nightmare. That's exactly why the two other firms [doing legal aid work in Stoke] gave up. One of them, the LAA clawed back an enormous amount, and the other I think was just unable to make a living. We don't make a living, but our trustees and staff have been willing for the legal aid contract to be subsidised by other funding, other contracts. I said to our Contract Manager that if you don't pay us, someone else has to. Someone else has to subsidise the work we do for you. They begged the Citizens' Advice Bureaux to do [legal aid work] because they needed the voluntary sector to make their model work. But it's completely one way. They change the contracts when they want to and we can't change anything.*

The impact of multiple audits on a sole provider with a single caseworker in a high demand area was described like this:

*There was one period when one part of the LAA was looking at VAT and another was looking at something else and we couldn't find a file that had been called for, and eventually we realised it had been called for one audit and then when it came back it had been called for another for something else and hadn't come back yet. That file was audited three times in a four-month period and there was nothing wrong with it. Our contract manager wanted to do an audit remotely and our supervising caseworker had to spend 1.5 days scanning cases into the portal so he could audit them. That's two days when we're paying her. I mean we have got an admin person, but she felt, and I agreed with her, that it had to be her because she had to make sure it was all done exactly right, because of the consequences of getting anything wrong.*



The organisation also offers a low-cost fee-paying service which 'is cheaper than any other localish provider', staffed by caseworkers who are not accredited to do legal aid work. Its subject areas are limited by what the current staff have learnt to cover, with potential clients triaged through a 'gateway interview' to see whether the team can help them. That service opened when non-asylum work was removed from the scope of legal aid because 'otherwise people were turning to other private solicitors who took their money and disappeared'. It was originally intended to cross-subsidise legal aid work, after 'several years of the whole organisation making a loss. One year we lost £57K, when we were doing a lot of immigration work and had a team of 3.' In fact, the service 'just breaks even; it doesn't make a profit.'

In 2019-20, the organisation had dealt with an average of 230 immigration issues for 98 clients per month. This rose sharply in January and February 2020, attributed to the EUSS, and then dropped sharply, attributed to their particular client group being unable to access them remotely. From April 2020 to Jan 2021, their monthly averages were 71 clients and 126 immigration issues. The interviewee explained that many clients have more than one immigration issue to address, such as an application and a fee waiver, but may also have other issues such as benefits or housing.

They no longer counted how many people were turned away but had previously turned away 10-25 people a week. The service was so precarious that it might be unable to run for a day if one person had to call in sick. More recently, with remote access, 'We don't know how many we're not seeing because we simply stop answering the phone when we're at capacity and there's no mechanism for counting unanswered calls.' Although they could accommodate clients from North Staffordshire, they had to reject those from elsewhere in the county, despite the absence of any other provision, because 'we have to ration it somehow.'

Stoke-on-Trent faces particular difficulties related to the deprivation experienced by its client base:

*Stoke is not just the 13th most deprived local authority in country, but the average adult reading age is 9 and it has the lowest educational qualifications. There are dreadful issues with literacy. And that affects the immigrant population as well. I can't say it's BME as we don't record that information, but the number of clients who don't have English as their first language has dropped by 65% during pandemic as they can't access us. They don't know we have interpreters on the phone, but anyway if they can't read, they can't read a letter to us by phone. They would normally bring it and show us, and we can read it for them and say don't worry, it's just the same as the one they sent you last week.*

Many of their clients, both asylum and non-asylum, had neither internet access nor equipment, nor an email address, and this inevitably restricted their access to advice delivered remotely.

In addition to the overall shortage of advice, there was a particular gap for EUSS support. A contract awarded for outreach in the West Midlands was said to have largely ignored Stoke, despite 'a significant number of Romanians and Bulgarians in this area'. The interviewee believed that a significant proportion of that population were trafficked or at least in exploitative work situations under the control of people with 'no interest' in ensuring they got immigration status. The lack of funding, however, meant they were working pro bono and funding interpreters themselves – a wholly unsustainable way of supporting a highly vulnerable group.

The extent of deprivation also appears to affect the ability to recruit or retain staff:

*Not long ago Stoke was voted the worst place in Britain to live. Most people who work here don't live here. People don't want to stay here. We used to be able to recruit newly qualified young Asian women who lived in Birmingham and they would never move, they would finish their training and travel up every day and they would stay with us until a job came up in Birmingham. That's a real issue. And I think if we were in a position to get anyone new again, we would have the same problem. We've decided we need to grow our own, but I don't know if we'll manage it. We only had one applicant [for our Justice First Fellowship] who was appointable, and she got through her two years and was going to be half housing and half immigration, but she moved elsewhere. There's not even a tribunal in Stoke now – it moved to Newcastle Magistrates' Court.*

Stoke-on-Trent is an example of a sub-region of extreme shortage, which might go unnoticed because it is part of a wider region which is better served. The provision that currently exists is extremely precarious as it depends on a single organisation and a single supervising caseworker, whose retirement or resignation would leave the area with no provision at all. It appears likely that the lack of access to advice there, in the context of high advice need, is making a contribution to overall deprivation in the area, as individuals are unable to regularise their status.



### West Midlands (county)

For clarity, there is a West Midlands region and also a West Midlands county / conurbation. The latter includes the cities and towns of Birmingham, Coventry, Walsall, Wolverhampton, Solihull, Sandwell and Dudley. The legal aid access point is called South Staffordshire, Sandwell and Birmingham, with a separate access point in Coventry, which is in the south eastern tip of the West Midlands county. All of the 30 contracted providers in the access point, as well as the two for Coventry, are concentrated within this county, which forms the southern end of the access point. There are two offices in Wolverhampton, three (from two firms) in Walsall, one in Sandwell, and the remaining 24 are in Birmingham. The sole provider in the access point of City of Stoke on Trent, discussed above, is the only other provider in the West Midlands region.

It has the largest supply in the Midlands region, with 3,691 matter starts reported in the larger access point and 240 in the Coventry access point, for a total of 3,931 in the year to August 2021. But the West Midlands county had 3,982 people in receipt of s95 support on 31 March 2021 and Coventry had 875. Coventry also had 18 unaccompanied children in its care and the other local authorities making up the county were responsible for 155 between them. Allowing for around one-fifth of those in asylum support being dependants, but bearing in mind there are likely to be an additional ten percent more people in other forms of asylum support, the provision in the West Midlands county, including Coventry, might be just about equal to the need from adult asylum applicants and unaccompanied children, but this takes no account of the other matters eligible for legal aid. That means even in this access point, there is likely to be a deficit, even before factoring in the inward demand pressure from surrounding areas, especially Stoke-on-Trent.

Additionally, as set out in the demand overview, the West Midlands region has the highest rate of trafficking referrals outside London, the highest number of undocumented people outside London, and high numbers of people with Pre-Settled Status and other EUSS outcomes. The majority of this need (much of which is outside the scope of legal aid) is likely to be in the West Midlands conurbation, rather than the wider region.

There are nine organisations in the West Midlands county registered at OISC Level 3, seven of which are in Birmingham. Wolverhampton and Walsall have one office each, both branches of the Refugee and Migrant Centre, which also has an office in Birmingham. Alongside these, Birmingham has offices of Freedom from Torture and Refugee Action, plus Hope Projects, Brushstrokes, Birmingham Asian Resource Centre and Lifeline Options CIC.

At Level 2, Wolverhampton has one office, the SEWA Centre. Coventry also has a Refugee and Migrant Centre which is registered as a for-profit organisation at Level 2, and is a separate organisation from the three not-for-profit Level 3 offices mentioned above. Birmingham has four offices registered at Level 2, including one of Migrant Help. It has a Refugee Council office, plus the Asian Community Advice Service and the well-established ASIRT. ASIRT describes itself as a not-for-profit advocacy organisation providing legal support and representation to asylum seekers and other undocumented migrants in the West Midlands. It offers help where legal aid is not available with applications for leave to remain, fee waivers, change of conditions applications, fresh asylum claims, and support with applying for local authority support for people with no recourse to public funds, as well as second-tier work training professionals on migrants' health and social care rights. Of the 39 Level 1 offices in the West Midlands region, 22 are in the West Midlands county, including 8 in Birmingham (2 CAB offices), two in Coventry (one CAB), and a CAB each in the main cities.

Of the legal aid providers, one highly regarded provider devotes much of its asylum capacity to unaccompanied children, because of the high demand and a good relationship with social services, but nevertheless has to turn some referrals down, especially when several children arrive at the same time. Similarly, a lot of demand comes from young people who received discretionary leave instead of asylum and need to make new applications at the age of 18. One of the fee earners, working part time, undertakes 'a lot of complex fresh claims, often involving trafficking, and complex family cases that might not have protection needs' while another had been working on deportation cases. They believe there is 'massive unmet need for adult asylum claims' in Birmingham, Coventry, and throughout the West Midlands county and region.

Birmingham and Wolverhampton are subject to inward demand pressure from Stoke-on-Trent and East Midlands, and other surrounding areas with no provision, including the East of England region. Non-legal aid organisations across the Midlands said they most often referred clients to Central England Law Centre, TRP Solicitors, Fountain Solicitors, Braitches, Duncan Lewis, and one named individual at Immigration Advice Service. Nevertheless, even adult asylum cases were 'hidden' in hotel contingency accommodation, with providers explaining that they would like to set up an outreach service but lacked the capacity to do so, meaning provision in the hotels was 'piecemeal' where they were able to take on an active referral.

Despite the relatively large number of providers, several interviewees and survey respondents identified 'a real lack of legal aid providers in the West Midlands.' One organisation specifically felt that the capacity gap is bigger in legal aid than in non-legal aid work, while a local authority interviewee in Birmingham suggested that, 'Central England Law Centre is virtually the only one in the city for legal aid.' Objectively, this is clearly untrue, but appears to reflect the difficulty in referring more complex cases, and particularly the inward pressure of first-time asylum applications from other sub-regions displacing more complex work.

Providers identified an additional driver of demand in certain communities where there were a lot of refugees, and the combination of the initial asylum process and the family reunion process meant the family was separated for a long time, before having to adapt to living together in a new country. This seemed to underlie 'a lot of relationship breakdown, quite a lot of DV applications, although more on the coercive side than the physical side'. It is not clear whether this is specifically local, whether it is a theme in dispersal areas where people stay and reunite their families after grants of refugee status, or whether it appears as a theme only because there are sufficient providers to identify and advise on such cases.

For non-legal aid work, the four Refugee and Migrant Centre offices and ASIRT in Birmingham were identified as key. The Refugee and Migrant Centre was described as 'huge', with over 30 accredited caseworkers across the branches and levels, while ASIRT 'has grown a lot in the last 3 years' to six part-time caseworkers: two at Level 1, two at Level 2 and two EUSS only. ASIRT focus on 'helping people to regularise their status in some way'. That includes child citizenship applications, supporting people with no recourse to public funds, fee waiver applications, and will also assist with renewal of leave applications for those clients whom they helped with their initial application for leave. One organisation estimated it took on around 100 clients a year, though many are families, meaning the number of individual beneficiaries was nearer 300, but they estimated they were turning away about twice that number of clients.

This led to the conclusion that Birmingham is 'relatively well-off compared with other places.' In contrast to the East Midlands, one interviewee with experience of both regions said, 'It is a work in progress, but I think the sector is working... there is a definite joined upness here that I haven't seen in the East Midlands.' The Council received credit from interviewees for 'thinking strategically' about immigration advice and being 'very focused on referral pathways', and using its Asylum, Migration and Integration Fund (AMIF) money to run projects which included the Law Centres and ASIRT, among others.

Support organisations attending the NACCOM hub meeting felt that 'things have improved' in Birmingham and Coventry as a result of the Everyone In scheme, with Central England Law Centre and the Refugee and Migrant Centre again cited as particularly helpful. Even then, participants noted it was hard for people to access advice services or get a solicitor to look at a fresh claim at all. It was felt that the Everyone In scheme had brought to local authorities' attention how many people in the area had simply never had access to legal aid services, though there had been a lot of inconsistency in local authorities' approaches to funding access to immigration advice in conjunction with the scheme.

As an officer of Birmingham City Council described it, the loss of accommodation in churches or hosting schemes, and 'dumping' of people from exploitative work during the first lockdown brought to light 'people we've never encountered before', which had increased access to advice. Nevertheless, they explained:

*There's a nervousness about getting too involved especially with people who have NRPF. I keep pointing out they're not necessarily here illegally, but people are being bounced around the system because it's not understood. [I hear] horrible stories of people getting refused hospital or maternity care.*

One of its staff wondered how to make the 'amazing results' from the Everyone In scheme into 'business as usual', given the short duration of funding grants. The short-term nature of grants was illustrated by Central England Law Centre's outline of its projects and collaborations: for example, the Families First collaboration with the Red Cross for refugee family reunion would end in 2021, as would the Mi-Friendly Cities project which facilitated outreach into schools and fed into the KIND UK collaboration which supports children applying for leave and citizenship. Its domestic violence funding was continuing for the time being but funding constraints meant they could offer certain services only in Coventry and others only in Birmingham.

The county does appear to have robust advice infrastructure in place, in the sense of having all the right kinds of advice available, but (as in London) there is a significant deficit between demand and supply, particularly given the demand pressure from surrounding areas.



### Remainder of West Midlands Region

Outside the legal aid access points, there were 47 people receiving s95 support and 127 unaccompanied children, of whom 84 were in Warwickshire County Council's care, 30 in Worcestershire, and 6 in Shropshire. Herefordshire was no longer looking after any unaccompanied children, but remained responsible for care leavers who were formerly unaccompanied children. There are no legal aid advisers in these four counties. Realistically, given the lack of advice to the immediate north (Cheshire), west (Wales) and south (Gloucestershire and the South West), this cohort of adult and child applicants is likely to have to seek advice in Birmingham.

There is one organisation (Mumtaz Khan Immigration) listed at OISC Level 3 as a not-for-profit in Burton on Trent, in East Staffordshire. It appears to have a single adviser, but does not have a website and it is not clear what services are offered. The remainder of the region has no free OISC Level 3 or 2 provision. There are 16 Level 1 organisations on the register within the West Midlands region, outside the West Midlands county and Stoke-on-Trent. All but two of these are Citizens Advice offices; the other two are the Oasis Christian Fellowship in Telford, Shropshire, and Yellow Scarf CIC in Worcestershire, both of which are limited to offering EUSS support.



### East Midlands

Before discussing the different parts of the East Midlands, it is worth mentioning that the East Midlands Councils have collectively taken on an in-house immigration solicitor, who works for eight local authorities. The solicitor gives expert advice in care proceedings where immigration issues arise, answers immigration legal queries, ensures those local authorities have identified those in its care who need EUSS applications, offers in-house training for social workers, gives regular legal and case law updates, and provides legal guidance and oversight on age assessments and human rights assessments. This is expected to ensure quality decision making and reduce legal challenges. The solicitor noted that, following training, most of the authorities had changed their assessment practices.

Although it was not possible to directly cost the savings to each authority, the solicitor felt that being able to access bespoke training, updates and advice across all of the social work teams in all of the authorities, and obtain quick answers to queries rather than going out to private firms, had been undoubtedly beneficial for the eight East Midlands authorities. This had included giving workers a legal perspective which enabled them to challenge Migrant Help on s95 asylum support eligibility issues and similar. The solicitor described being able to talk social workers through issues they were worried about:

*It's made their job a lot easier. One of the first social workers I dealt with had had sleepless nights worrying that she had missed a deadline and ruined this person's life and I was able to assure her that she hadn't, and talk her through it all.*

This level of support seems likely to reduce the stress to social workers and potentially slow down the staff turnover, maintaining experience and expertise within the authorities. This shared employment of one or more in-house immigration lawyers appears to be a positive and useful model which should be explored by more authorities or Strategic Migration Partnerships.



### Derbyshire and Nottinghamshire

The legal aid access point of Greater Nottingham, Derby and South Derbyshire includes six providers, two of which are in Derby (Immigration Advice Service and Burton and Burton) and four in Nottingham (Burton and Burton, Paragon, Halliday Reeves, and French and Co). These reported a combined total of 631 matter starts in the year to August 2021, and 682 in the year to August 2020. The three largest reported 254, 196 and 120 in 2020–21, while the smaller providers reported only 47, 9 and 5. The previous year's breakdown between these offices was 225, 157, 122, 89, 75, 14. This is noteworthy because, while the three bigger provider offices maintained or slightly increased their numbers, the other three offices shrank to very limited provision, which suggests there may be a risk of provider loss in the near future.

There is no legal aid provision in Lincolnshire, the neighbouring county to the east, nor in the northern part of Derbyshire, but there is provision in Leicestershire, to the south, which is discussed separately. The access point also borders the northern part of Staffordshire where there is effectively no legal aid provision, as discussed above.

As of 31 March 2021, there were 749 people in Derbyshire and 875 in Nottinghamshire receiving s95 support, a total of 1,693, almost all in the main cities of Derby and Nottingham. In addition, there were 38 unaccompanied children in the care of Derby and Derbyshire local authorities, and 50 in the care of Nottingham and Nottinghamshire: a total of 88 across the two counties. There were 23 and 102 foreign nationals in prisons in Derbyshire and Nottinghamshire respectively, as of December 2020. The two main cities also have over 1,800 people each with 'other outcomes' (ie neither settled nor pre-settled status) on the EUSS, who are likely to need immigration advice.

Derbyshire Law Centre operates a partly fee-charging OISC Level 3 provision in the East Midlands. At Level 2, Derby has only a Migrant Help office, while Nottingham has Nottingham Law Centre. Nottingham and Nottinghamshire Refugee Forum (NNRF) remained registered at Level 2 at the time of the research but had lost funding for its legal project. The legal project had three years of Lottery funding from 2014 but was unable to obtain further funding and, when the project closed, 'People got their files back and that was it.'

Within Derbyshire, there are seven offices registered at Level 1, including five Citizens Advice offices, the Red Cross and the Derby Bosnia Herzegovina Community Association, which shares premises with Derby Refugee Forum and offers advice and information in languages of the former Yugoslavia. Nottinghamshire has eight Level 1 organisations, of which six are Citizens Advice offices and one is the Red Cross. The other is the Arimathea Trust, which provides supported housing for destitute refused asylum seekers and newly recognised refugees, usually in both Derby and Nottingham though, at the time of the fieldwork, they had had to temporarily close the house in Derby because of lack of support staff. The project operates a cross-subsidy model whereby income from accommodating newly granted refugees creates resources to accommodate people with no recourse to public funds. A local benefactor has donated funds to create a legal project, which is to cover core funding and a salary for a caseworker, and the organisation works closely with NNRF and a hosting project for destitute people, called Host.



### Lincolnshire and Rutland

Neither Lincolnshire nor Rutland, on the easternmost side of the East Midlands, has any provision for legal aid or OISC Level 3 or 2. At Level 1, Rutland has a single Citizens Advice office, and Lincolnshire has five Citizens Advice offices. They are not dispersal areas: Lincolnshire only has five people receiving s95 support, although North Lincolnshire is treated as part of Yorkshire and the Humber in the dispersal figures. Lincolnshire looks after 55 unaccompanied children between three local authorities, and it is unclear where these authorities refer the children in their care. One prison in Rutland and three in Lincolnshire were holding 100 and 165 foreign nationals respectively, as of December 2020. Boston, in Lincolnshire, also has a relatively high number of people who received 'other outcomes' than settled or pre-settled status under the EUSS and, although some will have re-applied, this indicates there are significant numbers of people left without status as a result. As an agricultural area, there is likely to be an advice need from migrant agricultural workers.



## Leicestershire

Although the City of Leicester has five providers, they reported only 262 matter starts between them in the year to August 2020 and 181 in 2020–21. In 2019–20, the largest of the five reported almost 47% of the matter starts, with 122, while one reported only three. In 2020–21, however, the largest provider reported only 69 matter starts, with a mean of only 36 and median of 34. This may reflect slower progress by the Home Office during the pandemic, but it is in the context of 813 people receiving s95 support in Leicestershire county, most of them in the city of Leicester. There were 6 children in the care of Leicester and 26 in the care of Leicestershire, so need far outstrips provision. Respondents also felt that, 'The average quality of advice is not impressive in the sense that representatives do not communicate well with their clients,' an issue which was largely blamed on fee levels, though it is impossible to ascertain whether this is worse or better than in other areas on the information currently available.

Leicestershire has no non-fee charging OISC Level 3 organisations but has one Level 2 organisation, Equality Action, registered in Loughborough. According to its website, it offers a full range of OISC Level 2 casework in both the immigration and the asylum and protection categories and it appears to offer a mix of free and fee charging services.<sup>53</sup> There are six OISC Level 1 organisations registered in the county, including two Citizens Advice offices (one each in Leicester and Loughborough) and a Red Cross office in Leicester. The other three, all in Leicester, are Leicester Roma Community Services, Shama Women's Centre, and Families Kinected. The latter has a single adviser and appears on the register of companies but has no website. Shama Women's Centre states on its website that it offers a variety of services for BAME women. It does not explicitly mention immigration advice but does offer domestic violence support.

The Red Cross office in Leicester has two Level 1 advisers and says it does not have capacity to increase its level and take on more complex casework. It has to turn away approximately 500 would-be clients per year, including all non-protection immigration work and EU applications. They do 'a lot of fee waiver applications' and also connect people with small charities which might be able to help with application fees. The Red Cross felt that access to legal aid representation, or their ability to refer people, had diminished sharply over the end of 2020 and the early part of 2021. There is another small charity in the area which 'helps people to find new evidence if they want to prepare further submissions' but, again, need is far higher than provision.

## Northamptonshire

Northamptonshire is one part of an access point which crosses the regional boundary into Cambridgeshire, in the East of England (as explained above). Three of the four providers in the access point are in Northamptonshire. One of the three has done no legal aid work at all since obtaining its contract, while another reported one matter start in 2019–20 and none in 2020–21. The combined total for the access point was 49 matter starts in 2018–19, 107 in 2019–20, and 47 in 2020–21. The two providers – one within Northamptonshire and the other outside the East Midlands – undertook roughly half of those matter starts each. Northampton has no organisations registered at OISC Level 3 or 2, and its three Level 1 offices are all Citizens Advice offices.

Northamptonshire has 31 people receiving s95 support. In 2019 there were 93 unaccompanied children in the care of the local authority. Data on the number of unaccompanied children was not recorded for Northampton or Northamptonshire for 2020–21 and they did not respond to my request for information. The active legal aid provider for Northampton, Pickup and Scott, takes mainly unaccompanied children's cases, and local authorities also refer some children to providers in Luton and the provider in Oxford.

53. [Equality Action](#).



## Networks, Partnerships and Referral routes

Central England Law Centre (CELC) is at the heart of several partnerships and networks within the Midlands and beyond. MiFriendly Cities is an EU-funded project run by the Coventry, Birmingham and Wolverhampton local authorities, in partnership with Coventry University, the Refugee and Migrant Centres in Coventry and Wolverhampton, CELC, and a small number of other groups working more nationally on employment and skills, campaigning, and health.

CELC also leads the Kids in Need of Defense (KIND) UK collaboration with four other organisations: Coram Children's Legal Centre, the Migrant and Refugee Children's Legal Unit at Islington Law Centre, Just Right Scotland, and Greater Manchester Immigration Aid Unit. They partner with law firms and businesses whose lawyers provide pro bono legal representation to children and young people in applications for citizenship and leave to remain. CELC also offers 'Legal Health Checks' for migrant families and individuals and rights-based education in school, which might then identify needs for immigration-related help with access to benefits, accommodation, employment and also immigration applications and fee waivers.

As well as all of this, they run an advice clinic with students from local universities and undertake consultancy with Women's Aid. This creates a workload in its own right:

*I'm dealing with emails and partners and one-off other queries and it's hard to explain to my managers, because they say well, just tell them you can't deal with it. But if you're cultivating relationships with partners and people ask you stuff, you can't really just say, "Sorry, I'm not going to help you". So, stuff around the edges.... That's the nature a bit of being in a Law Centre.*

These partnerships enable the Law Centre to reach a much greater number and range of people than they otherwise might, but arguably need a level of resourcing which goes beyond the casework itself.

The City Council in Birmingham is described as 'very focused on referral pathways' and 'thinking strategically' in running projects funded by its allocation from the Asylum, Migration and Integration Fund (AMIF) and later incarnations of that funding. This led to 'a definite joined upness here' that was contrasted with other areas the interviewee had experienced. This was somewhat uneven, as demonstrated when one team in the council was immediately willing to pay a citizenship application fee for a child in care, while another 'wouldn't countenance it' for a child in a family with no recourse to public funds, notwithstanding that the authority would save a significant amount of money in the latter case. The interviewee argued that, 'It's to do with the way that people with NRPF are perceived, as illegal migrants. They don't have rights even if their children are British in all but registration.'

Consequently, organisations in Birmingham and the surrounding conurbation, including Coventry and Wolverhampton, felt well connected to both local and national networks, such as ASAN, ILPA, the NRFP network, and Refugee Action's FIAP. Despite the 'robust' local networks, one Birmingham organisation described receiving 'infuriating "signposting" enquiries from all over the place' from other services indiscriminately 'giving non-UK nationals our phone number irrespective of whether the difficulty in hand is actually immigration related', which 'just wastes everybody's time'. Despite this, they did not always receive the kinds of referrals they did want, such as from families in contact with Children's Services or receiving subsistence support from the local authority. The lack of referral in these cases left families destitute or forced them to pay for advice from 'poorly regulated, often completely unregistered private practices for help, getting in debt to pay for substandard services.' This suggests that there is still a need to bring in more services which are not yet linked into the network.

For the East Midlands, networks were more in 'pockets'. The Strategic Migration Partnership hosted meetings including legal practitioners, medical practitioners working with unaccompanied children, and so on. Within Nottingham, one respondent described 'a loose thing' called Nottingham Immigration Network, aiming to build up the networking capacity. The interviewee felt that ideally a network would include,

*a couple of peripatetic advisers spending a couple of days at Nottingham Refugee Forum and at a couple of other places, in a consortium of a dozen or so groups and an element of community education,... and then helping some of those organisations get OISC-registration, or getting back registration, and then looking for funding from outside, and also bringing in some of the private providers to develop that side of the partnership as that is often quite divorced.*

This, however, was said to be 'in the baby steps stage' at present. An alternative suggestion was to have one or more qualified people building the network from within the county's Citizen's Advice offices, noting that, 'It's not about one organisation having all the stuff.' On the other hand, the partnership working around NRPF and destitution was described by another respondent as 'a real movement'.

Organisations felt that the time put into partnerships with local authorities was well-spent but that it is extremely important to invest the time at the outset in setting 'realistic targets', agreeing the details of data sharing (commonly the advice organisation declining to share client data with local authority), and the fact that the advice organisation remains independent and will challenge the local authority over issues such as housing. Some authorities 'get it' more than others; most likely a product of experience.

### Recruitment, retention and training

Recruitment is particularly difficult outside Birmingham and the West Midlands conurbation. This was particularly acute in Stoke, where retention of qualified staff was also described as a serious problem, but ASIRT in Birmingham and the Red Cross in Leicester were among the organisations which said they had to train staff because they could not recruit qualified advisers. This was thought to be at least partly because of low salaries, which in turn made retention more difficult. In places, this seriously limited capacity. One organisation talked about 'trying very hard to grow our own Level 2 staff' but being hampered by the inability to afford full-time salaries that would enable staff to reach Level 2. Regarding salary, they said 'Although people are not in this sector for the money, it's very stressful work and they need to be paid enough to live on.' This organisation was offering counselling to existing staff to try to reduce the risk of burnout.

University law clinics are collaborating with Central England Law Centre, which said it had taken on some of the students who had worked in the clinics, in various capacities. There may be some scope for these relationships to be developed into a more thorough training programme, possibly having an employee whose sole responsibility would be law clinics with the different local universities, but the feasibility of this has not yet been explored (and would require funding).

Justice First Fellowships had supported some of the legal aid providers in the region. Beyond legal aid, organisations found they had to 'train from within'. None of the Midlands organisations faced any difficulty in accessing training per se. Often, though, they were 'very busy and understaffed' which meant that, for them to train staff up to OISC Level 2, the training itself 'would have to be combined with the organisation carving out protected time for the trainees' – and it was this time commitment which ultimately created the main obstacle.

The relatively large number and variety of organisations, despite being far short of meeting the region's demand, should be seen as an opportunity for training and supervising new advisers into the sector and it would be useful to see investment to support this.

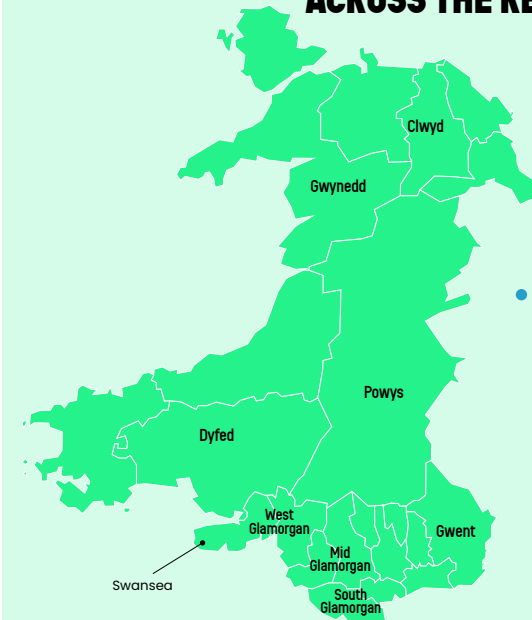


# WALES | IMMIGRATION SERVICES DEMAND IN 2021



## IN-SCOPE: LEGAL AID PROVISION

### 12 LEGAL AID PROVIDER OFFICES ACROSS THE REGION



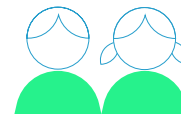
- **Nine of these** are in **South East Wales**, **two are** in **Swansea** and there is **only one** in **North Wales** (Wrexham).



**1,148**  
Legal aid matter starts  
opened in 2020-21

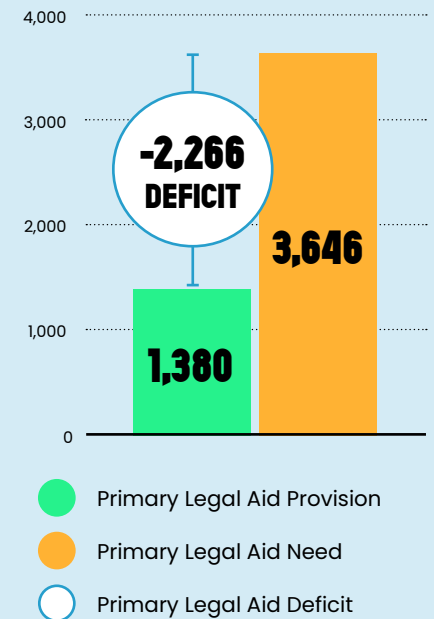


**2,734**  
People receiving s95  
asylum support



**65**  
Unaccompanied children  
seeking asylum

### PRIMARY LEGAL AID DEFICIT





## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**46,160**



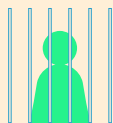
**1,130**

People who  
need help with  
**protection  
settlement  
applications**



**913**

People resettled  
under the **SVPRS**



**217**

Foreign nationals  
in **prison**



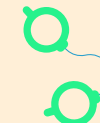
**8,935**

INCLUDING  
**3,484 CHILDREN**  
Undocumented  
people



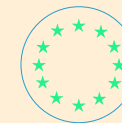
**46**

**Domestic  
violence**  
ILR applications



**279**

People referred  
into the **NRM**



**34,640**

**4,100**  
(OTHER OUTCOMES)  
People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**



Wales does not, at the time of writing, have a devolved system of justice and legal aid, so these are controlled by the Westminster government on the same basis as in England – as are immigration law and policy. This is often in tension with the Welsh Government's own policy aim to be a Nation of Sanctuary. Wales is an advice desert except in the far south but, as this section shows, there is a serious shortage of both legal aid and non-legal aid advice for Wales as a whole, exacerbated by the shortages in the South West of England and the westernmost parts of the West Midlands and North West.

## Provision overview

### Legal aid

There are three access points in Wales, as shown in Table 25, which aim to cover the four dispersal areas of Cardiff, Newport, Swansea and Wrexham, while most of Wales is not covered by an access point.

**Table 26:** Legal aid provision by access point, 2018-21, Wales.

ACCESS POINT	NO OF OFFICES SEPT 2021 (SEPT 2018)	MATTER STARTS ALLOCATED (2019-20)	MATTER STARTS OPENED (2018-19)	MATTER STARTS OPENED (2019-20)	MATTER STARTS OPENED (2020-21)
Bridgend, Cardiff and SE Wales	9 (12)	2,502	1,343	1,277	908
Neath Port Talbot and Swansea	2	450	155	174	239
North East Wales	1	300	30	14	1
Totals	12 (15)	3,252	1,528	1,465	1,148

The access point of Bridgend, Cardiff and South East Wales has the most provision, with nine provider offices of seven firms remaining in the access point, after three offices withdrew. These providers opened 908 matter starts between them in the contract year to August 2021, a significant drop on the previous year's total of 1,277. In the year to August 2020, the largest provider reported just over a quarter of all of the matter starts used (26%). Much of the drop can be accounted for by the loss of a single large provider in Cardiff in December 2019, mid-way through the contract year, though other providers encountered a slowdown in work and had to furlough staff as a result of the Home Office not processing applications. It appears that dispersal to Wales stopped entirely during some parts of the Covid pandemic. As a result, the mean number of matter starts reported per provider in the access point fell from 116 to 101 and the median from 97 to 63.

In Neath Port Talbot and Swansea, the total of 239 matter starts in the last contract year is evenly split between the two providers (122 and 117). This is a change on the previous year when the combined total of 174 matter starts was broken down into 156 and 18. It is unclear how much this was affected by the use of Penally Barracks in West Wales for asylum accommodation from September 2020 to March 2021. The Penally camp held about 250 men over the six-month period and respondents said that at least some of the representation for that population came from the South Wales providers.

The whole of Mid and North West Wales has no provision. North East Wales has a single senior caseworker in a single family-run firm doing legal aid work in the dispersal town of Wrexham. As can be seen, this provider's reported matter starts have declined to very limited provision in the year to August 2021, which is largely down to the slowdown in processing of asylum applications. Being far from Home Office premises meant that people dispersed within North Wales were not being called for interviews and there was little movement in and out of asylum accommodation during the year. For this provider, much also seems to depend on whether people dispersed to the area, often from initial accommodation in Cardiff, have already found a representative in South Wales.

The legal aid providers who responded to the research said they had survived the pandemic only by means of the furlough scheme and, in some cases, business support loans and relying on relationships with interpreters to delay payments. Some providers have made agreements with local authorities within or outside Wales to undertake the settlement applications after five years for refugees resettled under the Syrian scheme, which qualify for legal aid and which are much quicker to close than asylum applications or appeals.

Although all asylum work slowed down during the pandemic, there seems to have been a particular issue in parts of Wales. At the time of the fieldwork, asylum applicants in North Wales did not appear to be receiving interview dates. The North Wales provider said they had had only three clients invited to interview in ten months, and these were required to travel to Manchester, taking around two-and-a-half hours, only for the interviews to be conducted remotely. This lack of interviewing means cases do not reach a conclusion and cannot be billed. The provider had repeatedly offered to facilitate remote interviews from their own premises.

One of the South Wales legal aid providers described receiving referrals for newly dispersed people, in the past, from an organisation called Links but said that this is no longer happening. Instead, 'people just need to have the wherewithal to find us themselves' and, although the provider is often at capacity, it means 'there's no way of making sure that people who are vulnerable get a representative.' It appears that there was very little movement into Wales at times during the pandemic, but providers in South Wales felt there was no clarity about how many people were waiting for a representative.

This is particularly difficult with the contingency hotels and is exacerbated by the practice, since January 2021, of declaring asylum applications inadmissible when the applicant passed through another European country. The provider explained, 'If we had funding to do it, I would put a mask on and go to the hotel and meet people, but we don't have the resources to sign up and maintain those cases through all the inadmissibility issues, and become their point of contact.' Although Penally Barracks stopped holding asylum applicants in March 2021, several interviewees expressed concerns that one particular firm in South Wales with a poor reputation had taken on around 30 cases from the site when it was in use.

For those unable to access advice in North Wales, it is more feasible to travel to Manchester or Liverpool than to South Wales. Similarly, if a person needs to meet a medico-legal expert or have a Medical Foundation appointment, interviewees said it would be easier for them to go to the North West of England, meaning some demand based in Wales is manifesting in England because of the lack of provision.

One further point about legal aid provision involves auditing and administration. One of the legal aid providers had almost been forced into bankruptcy as a result of an error by the Legal Aid Agency in auditing their files, leading to threatened recoupments of fees, despite this provider scoring the second-highest possible rating on peer review (The majority of providers receive the third level). The zero-tolerance auditing regime, the constant threat of financial recoupments and the burdensome unpaid administration are also key reasons why the OISC Level 3 organisation in Wales does not intend to apply for a legal aid contract, despite the obvious need for more providers. The issues around auditing apply to the whole of England and Wales equally, although it does appear that some regional managers and their contract management teams have more constructive relationships with their providers than others.

### Other free or low-cost provision

There is one OISC L3 office, Asylum Justice, which does asylum appeals where clients have been dropped by representatives, and all other types of out of scope immigration but has only one full-time solicitor, relying on freelancers for the majority of its work. The only non-fee charging OISC L2 office in Wales is the Migrant Help office in Cardiff.

There are 28 offices registered as non-fee charging / not-for-profit at OISC L1, 20 of which are CABs and four are offices of the Welsh Refugee Council. Even the CAB offices, however, are concentrated in the south, with relatively little in the middle of Wales. The other four are Newport Mind, the Red Cross, Swansea University Law Clinic, and TGP Cymru, which works with children and families, not exclusively migrants. This includes advocacy for unaccompanied children and asylum-seeking young people and support (though they cannot undertake the actual legal challenges) around age disputes.

The volume and nature of work done by Citizens Advice offices in Wales under the Level 1 exemption is 'variable across offices'. An interviewee explained, 'In practice what happens is, if the office has Level 1 support, it will create a case record and advisers then use the additional internal advice support to access Level 2 and 3 escalation.' This supports the advice local branches give to clients, but the Level 2 and 3 advisers in other areas are not able to take on casework or to represent clients on appeal. Help with form-filling may be available as general casework but Citizens Advice Cymru has not currently mapped its capacity for this.

Oasis Cardiff is registered as a fee-charging / for-profit organisation, which moved up from Level 1 to 2 during the course of the fieldwork, offering a combination of free and paid advice on a sliding scale, including a range of matters from spouse and work visas to refugee travel documents, and trying to ensure that 25% of its work is provided free. It has one accredited caseworker in the legal advice service, which is a relatively new addition to its core work with asylum seekers and refugees.

## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

Wales had **2,734 people in receipt of s95 support** on 31 March 2021. The majority of them were in South Wales, as follows:

**Table 27:** Local breakdown of s95 support figures in Wales, March 2021.

AREA	DISPERSED POPULATION	BREAKDOWN
South Wales	<b>1,803</b>	Cardiff <b>1,370</b> Newport <b>426</b>
Swansea and Neath Port Talbot	<b>802</b>	Swansea <b>801</b>
North Wales	<b>129</b>	Wrexham <b>123</b> Conwy <b>6</b>

There was a slight reduction in the number of people on s95 accommodation in Wales, to 2,276 by 30 September 2021, with the distribution around Wales remaining similar.

In addition there were **65 unaccompanied children** being looked after by Welsh local authorities as of 31 March 2021, of whom 35 were in Cardiff, 15 in Newport, and 5 in Swansea, and the remaining ten in different authorities which look after fewer than five children each.<sup>54</sup> This was a slight fall from 80 a year earlier but, in February 2022, Welsh local authorities received 14 children from Kent over a two-week period, so these figures are subject to sudden and significant change. The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

Additionally there were approximately 1,130 people granted asylum, humanitarian protection or other leave in 2016 in Wales, who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **913 people have been resettled under the SVPRS** in Wales. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.

54. StatsWales, [Unaccompanied asylum-seeking children being looked after at the 31 March by local authority](#).

## Prisons

Welsh prisons held **217 foreign nationals** on 31 December 2020, broken down as follows:

**Table 28: Foreign nationals in prison in Wales, 31/12/2020.** Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
Bridgend and Cardiff	<b>140</b> in two prison
Monmouthshire	<b>9</b> in two prison
Swansea	<b>16</b> in one prisons
Wrexham	<b>52</b> in one prisons

Some, though not all, will be eligible for legal aid and need immigration advice.

## Other immigration matters

Although there is no dispersal to Mid and North West Wales, there are likely to be other needs including domestic violence, undocumented people, renewals on the ten-year route, people falling off other routes and needing immigration advice, and trafficking, for example.

Wales is home to 2% of the foreign-born population of the UK. Based on other research estimating the number of undocumented people in the UK,<sup>55</sup> this gives a rough estimate of around:

**8,935 UNDOCUMENTED PEOPLE INCLUDING 3,484 CHILDREN**

**46 DOMESTIC VIOLENCE ILR APPLICATIONS PER YEAR IN WALES.**

However, since this figure is based on provision nationally, and there is a dearth of provision across most of Wales, it is very likely an underestimate of need.

In Wales, **279 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 86 adults, 187 children and 6 persons of unknown age. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs.

As of 30 June 2021, there had been 503,600 concluded EUSS applications from Wales. There had been 90,580 applications decided, of which 51,910 received settled status. There were **34,640 grants of pre-settled status**, many of whom may need support to upgrade to settled status in due course, since that is not automatic.

Another **4,100 applications had 'other' outcomes**, most likely refusal or withdrawal of the application, many of whom may now have no immigration status. This was up from 2,910 on 31 March 2021. The highest numbers of these are in Cardiff (950), Newport (660), Flintshire (420), Swansea (360) and Wrexham (350). Although the numbers are not large compared with other towns, this is in the context of limited advice. The Welsh Government commissioned and funded a private firm to take on Level 2 and 3 work on the EUSS scheme. It is of course impossible to tell how many people may not have applied and may need late applications. There are some reports in England of cases where the application for settled status was refused on the grounds of earlier criminal offences, where deportation action could not then have been taken under EU Regulations, and the Home Office then attempted to take deportation action, for which legal advice and representation would be needed, which would most likely fall outside the scope of the Welsh Government funding.

55. Andrew Jolly, Siân Thomas and James Stanyer, 2020. London's Children and Young People Who Are Not British Citizens: A Profile (Greater London Authority).



## Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 3,646**

**PRIMARY LEGAL AID PROVISION: 1,380**

**PRIMARY LEGAL AID DEFICIT OF -2,266**

## Case-type gaps in Wales

Given the very limited provision outside Cardiff and Newport, it makes little sense to set out a further local breakdown. The difference between the demand numbers and the provision data suggests there is not enough capacity in Wales, even for those entitled to legal aid. Yet the providers in South East Wales are also absorbing some demand from Devon and elsewhere in the South West of England. It appears likely that some people dispersed to North Wales stay with a provider in South Wales, while others may be crossing the border into the North West of England, where capacity is also limited. For those who are not entitled to legal aid, or who might qualify via ECF, access to advice is extremely limited.

Refugee Family Reunion applications appear to be a particular gap, with only the OISC Level 3 organisation Asylum Justice doing these at the time of the fieldwork. One legal aid provider said there had been some discussion of a partnership to make the applications, but they do not have capacity to apply for ECF as well as doing the substantive application. The same applies to fee waiver applications, which in some areas are undertaken by support organisations but in Wales, 'You can't refer it on to anyone because no one else is doing it.'

Domestic violence cases were raised by some interviewees as another area of shortage. Asylum Justice, in Cardiff, and the small provider in North East Wales, both undertake domestic violence work in partnership with Welsh Women's Aid or BAWSO. Asylum Justice initially had 'a strict rule' that they would not do cases which should be covered by legal aid, but found it unrealistic to retain that boundary when it was impossible to find legal aid solicitors to do the work.

One of the South Wales providers explained that they were operating a waiting list for each office, but the majority of those waiting were not new asylum applicants. They were more likely to be people applying for settlement at the end of five years' refugee leave or with non-asylum immigration issues. The North East Wales provider said that an asylum client would rarely be turned away, but that there was no capacity to take on ECF work, and financially 'a big disincentive to do the work'. Often, people dispersed to Wrexham retained their representative in Cardiff. Despite the shortage within Wrexham, the provider has clients from as far afield as Stoke-on-Trent, and from a women's prison in Staffordshire.

However, there were suggestions that even first-time asylum applicants might struggle to find a representative. Asylum Justice noted that they had previously acted as 'a clearing house' to refer out any such clients who came to them but over the previous four years (to Spring 2021) demand was 'sky high' and finding legal aid lawyers ever more difficult. The practice of certain legal aid solicitors in South Wales who 'merits fail' clients when asylum is refused, denying them legal aid representation for an appeal, and signposting them to the Asylum Justice drop-in, has compelled Asylum Justice to act as an 'appeals factory', taking on meritorious cases where clients have been left unrepresented, and where urgent court deadlines dictate their work.

*Some firms would drop it immediately after lodging the appeal, but often they would hang onto it till nearly the hearing. We used to have to plead for adjournments and say to the tribunal that we will take this case on if you adjourn it, and they would because they saw that we were serious, and would represent them, but then we were on this merry-go-round and that's all we could do.*

Despite other firms having merits failed these clients, Asylum Justice said they had a 70% success rate on cases that ‘everyone thinks is unwinnable [but] you’re rescuing them with decent work and it’s scandalous what [the previous representatives] haven’t bothered to do... It’s really basic stuff.’ A legal aid provider noted that they often received clients who had been merits failed by other firms not only in Wales but also in the South West of England.

This issue of firms ‘merits failing’ clients does arise all over England and Wales, and there is no clear evidence that it is worse in Wales than anywhere else, but it does appear to happen more in areas where large numbers of dispersed people drive a constant demand from new arrivals who are unaware of providers’ reputations. However, three of the Welsh providers were named as examples of firms which are ‘atrocious’, which fail to ‘give the case the kind of evidence that it needed’ and which refuse to take cases to appeal so that they can ‘get rid of’ clients and bill their cases. In one of these, the caseworker said, ‘It was so glaringly obvious. It only took a chase to the HO and it was granted within a month.’ This meant the Legal Aid Agency ‘paid twice’ because they paid the first provider who carried out the flawed work and closed the case early and the later provider who took the client on. Duncan Lewis Solicitors and Migrant Legal Project were praised by interviewees for rarely dropping clients at this stage.

As with appeals, the cycle of re-applying for a fee waiver and further leave to remain, with hard deadlines every 30 months, on the ten-year route to settlement creates unsustainable demand for advice and casework. This means,

*Refugee Family Reunion and leave applications and fresh claims that don’t have a deadline go on the waiting list and that just got longer and longer, and people would wait because they had nowhere else to go, so our waiting list got insane... It was 150–200 people on the waiting list.*

The slowdown in appeals during the pandemic had allowed the waiting list to be reduced to ‘10–15’ by the spring of 2021, ‘by having time to phone people who have been on it for 2–2.5 years’. The waiting list had to be closed again, however, by summer 2021, and was closed again in January 2022. Meanwhile the Everyone In scheme had reduced demand from people who were destitute and needed fresh claims work, but ‘a huge amount of demand’ was anticipated as soon as asylum refusals, appeal hearings, negative cessations of asylum support, and evictions would restart.

Fresh asylum claims were another major source of need, particularly located around asylum accommodation. Before the fall of Kabul, when Afghan asylum claims became highly likely to succeed, a legal aid provider said, ‘There’s, for example, an Afghan lady [in the nearby accommodation] with four kids and her husband has mental health problems. The asylum failed and there’s no fresh claim and cases like that I think are between the gaps.’

A final matter identified as an area of shortage in Wales is where people have been identified as victims of trafficking through the NRM, but are only given one year’s leave to remain ‘and then they’re left high and dry’. BAWSO were identified as doing good work around trafficking in Wales, with Welsh Government funding, but they do not have in-house legal expertise and Asylum Justice were keen to develop a role around obtaining longer term leave where needed for trafficking and modern slavery survivors.

## Funding issues

Several organisations highlighted the importance of Welsh Government funding, which supports a range of organisations and had prevented the closure of the only non-legal aid OISC Level 3 provider in Wales. This is in addition to any local authority funding which is available, and is an important difference from what happens in England. Interviewees also highlighted that the Welsh Government, in contrast to the UK one, had a refugee action plan and a migrant integration strategy, as well as a national advice strategy. It had funded a private law firm to provide Level 2 and 3 EUSS casework, and had guaranteed the support funding through to the end of 2021, whereas in England much of the government EUSS funding was to end in June.

As described by a UK-wide organisation, even where the Government funding did not cover immigration advice specifically, better funding for other areas of advice, such as debt, allowed for a 'dramatically different approach' overall, which was described as more coherent, strategic and holistic than the position in England. This mainly seems to benefit the non-legal aid organisations however.

Asylum Justice found that demand for its work increased very significantly when the LASPO Act removed many immigration matters from the scope of legal aid in 2012. They managed to keep the service open with 'chunks of money', volunteer solicitors at drop in sessions and freelance solicitors, mostly employed by legal aid firms, taking on casework. They have a detailed plan for training new caseworkers, though they have struggled for sustainability of funding and for supervision capacity, having only one full-time adviser. They described a chicken-and-egg problem whereby, without funding, they cannot create permanent posts and employ lawyers, but they need people who they could employ to be available before they can seek funding to create those posts. As is typical in severe advice desert areas, it is difficult to move past this situation.

A further difficulty, as with all parts of the UK, has been the administrative burden of managing and maintaining multiple funding streams and either having to find money to employ someone for that role or to take someone away from casework duties to do it. The greater the shortage of accredited caseworkers, the more difficult that issue becomes. For one organisation, without a finance team, it was difficult even to administer paying invoices for interpreters and, although they now have finance support, this highlights the difficulties for small organisations considering increasing their advice work or their grant income.

## Recruitment, retention and training

As of 1 November 2021, there are 52 people registered as IAAS-accredited in Wales, but at least 13 of these no longer appear to be employed in legal aid practices in Wales. The limited number of accredited advisers and advice organisations in Wales restricts the possibilities for capacity building.

One legal aid provider noted that ‘there’s a lot of rotation’ in South Wales, with ‘the same person working at three firms’ either successively or sometimes all at once in a combination of consultancy or associate roles. This staff-sharing model has been the only option for some organisations, which are unable to either afford or recruit full-time staff. Both the staff sharing and the rotation appear to be typical of areas of advice shortage, where new funding for one organisation enables them to recruit their part-time staff into full-time roles or to offer a higher wage. One legal aid provider explained that they had lost nearly half of their non-partner staff in a single summer to better paid jobs with which the provider could not compete.

Wales appears to face something of a brain drain, as young people leave for training opportunities and then settle elsewhere:

*How do you build expertise when there’s no one here? In terms of people with that expertise moving into Wales, it’s only really those with strong links to Wales, especially if they’ve got a partner who needs a job as well. It’s harder to recruit experienced people, because people don’t come back usually. I was out of Wales for most of my working life. People don’t come here as experienced lawyers, so trying to train people is important but it’s hard to train someone from scratch if there’s only one post. It’s got to be a really trusted caseworker.*

As in other advice desert areas, the lack of individuals able to supervise is a significant problem. Passing the accreditation exams enables a person to bill for legal aid work but, as one senior lawyer put it, ‘If they don’t have the experience, they’re going to do shit work. That’s why we haven’t been training people, because we didn’t have the time to train people to do it properly. I can’t see how you would do it on legal aid.’ Given the pace of change in immigration law, this creates difficulties even for experienced caseworkers and lawyers working in desert areas: ‘If you’re isolated without a team, and you haven’t got people to bounce things off, you can’t keep up with everything.’

Accordingly, high-quality training and supervision, recruitment and retention of qualified staff, and the sustainability of funding to regrow the sector are very urgent issues for the immigration and asylum advice sector in Wales.

## Networks, Partnerships and Referral Routes

Respondents in Wales are generally connected to the same professional networks as those in England: ILPA, Free Movement, Legal Aid Practitioners Group, as well as Public Law Project's training provision. A number of non-advice organisations were connected to NACCOM. A network of Regional Advice Networks connects organisations across different types of advice but has less relevance to immigration and asylum than to other areas of advice. The Strategic Migration Partnership for Wales offers a wider network and this is cited by some respondents as having helped them to raise issues with the Welsh Government and the Home Office.

The third sector in Wales is described as having fared generally better, due to Welsh Government funding, than many of its counterparts in England. In South Wales, there is a relatively rich network of organisations. Interviewees highlighted the importance of Cardiff City of Sanctuary, a number of support groups like Swansea Bay Asylum Seeker Support, the Quakers in Swansea, several churches, particularly the Trinity Church in Cardiff, hosting programmes such as Homes for You and Share TAW, and organisations working more broadly with communities including those seeking sanctuary, like The Gap in Newport. Housing charities like Tai Pawb and Shelter Cymru are also closely engaged with migrant accommodation issues. Many of these attend the No Accommodation Network (NACCOM) hub meeting and identify lack of advice as an important barrier for people without access to public funds or housing.

In North Wales, the network is much thinner. The sole provider for North East Wales has created a basic referral structure with the local Citizens Advice and also has a relationship with a women's organisation, BAWSO, which shares the same building. More widely, there is a quarterly stakeholder meeting co-ordinated by Wrexham Council which is attended by the Home Office. As a very small firm, however, with a geographically large contract area, the ability to engage with other organisations is limited.

The OISC Level 3 provider in Cardiff, Asylum Justice, was exploring partnerships which could potentially help to fill some of the case-type gaps in provision in Wales, but they are clear that partnerships are only viable if they bring in money, not just capacity. They have no resources to take on additional unfunded work. Likewise they have no capacity to offer supervision to other organisations, as much as they see a need for this. Both funding and capacity building are urgent priorities for Wales to maintain and rebuild the immigration advice sector.

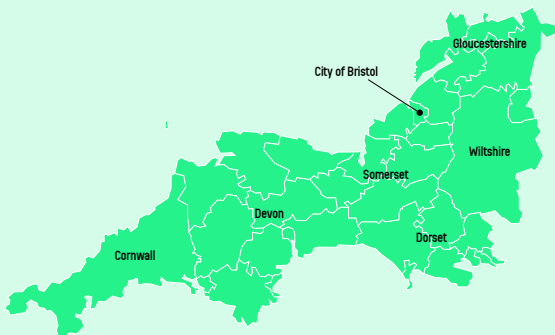


## THE SOUTH WEST | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 11 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



- The South West is widely recognised as an area of severe advice desert for asylum and immigration. It has the lowest average number of matter starts opened per provider of any region in England or Wales
- The region is geographically the largest in the UK but with one of the smallest populations, covering the counties of Gloucestershire, Somerset, Wiltshire, Dorset, Devon and Cornwall. There are significant dispersal areas in Plymouth, Swindon (Wiltshire), Bristol and Gloucester



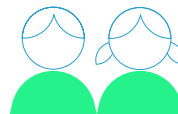
**465**

Legal aid matter starts  
opened in 2020-21



**959**

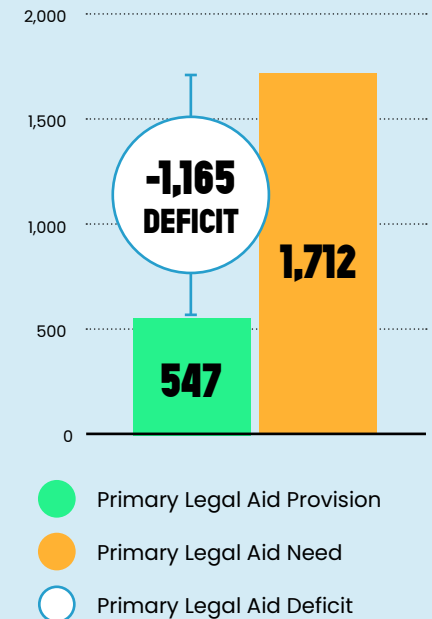
People receiving s95  
asylum support



**194**

Unaccompanied children  
seeking asylum

#### PRIMARY LEGAL AID DEFICIT





## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**145,843**



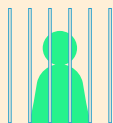
**353**

People who  
need help with  
**protection  
settlement  
applications**



**1,175**

People resettled  
under the **SVPRS**



**389**

Foreign nationals  
in **prison**



**26,806**

INCLUDING  
**10,455 CHILDREN**

Undocumented  
people



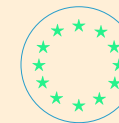
**139**

**Domestic  
violence**  
ILR applications



**421**

People referred  
into the **NRM**



**116,560**

**9,370**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

The South West region covers the largest area of the UK in terms of geography, though it is one of the smaller regions in terms of population.

## Provision overview

### Legal aid

There are three legal aid access points in the South West of England.

**Table 29: Legal aid provision by access point, 2018-21, South West.**

ACCESS POINT	NO OF OFFICES	MATTER STARTS ALLOCATED 2019-20	MATTER STARTS OPENED 2018-19	MATTER STARTS OPENED 2019-20	MATTER STARTS OPENED 2020-21
Bristol, Gloucestershire, North Somerset	9	1650	505	491	435
City of Plymouth and Devon	1	174	121	59	30
Swindon	1	150	0	0	0
Totals	11	1924	626	550	465

The bulk of provision in the South West is in the city of Bristol, which in fact has all nine of the providers in its access point.<sup>56</sup> There are none in the rest of Somerset or Gloucestershire. The sole provider for Swindon, Wiltshire Law Centre, has been unable to recruit a practitioner who is accredited to do legal aid work and self-supervise, since being awarded a contract in September 2018, so it has not undertaken any matter starts, despite being in an asylum dispersal town. The sole provider in Plymouth lost its supervising caseworker during 2019 and has been unable to recruit a replacement, instead having to supervise its sole remaining caseworker remotely. There are no access points covering Cornwall, the rest of Devon outside Plymouth, the rest of Wiltshire outside Swindon, or any part of Dorset.

<sup>56</sup> One of these providers, South West Law, withdrew from legal aid in February 2022, leaving eight providers.

The South West is widely recognised as an area of severe advice desert for asylum and immigration. It has the lowest average number of matter starts opened per provider of any region in England or Wales, at 48. Typically, support organisations throughout the South West will recite a list of all of the Bristol and South Wales providers with their recent capacity, along the lines of this comment from a Bristol-based organisation:

*Of these, only [A] were taking new cases as at last Monday. But we referred four to them last week and have a few more waiting, so I expect they may run out of capacity next week. [B] only have a small number of matter starts and tend to focus on children and young people. [C] and [D] haven't been able to take any new cases for, I'd say, at least a couple of months. [E] were taking some a few weeks ago, but last week said they couldn't.*

A support organisation in Bristol began taking on a role supporting social workers to find representatives for the unaccompanied children in their care as, from about mid 2019, there had been 'a squeeze' on capacity, leaving social workers struggling to find out which solicitors might be available. This squeeze came after the Plymouth provider lost its supervisor and a solicitor in one of the Bristol firms went on maternity leave, and was then exacerbated when Duncan Lewis Solicitors' Cardiff office closed.

The non-legal aid organisations in the South West have long had to use 'the Skype model', even before the pandemic, to try to connect people to legal aid lawyers. As is the case in the East of England, this places significant burdens on support organisations which are not resourced for that role, particularly since 'the client care and psychosocial needs are exacerbated' by working remotely. Those issues are also intensified by delays in finding a representative. The experience of the severest advice desert areas suggests that remote access to advice is not an adequate solution for the majority of asylum and protection clients. As one interviewee summarised the position:

*The hard implications of the advice desert are obvious, but there are soft implications as well: safeguarding implications, significant mental health implications because of the inability to provide support and client care, seeing families break down after Family Reunion, and the families not being able to access legal advice and the Domestic Violence Concession, all the problems of being unable to access advice in the city or to go out of the city to get it. The not-for-profits there don't have the infrastructure to cope with that, nor should they have to. So there's a huge mental health impact and the Asylum Seeker and Refugee Mental Health team's workload has significantly increased.*

An additional problem, as support organisations explained, is that when people are dispersed from London to the South West having had a representative in London, often the provider in London does not want to continue because of the distance. This had previously arisen when people were dispersed from Cardiff to the South West and the LAA contract managers for those areas were asked to encourage providers to continue, while accepting that the incentive to close files is 'inherent in the system'.

As in Wales, several interviewees and respondents said there is 'a problem' of certain firms regularly 'merits failing' clients whose cases do in fact have sufficient merit to go to appeal. Two firms with offices in both Bristol and South Wales were described as 'notoriously bad' for this, which leaves support organisations to apply (often successfully) for review of the decision and then try to refer the clients to new solicitors with limited time before their appeal hearings. At a meeting in Exeter of organisations concerned about access to asylum legal advice, participants described this as on the rise 'again, especially from solicitors outside Plymouth'. One organisation said they were seeing clients dropped on merits grounds even when they had been granted ECF, which amounts to a prior decision by the Legal Aid Agency that the case has sufficient merit.

### Other free or low cost provision

There are five OISC Level 3 organisations listed as non-fee charging in the region. Two are Citizens Advice offices, in Swindon and Bristol, and the others are Gloucester Law Centre, Bristol Refugee Rights and Exeter University Law Clinic. The International Organisation for Migration also has a Level 3 caseworker based in the South West Strategic Migration Partnership, who is working on EUSS cases and settlement applications for resettled refugees. Apart from Bristol Refugee Rights, the organisations have one Level 3 caseworker apiece. At the time of the fieldwork, Bristol Refugee Rights had seven caseworkers registered at Level 2 or above, including volunteers, but said that only one person was in fact doing Level 2 work, while others were currently doing Level 1 work.

There are three OISC Level 2 organisations registered in the South West: the University of Plymouth Law Clinic, Settled and Refugee Support Devon. Although Settled is based in Bristol, it is in fact a nationwide organisation operating mainly remotely, doing EUSS work. The university clinic is largely limited to university term times, though its supervisor is committed to access to advice in the region and takes on additional casework when possible. Refugee Support Devon, in Exeter, moved up to Level 2 with the support of external supervision from Refugee Action. This is a resource intensive relationship for both parties but it is creating extra Level 2 capacity in a severe advice desert. The South West region has 42 offices registered at OISC Level 1. All but 15 are CAB offices, while three are Red Cross offices.

The overwhelming majority of organisations in the South West which responded to the survey or were interviewed said their services were available via a drop-in – sometimes exclusively or almost exclusively so, outside of Covid restrictions. This can be an effective way of making services available but does exclude people who cannot access drop-ins, typically because of caring responsibilities or disability which prevent them joining a queue early enough to be seen. There is not enough evidence to confirm that this is clearly more the case in the South West than in other regions but it would be useful to explore further whether (bearing in mind the overall shortage of advice) advice could be made more available in a greater variety of settings.

Even EUSS support was scarce outside Bristol, with only Poole CAB, in Dorset, and Diversity Voice, in Somerset, awarded funding for this work, aside from the single caseworker in the International Organisation for Migration, who was based with South West Councils to support local authorities and others working with anyone classed as vulnerable.



## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

As of 31 March 2021, there were **959 people receiving s95 asylum support** in the South West region, broken down as follows:

**Table 30:** Local breakdown of s95 support figures in the South West, March 2021.

AREA	DISPERSED POPULATION	BREAKDOWN
Bristol	258	
Cornwall	5	
Devon	272	Plymouth 267
Dorset	9	
Gloucestershire	190	Gloucester 94 South Gloucestershire 74 Cheltenham 20
Somerset	8	
Wiltshire	217	Swindon 211

These figures showed little change from the previous ones in December 2020, and the subsequent releases for June and September 2021 do not indicate any significant change in overall numbers at the time of writing. Small amounts of dispersed accommodation are in use in two additional areas – Mendip and Bournemouth, but a number of new areas have been earmarked for widening dispersal.

There were **194 unaccompanied children** in the care of authorities throughout the region. This was a fall from 250 in the previous year, but numbers remain significant in Bristol, and the newly combined authority of Bournemouth, Christchurch and Poole which, together with the county authority of Dorset, looks after 37 children. The combined totals of 30 for Plymouth and Devon, 31 for Swindon and Wiltshire, and 26 for Gloucester and South Gloucestershire also highlight the need from unaccompanied children in areas with little or no provision.

**Table 31: Unaccompanied children in the South West, by local authority, 2019-21. Source: Local Government Association.**

	2019	2020/21
<b>SOUTH WEST</b>	<b>236</b>	<b>194</b>
Bath and North East Somerset	7	6
North Somerset	12	12
Somerset	11	6
Bristol, City of	46	46
Cornwall	0	0
Devon	24	15
Plymouth	13	15
Torbay	0	0
Dorset	9	11
Bournemouth, Christchurch and Poole	40	26
Gloucestershire	24	19
South Gloucestershire	8	7
Swindon	16	13
Wiltshire	26	18
Isles of Scilly	0	0

The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

Additionally there were approximately **353 people granted asylum**, humanitarian protection or other leave in 2016 in the South West, who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **1,175 people have been resettled under the SVPRS** in the South West. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications. For a number of authorities, the resettlement scheme has been their first experience of accommodating and providing services to refugees. The first families arrived in December 2015, so the rolling series of settlement applications began in late 2020. Most local authorities in the South West have commissioned an organisation to undertake all of these applications for families within their area.

The South West has well-established dispersal areas in Bristol, Swindon, Gloucester and Plymouth, but Widening Dispersal plans include many new areas of the South West. An interviewee from the Strategic Migration Partnership noted that 'All local authorities have said yes... so there's no resistance at chief executive and member levels, but finding affordable accommodation in areas like ours is challenge beyond challenge.' The accommodation provider for the South West is Clearspring, which said it was maximising the bed spaces it had already procured and was expecting to expand into Cornwall, Bournemouth, Taunton, and other parts of Somerset and Wiltshire, despite the lack of support infrastructure in those places. As of June 2021, there were 6000 people in contingency hotels in London, of whom 1000 were to remain in London and the other 5000 were to be accommodated throughout Clearspring's contract area, including the South West.

### Prisons

There were **389 foreign nationals in 11 prisons** in the North West on 31 December 2020, broken down as follows:

**Table 32:** Foreign nationals in prison in the South West, 31/12/2020. Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
Bristol	<b>79</b> in two prison
Devon	<b>111</b> in three prison
Dorset	<b>142</b> in three prisons
Gloucestershire	<b>37</b> in two prisons
Wiltshire	<b>20</b> in one prisons

Dorset has the highest population of non-UK nationals in prison within the region, followed by Devon. While these numbers are not large compared with other regions, in reality all of the need is likely to be unmet. The sole provider in Devon has no capacity for prison work, while provision in Bristol is very limited and there is no provision at all in the other counties whose prisons are holding foreign nationals.

### Other immigration matters

The South West is home to 6% of the UK's foreign-born population, giving a rough estimate of around:

**26,806 UNDOCUMENTED PEOPLE INCLUDING 10,455 CHILDREN**

**139 DOMESTIC VIOLENCE ILR APPLICATIONS**

In the South West, **421 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 124 adults, 284 children and 13 persons of unknown age. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs.

As of 30 June 2021, there had been 292,520 concluded EUSS applications from the South West. That left **116,560 people with pre-settled status and 9,370 with 'other outcomes'**. The largest numbers of people with 'other outcomes' were in Bristol (2,140) followed by Bournemouth, Christchurch and Poole (1,330) and Swindon (1,100). However, there were also 770 people in Cornwall with 'other outcomes', in addition to 1,470 across all local authority areas in Devon, and 1,810 across all local authority areas in Gloucestershire. These include 'a massive migrant worker population around the rural areas, with agriculture and flower growing', similar to the pattern in the East of England. Some EUSS support continues to be available since September 2021 in the South West through International Organisation for Migration and through the Citizens Advice structures.

## Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 1,712**

**PRIMARY LEGAL AID PROVISION: 547**

**PRIMARY LEGAL AID DEFICIT OF -1,165**

## Sub-regional breakdown

### Cornwall

Cornwall has no legal aid providers, and no OISC Level 3 or 2 organisations. There are nine Citizens' Advice offices within the county of Cornwall, whose advisers are exempt at Level 1. Demand is likely to be relatively low, with five people receiving s95 support and no unaccompanied children looked after by the local authority but, as with other areas, there will be pressure to increase dispersal of adults and families seeking asylum and transfer of unaccompanied children. There are resettled refugees living in Cornwall, and the local authority has commissioned Migrant Legal Project, in Plymouth, Bristol and South Wales, to undertake their settlement applications as they complete their initial five-year visa periods. As of 30 June 2021, there were 770 people with 'other outcomes' from an EUSS application. Those in need of immigration advice in Cornwall are extremely isolated, given the geographical remoteness, poor transport links and extreme shortage in the entire region.

### Devon

Devon has a single legal aid caseworker, in Plymouth, who reported 59 matter starts in the 2019-20 contract year and 30 in 2020-21. Exeter University Law Clinic is the only OISC Level 3 organisation in Devon. Plymouth University Law Clinic and Plymouth Red Cross operate at Level 2 in partnership, working on refugee family reunion cases. Refugee Support Devon, in Exeter, has moved up to Level 2 during the fieldwork period, under remote supervision via Refugee Action's Frontline Immigration Advice Project. Devon and Cornwall Refugee Service (DCRS) and Plymouth Hope both work at Level 1, alongside seven Citizens' Advice offices which are exempt at Level 1.

This compares with 272 people in s95 accommodation at the end of March 2021, and usual numbers of around 350 people in total per year. There were 30 unaccompanied children in local authorities' care in 2020-21 – 15 each for Plymouth and Devon. There has been a persistent severe shortage of advice in the sub-Bristol South West since 2010 when Devon Law Centre closed due to the loss of its housing legal aid contract and the last private firm, Fursdon Knapper, withdrew from legal aid.

By late 2019, DCRS had so far registered 141 initial claims in Plymouth over the course of the year, of whom 87 arrived with no legal representative at all. Their system is to enter 'everyone on a spreadsheet,' which is sent to the Plymouth legal aid provider to see whether they can take any new cases on. That provider had taken on 50, between its Plymouth office and other offices. The other 37 had been referred to providers elsewhere in the South West and South Wales before 'referring as much as we can to Turpin and Miller in Oxford'. All of this 'demands a lot of back office work, gathering information and so on, and we are very short staffed.' There is no record of what happened to those who did not register with DCRS.

There is a particular difficulty in assessing unmet need where there are no advice organisations. One organisation explained that if a client comes to them with a query which is beyond their remit, they do not record it as an immigration and asylum enquiry. That means they have no record of people they are unable to help. There are, however, clear gaps around ECF and domestic abuse. A project which obtained ECF for people who needed it found that it was routinely unable to refer successful applicants to a legal aid provider. One of the support organisations explained it is also very difficult to access advice for people needing advice around trafficking, if they have not (yet) claimed asylum and do not know whether or not they should do so.

A domestic abuse support worker for migrant women said that for a three-month period in 2019 she had been unable to refer any of her clients. She then found a single caseworker, based in Wales, who would take the cases on. However, because there is no legal aid for the initial concession application (to allow access to public funds) without an ECF application, which is time consuming, the caseworker would normally charge for the concession application and then use legal aid for the application for indefinite leave to remain. This is another example of the entire infrastructure in an advice desert area resting on a single individual.

Exeter was a dispersal area for a time in the early 2000s, until around 2005, which changed the kinds of client needs that support organisations dealt with. Similarly, the LASPO Act significantly changed the kinds of issues clients could get help with on legal aid, and it was this that caused Refugee Support Devon to pursue accreditation. But the history of dispersal means that their clients typically have 'a range of complex issues, for instance, destitution, poor health, not getting the support required... [and] have been under the radar for many years' either because of fear of approaching agencies or because agencies refuse support, since they lack immigration status. This means that, 'A big percentage of our work is on people that are undocumented, don't know what to do but their human rights are at the centre of their case.' In other words, because of the history of the town, the migrant population have complex advice needs far beyond the scope of a Level 1 or 2 organisation but there is no supervision or capacity within the local area to enable caseworkers to reach higher levels.

Attempts to alleviate the shortage have included outreach from London, Bristol and South Wales. There have been discussions over several years about how to increase advice capacity in Devon and how to regrow the profession. There is a strong network of organisations in Plymouth and Devon and a commitment to trying to increase provision, including within the local authority, and an awareness in the Legal Aid Agency that there is a real shortage of legal aid provision, but it has so far proven difficult to change the situation.

The existing provider hopes to have a supervising caseworker in its Plymouth office within the next few months and, although this inevitably reduces its capacity elsewhere in the short term, to be able to increase its capacity in Devon by training new caseworkers there. The clinic at Plymouth University is also seeking to train students as Level 1 caseworkers. Refugee Support Devon, as above, received remote supervisory support from Refugee Action to accredit at Level 2. The Citizens Advice Bureau in Plymouth has a Justice First Fellowship and had hoped to include immigration in the training, but was unable to find appropriate supervisory support.



Despite all of these efforts, there is no realistic prospect of narrowing the gap between legal aid provision and even the most urgent of need, from unaccompanied children and dispersed asylum applicants, without some intervention to facilitate more legal aid provision. The last private firm which withdrew said it would not consider returning to legal aid work, because the Legal Aid Agency's lack of trust in providers made it impossible for them to do the job, and because the low fees made it uneconomical, particularly the removal of travel and waiting time, which particularly impacted on providers working further from hearing centres:

*They made it non-competitive to go to hearings, by not paying for travel. I live in Plymouth, so I'd have to leave my children early to drive to Newport. I may be there all day, because even if you're top of the list, you could be waiting all day, and they say 'do some other work while you're waiting', but there's nowhere to put anything down. You can't really do other work there.*

They described this as in stark contrast to the position when they started doing immigration legal aid work in the 1990s and felt the Legal Aid Board, as it then was, 'was run by people who were interested in looking after and providing legal services.' Although they had to apply to do legal aid work and set up office systems to comply with the funder's system, it was possible to 'pick up the phone and speak to people' in the Legal Aid Board and there was a system called 'Call Counsel' which enabled them to access second-tier specialist advice from barristers.

Other private immigration firms in the area are similarly unwilling to return to legal aid work because of the auditing regime and financial recoupments, more than the low fees per se. Multi-office firms in neighbouring areas like Bristol and South Wales did not feel they could financially afford to start a new office or any significant outreach service because of the costs of doing so, and the distance to Plymouth or Exeter. Legal aid providers in other areas of law did not feel they could expand into immigration because their margins were already so tight with their existing legal aid categories, because of the lack of trained staff available to recruit, and because of the long lead-in times to receive any payment for immigration work.

Citizens Advice in Plymouth also considered it unlikely that they would bid for a legal aid contract on the current terms, partly because they would need 'significant funds in place to cover the losses' but the more important barrier is 'the auditing, because we already have significant auditing obligations, from Citizens Advice nationally and other funding, and our understanding is that the LAA are extremely demanding in their auditing of files'. Despite relatively high staff capacity, 'we don't have capacity to self-review 1000 files or whatever.' A support organisation explained that they would not move into legal aid work because their expertise is specifically in providing wraparound support which left caseworkers already 'stretched to the limit... so we can't mess about trying to do something else.'

Despite clear need and significant goodwill, therefore, it is difficult to see any prospect of increasing provision in Devon to meet even the asylum need without intervention from the Lord Chancellor to make alternative provisions for the area. A contract for remote provision does not address the difficulties, both because of the nature of client needs and because of the burden placed on facilitating organisations. Those in Devon have experience of facilitating remote advice well before the pandemic, and argue that a part-time or outreach presence, though not ideal, is still much better than a fully remote service.

## Somerset

Although the access point is named City of Bristol, Gloucester and North Somerset, in reality all of the providers are in Bristol. The rest of Somerset is not in an access point at all. Somerset has no providers at legal aid or OISC Level 3 or 2. It has six Citizens Advice offices listed at Level 1, one of which, in Taunton, is particularly engaged with immigration advice and related issues. There is a charity called Diversity Voice in the town of Bridgwater which offers EUSS advice and 'home language signposting' alongside other services such as English language lessons, including English clubs in workplaces like Hinkley Point nuclear power station. Julian House, a homeless charity in Bath, is also planning to achieve accreditation, but currently supports resettled refugees and has to signpost all other matters elsewhere.

The county only has eight people receiving s95 support, but also has 24 unaccompanied children in the care of local authorities. This is a decline from 35 children in the previous year. However, a Level 1 advice organisation explained that there was 'a large number of Syrian refugees' who would need support with settlement applications as their five-year refugee visas expired, which required a Level 2 accreditation. For any Level 2 issues, which was about 20-25% of those seeking help, they said, 'We have had to turn people away [and] the nearest free provider is 45-60 minutes away and it's often oversubscribed so unable to assist.' Another organisation, which was not accredited for immigration advice, explained that there were few suitable agencies in Somerset.

*Even the ones that exist are not geared up to work with anyone with a language or cultural barrier. We have to do endless advocacy and relationship building and middle-manning before a client can be referred on, and even then, it's likely to be a four-hour journey all round for them, which we have to help them find funding for.*



## Dorset

Dorset is not in an access point for legal aid. The closest providers would be in Bristol or Hampshire which, as explained above, have a limited supply. There were only nine people receiving s95 support within the county as of 31 March 2021 but there were 37 unaccompanied children in the care of Dorset's local authorities in 2020–21, of whom 26 were in the care of the newly combined authority of Bournemouth, Christchurch and Poole, and 11 were in the care of the County Council. I have been unable to ascertain where these children are referred for legal advice. Dorset also had 142 non-UK nationals in three prisons within the county, as of December 2020, some of whom are likely to need immigration or asylum advice. There were 1,330 people in Bournemouth, Christchurch and Poole with 'other outcomes' from an EUSS application, as of 30 June 2021, who are likely to need advice and casework to regularise their immigration status.

Dorset has no OISC Level 3 or 2 organisations registered as non-fee charging. At Level 1, it has eight Citizens Advice Offices and an office of the British Red Cross. International Care Network in Bournemouth appears on the register as a for-profit organisation at Level 3 but, at the time of the fieldwork, it was operating at Level 1 after its Level 3 caseworker left. International Care Network offers advice and support for refugees and asylum seekers and currently relies on referral to Leonards Solicitors in Southampton and to a direct access barrister who offers low cost services. There is an ongoing project to set up a Law Centre in Dorset.



## Wiltshire

The only provider with a legal contract is Wiltshire Law Centre, in Swindon, which has been unable to do any legal aid work since obtaining its contract in September 2018 because it cannot recruit a self-supervising caseworker to do the work. The provider believes that the combination of isolation from peers, the need to relocate, and the rate of pay they can offer – ‘the hourly rate for legal aid cases works out at [a salary of] £28-30K per year’ – makes it an unappealing job for anyone qualified to do it.

As of March 2021, there were 217 people receiving s95 support in the county, all but six of them in Swindon, and 31 unaccompanied children, a significant reduction from 64 the previous year. Of these 13 were in the care of Swindon itself and the other 18 were in the care of the County Council. It is likely that they rely on provision in Oxfordshire, Bristol and London, though none of these appears to have excess capacity compared with demand within their access points.

Beyond legal aid, Wiltshire has one OISC Level 3 organisation, Citizens Advice Swindon. It has no Level two organisations. At Level 1, the register lists Wiltshire Citizens Advice, which appears to have nine branches throughout the county, and the Harbour Project, a refugee and asylum seeker charity offering Level 1 Asylum and Protection advice as part of its drop-in advice, befriending and integration work.

The Harbour Project had received 234 new users in 2019-20, into an overall cohort of 548 users. This was a 15% increase in new users on the previous year, according to its website. Interviewees believed there were both more families and more single people being accommodated in Swindon, with new properties being used in more remote parts of the town, from where it was more difficult to reach services like the Harbour Project. The Project receives much of its funding from the local authority and National Lottery, both of which would either finish or need renewing in 2021-22 and which would leave ‘a huge hole in our funding’ if not renewed. They can only help asylum seekers and refugees, so they have to refer people with all other immigration advice needs to the Citizens Advice office, which has one part-time Level 3 adviser. As of June 2019, 17% of Swindon’s population was foreign-born, including almost 16,000 South Asian people (Annual Population Survey). Interviewees said this particularly included a lot of people from Goa. The local authority tables for EUSS applications show that Swindon had 1,100 people with ‘other outcomes’.

This shows a range and volume of need which far outweighs provision, given that the single part-time worker at Swindon CAB is in effect the only person qualified to do immigration or asylum casework in the entire county. Support organisations in Swindon therefore depend on legal aid provision in Bristol, as a preference, and South Wales, but travel costs are higher for South Wales. The caseworkers listed a number of providers which are small and rarely able to take on cases. More recently, they also refer to Turpin and Miller in Oxford, which appears to be easier under the 2018 contract than was previously the case. They explained that generally, outside the scope of legal aid, organisations’ funding tended to be limited to the local area, excluding those from other counties, meaning those living in Wiltshire are excluded from other provision in neighbouring areas.



## Bristol

Bristol has nine legal aid providers, though one did not report any matter starts until the second year of the contracts (2018-19), and another has withdrawn in early 2022. These are for the access point which includes North Somerset and Gloucester, which have no providers, so demand for the Bristol provision comes from the entire access point. The Bristol providers reported 435 matter starts between them in the contract year to August 2021 (491 and 505 in the two previous years). Some of these provider offices are effectively part-time outposts of a firm in South Wales, without a full-time caseworker in Bristol, and all of them are small. The average number of matter starts opened in the Bristol access point is one of the lowest for any access point in the country. South West Law, for example, were described by several respondents as excellent but very small and rarely able to take a referral. As a Bristol-based legal aid lawyer put it, 'You might think there's loads of capacity in Bristol but half of it is phantom and most of the others, you wouldn't want to send your relatives to.'

There were 247 people receiving s95 support in Bristol in December 2020, with around 350 per year in 'normal' times. There are 37 unaccompanied children in the care of Bristol City Council. It becomes clear from the other sections of this sub-regional breakdown that the provision in Bristol is under significant inward demand pressure from the surrounding desert areas.

At OISC Level 3, there are two offices, Bristol Refugee Rights and Bristol Citizens Advice. Bristol Refugee Rights does not in fact offer Level 3 casework at the time of writing, focusing on legal literacy and a young person's project. It reports that only one out of 13 advisors (7 accredited at L2) is actually working at L2 on a regular basis. Bristol CAB offers immigration advice at this level only to young people aged 16-25, as part of a partnership with the Law Centre and a youth advice centre.

At OISC Level 2, the only registered organisation is Settled, which operates nationally with EU citizens and has no physical presence in Bristol. There are seven offices registered at OISC Level 1, one of which is a Citizens Advice office. There is an office of the Red Cross, and the Law Centre is also listed at Level 1, though it does legal aid work as well. Two are generalist advice centres, one of which only covers the EUSS; the other covers EUSS and Level 1 Immigration advice, including casework where permitted. Another is a social enterprise specialising in refugee integration support, with a particular focus on helping people into work. Finally, the Brigstowe Project supports people living with HIV and AIDS, and has a migrant and asylum project to provide additional support for those going through immigration processes.



One organisation identified the main shortages in Bristol as provision for fresh claims and ECF applications, similar to other areas which appear to have adequate provision. Their own capacity to apply for ECF is limited, as much as legal aid providers' ability to take the successful cases on, because crisis matters like destitution, homelessness and unsafe accommodation take priority. ECF applications are overwhelmingly for single women with children, so the organisation considered this to be a gender-based unmet need. Fresh claim clients would typically be advised that they need 'fresh evidence' but have,

*...no concept at all of why they were refused, what 'evidence' means and how on earth they might get it... [There's a] very high proportion of traumatised, sometimes illiterate, young men in this group, who have no chance without quite intensive support. There's no capacity in the city to provide the support needed to progress these claims.*

Another organisation confirmed this: as in other dispersal (or former dispersal) areas, there are high numbers of people who are destitute and have no recourse to public funds, at least partly because of the lack of access to legal advice. A solicitor who had moved from London to Bristol noted that the advice needs in Bristol were just as complex as those in London as a result.

One of the consequences of this is that local authorities are supporting people with no recourse to public funds who might in fact be entitled to benefits. Two local authorities in the South West which use the NRPF Connect database were between them supporting 62 families at a cost of £980,000 per year, plus £314,000 per year for adults with care and support needs.<sup>57</sup> On average, people were given recourse to public funds after two years' support, which highlights how potentially cost effective it would be for local authorities to commission and fund immigration legal advice.

Detailed knowledge of one another's projects and priorities enables organisations in Bristol to focus capacity very specifically, but appears to mean that a lot of organisations walk an ever more difficult line between wanting to provide a holistic service and wanting to provide for as many people as possible. Bristol Refugee Rights will do ECF applications but avoids Change of Conditions applications because the Red Cross offers them. They try to support people to access solicitors, liaising over what evidence they would need to obtain in order for the solicitor to look at the case but, for capacity reasons, 'try to avoid getting too involved' in casework.

Nevertheless, priorities are largely determined by funding. The Law Centre works with children via Children in Need funding and vulnerable refugees through City Council funding. A partnership with Bristol Refugee Rights aims to develop a referral and support process whereby the Law Centre does the legal work and Bristol Refugee Rights provides the client support, which might ease some of the difficulty around fresh claims. They are also discussing work with Bristol City Council to advise people who have no recourse to public funds.

These valuable partnerships follow what was described as a 'collapse' in the Law Centre's immigration team a few years earlier, which has been slowly rebuilt. One team member suggested that 'as you get a more experienced and larger team, it gets easier to recruit because people are more keen to work in that interesting team', whereas it is 'dispiriting and difficult' to work as a sole practitioner in a remote place. With targeted funding and support, Bristol and South Wales have the potential to become training hubs to regrow the profession in Wales and the South West, but the persistent advice shortages in both regions will take time, sustained effort and consistent funding to address.

57. Henry St Clair Miller, NRPF Network, reporting to the South West Strategic Migration Partnership's online meeting in June 2021.

### Gloucestershire

Although formally covered by the access point of Bristol, Gloucestershire and North Somerset, there are no legal aid providers in Gloucestershire. Gloucestershire had 190 people in receipt of s95 support as of March 2021, and 26 unaccompanied children, only seven of whom are in the care of the South Gloucestershire authority which is closest to the provider base in Bristol. Although there are no published statistics, local support organisations informed me that there are 'numerous new Initial Accommodation hotels' with space for 3-400 people, in South Gloucestershire, where there are no specialist services at all.

Those who cannot access providers in Bristol may be drawing on capacity in South Wales, Oxfordshire or Birmingham. There are no OISC Level 3 or 2 organisations. Gloucester Law Centre was registered as a not-for-profit at Level 3 at the start of the research, but it has since been removed and its website states that it no longer offers immigration advice. At Level 1, there are five offices on the register, including three Citizens Advice offices. Gloucester City Homes' Tenancy Sustainment Team is registered to give EUSS advice only. Gloucestershire Action for Refugees and Asylum Seekers (GARAS) offers EUSS and LI Asylum and Protection advice via its drop-in and a liaison service with other agencies and services.

With a history of dispersal, Gloucester is likely to have a population of both recognised refugees, who may need further legal advice for family reunion and settlement, and refused asylum seekers with no recourse to public funds. It is not clear how many people in either category remain in the area and how many move to the bigger cities like Bristol and Birmingham. The foreign national prison population is not large, standing at 37 on 31 December 2021, but this will likely be an additional unmet need. The local authorities across Gloucestershire had a total of 1,810 people with 'other outcomes' from EUSS applications, who may now have no immigration status or need advice to make new applications.



## Referral routes, networks and partnerships

The shortage of advice is of significant concern to the Strategic Migration Partnership in the South West, which has been active in trying to improve the situation. They are acutely aware of the difficulties for the voluntary sector in terms of both provision and training, as well as the resource challenge for voluntary sector organisations who are 'spending an inordinate amount of time ringing around' to find legal aid lawyers with capacity, or to provide rooms and technical support for their users to access legal aid lawyers.

Local authority funding appears to be particularly important in the South West, although I do not have enough evidence to make a robust comparison with other regions. A wide range of organisations including Bristol Refugee Rights, Refugee Support Devon, Taunton Citizens Advice, Julian House homeless charity in Bath, International Organisation for Migration and a Law Centre in the region all rely to some extent on local authority funding, which may be because the shortages of advice have compelled local authorities to fund some provision. This seems to be particularly the case for resettled refugees, with Wiltshire commissioning Swindon Citizen's Advice, Cornwall commissioning Plymouth University, Bristol commissioning its Law Centre, and others combining to commission the International Organisation for Migration to work on the settlement applications at the end of resettled families' initial five years of refugee leave. Nevertheless, all organisations in the region rely mainly on either grant funding or legal aid and private fee income.

The SMP operated the Migration Forum on a regional basis from the early 2000s, and the focus is described as having changed over time to reflect different priorities, from migrant workers and EU accession nationals to gangmasters and exploitation, with 'a massive migrant worker population around the rural areas, with agriculture and flower growing.' There are currently separate groups for asylum, resettlement and unaccompanied children, with the resettlement group being 'the most cohesive' but the asylum group being the more unsupported and vulnerable, outside the remit of local authority support and social work teams. Given the large distance involved, email and web-based discussion is an important way of spreading information, with most areas having 'some sort of partnership... which will reach all the local groups.'

In Swindon, where there is very limited provision, the Harbour Project and Citizens' Advice form the core of a network which includes Swindon Borough Council, housing associations, the DWP, The Red Cross, Migrant Help and Lift Psychology, as well as having set up an outreach service in their centre with Fountain Solicitors, one of the Bristol and South Wales providers. They still need to make referrals to other firms, however, and had formed the impression that certain firms were more likely to take certain nationalities. Turpin and Miller in Oxford are an important part of their referral network, said to 'have had success with Kurdish people', whose cases are often complex, and to have an arrangement with the local authority to take on unaccompanied children.

The lack of local advice does however mean 'there is sometimes quite a bit of legwork when we have to get the visitor in and scan all their documents, court papers, and send them to the solicitor'. This applies both to fresh submissions and to people who have been refused asylum and the solicitor has refused legal aid for an appeal. In the latter case, 'quite often we're lucky' in persuading another representative of the merits and even for fresh claims, 'Pre-pandemic I was able to get a solicitor once I started sending out documents, and I would usually get someone in a month to two months.' The interviewee felt this had got worse since the pandemic and that 'no solicitor in the pandemic wants to take something that's already post decision.' This seems to vary by area, as some firms are said to have been more willing to take on fresh claims as a result of the slowdown in new asylum work.

Harbour Project also describe 'a good relationship with the Liberty Project, who work on trafficking', to whom they can go for enquiries and referrals, which go via the Salvation Army into the NRM. They had become more aware of trafficking indicators as a result of this relationship, so it had some capacity-building effect. Nationally they also refer to Asylum Support Appeals Project for appeals when support has been refused.

In Bristol, the Bristol Refugee and Asylum Seeker Partnership (BRASP) is a partnership of 16 refugee organisations, whose aims include developing a single point of access model. This builds on existing successful partnerships like that between Bristol Law Centre and Bristol Refugee Rights. Nevertheless, the lack of legal aid providers causes difficulties for all of those in the Bristol area, including other legal aid providers, and they also have to rely largely on barristers from London to attend Tribunal hearings in Newport, though legal aid will not generally pay for the travel costs.

In Plymouth, the Refugee and Asylum Seeker Network (RAS) brings together all of the migrant support and advice organisations in Plymouth. A similar network in Exeter meets regularly and is actively making efforts to increase the capacity of legal advice through training and to mitigate the shortage with relationship building, referrals and signposting. While they have succeeded in demonstrating the depth and persistence of the desert in Devon and Cornwall, solutions have proven difficult to find, over more than a decade. This network also provides a degree of support to the lone migrant women's worker in Plymouth Domestic Abuse Service, who struggles with the difficulty of being unable to advise her clients on their immigration position but, at the same time, having no other suitable advice agencies to refer or signpost them to. Informally, the support worker continues to email the former senior caseworker from the legal aid provider for advice because there is nothing else available.

At a regional level, for unaccompanied children, a worker at the Refugee Council was described as 'now the go-to for anyone with referrals' as she maintains 'a bird's eye view of the region and where there are pockets of capacity'. This is described as an unusual role for the Refugee Council to take on, but it eases the difficulties caused by social workers, whose priority is (understandably) to find a representative, 'sometimes going further afield to where they know there's capacity, but not taking into account distance and not particularly taking into account quality'.

It is certainly likely that closer networks between the different sub-regions of the South West could bring advantages in terms of training, shared supervision, information exchange and effective referral routes, but this generates a chicken-and-egg problem in that capacity is so constrained, it cannot currently be spared for network building. This already exists for the wider advice sector in the South West, in the form of ACFA: The Advice Network, which includes some of the immigration advice organisations among a range of advice organisations but this is more generalist and is heavily Bristol-centred, with no members south or east of Somerset. The networks which exist are extremely committed and supportive, but external support is urgently needed to regrow the sector – yet the physical distances involved make this difficult.



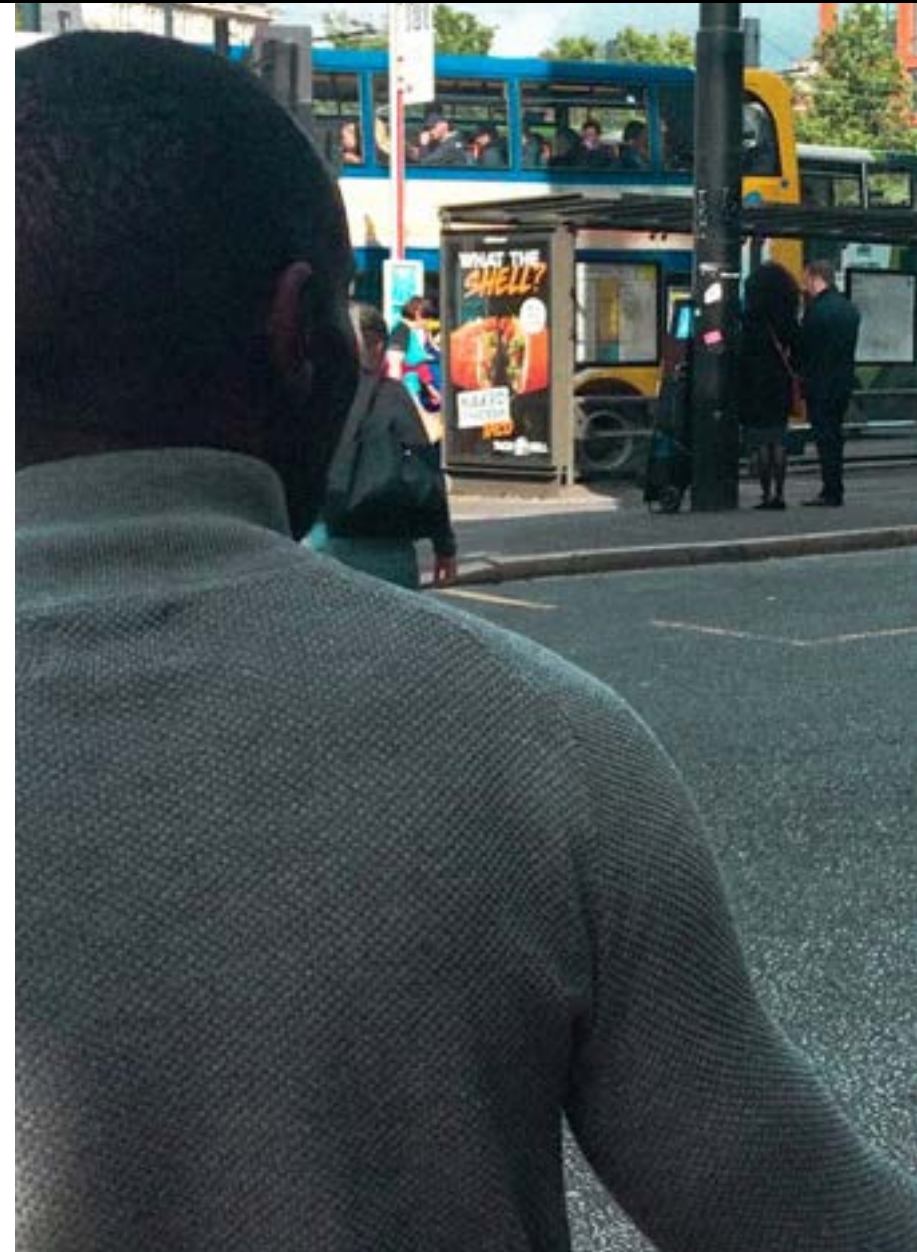
## Recruitment, retention and training

Recruitment has been an intractable problem throughout the region for several years. As explained above, Swindon Law Centre has been unable to do any work on its immigration legal aid contract because it cannot recruit a self-supervising practitioner to the role. Migrant Legal Project has been unable to replace its supervising caseworker in Plymouth. A private firm in Bristol faced seriously constrained capacity when its caseworker went on maternity leave. Interviewees explained that the firm was only able to recruit when it advertised for a permanent post rather than maternity cover, and the recruit moved from London. Another solicitor at a well-regarded not-for-profit in Bristol was said to have delayed having surgery because there was nobody to cover sick leave.

The same problems apply for non-legal aid organisations at OISC Levels 2 and 3. One described having advertised twice and received no applications from people with appropriate qualifications. At Level 1, this is easier, with several organisations having benefited from the Frontline Immigration Advice Project training. Access to training seems to have 'become a lot easier with training largely being conducted online'.

Supervision remains the biggest problem. Although Justice First Fellowships have been made available, the lack of supervisors, especially outside Bristol, have so far proved an insurmountable obstacle to training in immigration, as opposed to other aspects of social welfare law. As one organisation put it, despite having funding for a Justice First Fellow, immigration is 'top of the list in terms of the gap and also the most difficult in terms of what can be done'. For housing, employment and family law, other local organisations could provide supervision, but for immigration, 'there is no expertise left in the area.'

The lack of supervision means there is no training route, so graduates from Plymouth or Exeter Universities rarely stay in the area and, as with Wales, rarely return there having trained elsewhere. Both Universities' Law Clinics do immigration work and are committed to contributing to training of new caseworkers, but this nevertheless proves extremely difficult when there is no pathway of organisations in which newly qualified caseworkers can train.





## Infrastructural issues

Infrastructure around immigration and asylum applications is a problem in the South West. The Strategic Migration Partnership pointed out that it is difficult for applicants anywhere in the country to book appointments to register biometric data for residence permits, but for people accommodated in the South West, the closest centres are in Croydon, Cardiff and Solihull. As an interviewee put it, 'If the family is living in Truro [in Cornwall], that's a big problem.' The same applies to other interviews and appointments, and the interviewee said, 'I dream of an office in the South West where advice, Biometric Residence Permits and interviews could all be done at once or in one place.'

This also caused problems with reporting to the Home Office. An organisation in Swindon explained that 'The arrangement is that they use a police station and Immigration are there twice a month. Our guys are either there once a month or twice a year.' When people forget their next reporting date, instead of being able to receive a reminder, they are told to attend the police station to get the date. It appeared that these part-time reporting centres added extra layers of bureaucracy for those trying to obtain information.

Exacerbating all of this is a geographically large area with poor transport infrastructure. For the Strategic Migration Partnership, Somerset was the most central part of the region to host meetings, 'but even then it's two-and-a-half hours from Bournemouth to Taunton and three-and-a-half hours' drive from Truro.' While Gloucester has 'better roads and trains', Dorset has 'no motorway at all.' An interviewee drew parallels with the East of England region in that both have some big cities but these are spread out in a largely rural area and, 'we're both at the edges of the country with poor connectivity.' Plymouth has one train per hour to London, described as 'expensive', while Plymouth Airport has closed, Exeter Airport has lost its main airline, Flybe, and the nearest remaining airports are in Newquay or Bristol. These infrastructural issues play a role in causing the advice desert, but also worsen its effects.

The severe shortage of legal aid provision in the South West applies to most areas of social welfare law. For housing, there are no face-to-face providers in Cornwall after the sole provider withdrew, with only a remote replacement (based in Birmingham). There are two in Devon (one each in Plymouth and Exeter), one apiece in Swindon, Bath and Gloucester, three in Bristol and three in Dorset. For welfare benefits and education, there is a single provider in Bristol and none in the rest of the region. Only in community care law is the region comparatively well-off, with three provider offices in Cornwall, one in Plymouth, six in Bristol, and one in South Gloucestershire, though this still leaves most of Devon and all of Somerset, Wiltshire and Dorset with no provision.

The shortage of services in some parts of the region goes beyond legal aid, as local health commissioners faced difficulties recruiting enough GPs for Plymouth. One of the commissioners believed this was partly because of the distance to Plymouth, whereas Bristol and Exeter are less remote and have less difficulty recruiting, but partly because, 'The deprivation levels in Plymouth make it hard work for GPs – some find it exciting, having a range of needs and issues that don't arise elsewhere, but others are worried they will be worked to death.' This had forced the commissioners to put more effort into not only 'marketing' but also 'wraparound services' and 'health and social care commissioning that we undertake to ensure that patients are supported, to take pressure off primary care.' Commissioners also had a power to 'add extra services to a GP's contract that are paid for, that make the contract more lucrative.'

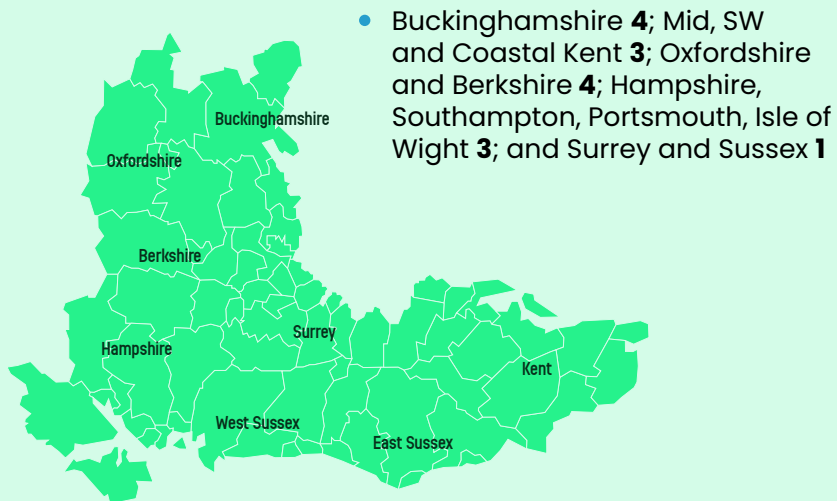
This indicates there is a need to consider what could be done to make social welfare legal aid contracts more attractive in the South West, including those for immigration and asylum work. Plymouth City Council is keen to continue hosting asylum dispersal but conscious of the difficulties around access to legal advice. Despite collaborative efforts between the local authority, legal aid practitioners and the third sector, there does not appear to be a viable solution without the Lord Chancellor exercising the power to make different arrangements in some areas.

## THE SOUTH EAST | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 15 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



**1,425**

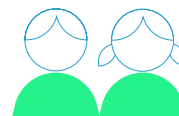
Legal aid matter starts opened in 2020-21



**903**

People receiving s95 asylum support

This rose significantly by September 2021 as a result of changes to asylum accommodation policies and delays in the asylum system

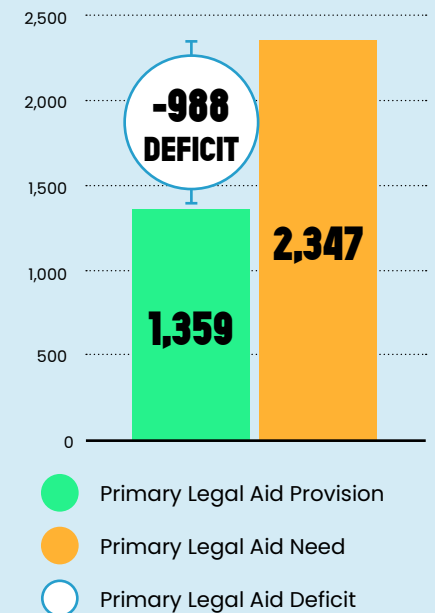


**810-928**

Unaccompanied children seeking asylum

With considerable instability in the numbers in Kent, and very high numbers of care leavers resident in the region

#### PRIMARY LEGAL AID DEFICIT





## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**331,303**



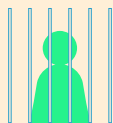
**141**

People who  
need help with  
**protection  
settlement  
applications**



**1,465**

People resettled  
under the **SVPRS**



**2,236**

Foreign nationals  
in **21 prisons**



**62,548**

INCLUDING  
**24,393 CHILDREN**

Undocumented  
people



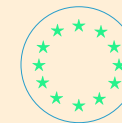
**325**

**Domestic  
violence**  
ILR applications



**598**

People referred  
into the **NRM**



**263,990**

**2,820**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

This section covers the South East of England excluding London, which is addressed in a separate report.<sup>58</sup> The region includes the main cross-channel port of Dover and Channel Tunnel terminal at Folkestone, as well as Newhaven port, and its coastline is the closest point for small boat crossings from France. Together with London Gatwick Airport, in West Sussex,

these make it the most significant region for irregular arrivals. It has the highest number of unaccompanied children and the highest number of undocumented people outside London. It also contains the only two prisons which hold a wholly foreign national population at the time of writing, and therefore has the highest foreign national prisoner population in the UK.

## Provision overview

### Legal aid provision

**Table 33:** Legal aid provision by access point, 2018-21, South East procurement area (excluding London).

ACCESS POINT	NO OF OFFICES (SEPT 2018)	MATTER STARTS ALLOCATED 2019-20	MATTER STARTS OPENED 2018-19	MATTER STARTS OPENED 2019-20	MATTER STARTS OPENED 2020-21
Buckinghamshire	4	750	140	84/136	169
Mid, SW and Coastal Kent	3	675	398	308	380
Oxfordshire and Berkshire	4	1248	437	498	585
Hampshire, Southampton, Portsmouth, Isle of Wight	3	600	304	227	206
Surrey and Sussex	1	150	122	134	85
Totals	15	3123	1401	1251	1425

58. Wilding, J., Mguni, M. and Van Isacker, T. (2021) A Huge Gulf. Demand and supply for immigration advice in London. Justice Together Initiative.

The procurement area of London and the South East is the only one with no 'non-access points', though there is one access point (Sussex and Surrey) with only one provider, meaning that in fact there are no providers in Surrey or West Sussex. The South Coast / Sub-London South East as a whole has very limited provision. One of the providers in the Hampshire access point has not opened any legal aid matter starts in any contract year, so in effect there is one provider in each of Portsmouth, Southampton and Brighton, plus two in Folkestone, on the Kent coast, and one slightly inland, in Maidstone. The total matter start usage for the six active providers in the Sub-London South East was 669 in 2019-20 and 671 in 2020-21.

In the Oxfordshire and Berkshire access point, although provision has increased year on year in terms of matter starts, this is effectively down to a single provider. Although there were four offices with contracts, one has not opened any matter starts since at least 2019. The other two undertook small numbers of matter starts (28 and 6) in 2019-20, but did not report any in 2020-21. Although Duncan Lewis' Slough office remained on the Legal Aid Agency's directory of contracted providers as of October 2021, its website states that this office is now closed. The Slough office reported no matter starts in the contract year to the end of August 2021, indicating that it has in fact been closed for some time.

### Other free or low cost provision

There are six OISC L3 offices registered as non-fee charging across the region, excluding London: Refugee Action Kingston, in Surrey; Kent Refugee Help; Reading Refugee Support and Slough Refugee Support, in Berkshire; the Sussex University Migration Law Clinic, and Friends Without Borders, in Portsmouth, Hampshire. Additionally, Slough Immigration Aid Unit is a charity offering free advice and representation to those with the lowest financial means and a cost-recovery fee-paying service for representation for those who do not qualify for the free service. Kent University Law Clinic also operates a free service at the equivalent to Level 3, but with IAAS-accredited solicitors who did not need to accredit with OISC.

In reality, however, Friends Without Borders was no longer operating at Level 3 at the time of the research, having lost funding to employ its adviser, who remained involved in a voluntary capacity while doing a full-time job elsewhere. Sussex University Migration Law Clinic was not offering casework, even before the pandemic, but only one-off advice. As their names indicate, most of the remaining organisations are refugee-focused, with very little free capacity for non-asylum immigration provision.

At OISC Level 2, sixteen offices were registered across the region. Six are Migrant Help offices and one is Barnardos in Crawley (which had a role at the now-closed Cedars family detention centre). Three were Citizens' Advice offices, in Reading, Portsmouth and Southampton, but the Reading office lost its funding and its three advisers were made redundant from 30 April 2021, meaning it reverted to the Level 1 exemption. The Refugee Council has an office in Dover registered at L2. The remainder are the Army Families Federation in Salisbury (Hampshire), which has a specific remit, as the name suggests; Voices in Exile, in Brighton (Sussex), Armazi, in Erith (Kent); and Asylum Welcome in Oxford. These Level 2 advice sections are invariably small, with one having four person-days per week in its advice service, and another having a single Level 2 adviser, who also supervised a part-time Level 1 adviser.

There are 81 offices registered at OISC Level 1, including 66 CAB offices. Five are offices of the British Red Cross, leaving ten other Level 1 offices in the region.



## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

The South East outside London had **903 people receiving s95 asylum support** in March 2021.

**Table 34:** Local breakdown of s95 support figures in the South East, March 2021.

AREA	DISPERSED POPULATION	BREAKDOWN
Berkshire	137	Slough <b>89</b> Reading <b>37</b>
Buckinghamshire	47	
Sussex (East and West)	162	Hastings <b>72</b> Brighton and Hove <b>63</b>
Surrey	44	
Hampshire	418	Portsmouth <b>236</b> Southampton <b>157</b>
Kent	65	
Oxfordshire	30	

59. Department for Education, [Statistics: looked after children, Table LAA4](#).

60. Townsend, M. (2021) [Child refugees were 'dumped' in unsafe hotel, claims Brighton council](#) *The Observer*, 25/09/2021; Wadsworth, J (2021) [Second hotel becomes hostel for child refugees](#). *Brighton and Hove News*, 18/11/2021.

While these numbers of adults and families in the asylum system are small compared with some other regions, in some cases (Sussex, Surrey and Hampshire) they are larger than the total number of matter starts opened in their respective counties, without even taking into account unaccompanied children. Dispersal to the South East is increasing as part of both Operation Oak, in the short term, and the widening dispersal project, in the mid-term. Although I have used the March 2021 figures for s95 support for the overall demand estimates (for best matching with provision data), the number of people dispersed in the South East excluding London rose from 903 in March to 1,138 by September 2021. The number of areas with dispersed accommodation rose from 20 local authorities in March 2021 to 30 in September 2021.

Across the region, there were 810–928 unaccompanied children in 2020/21,<sup>59</sup> though this does not appear to include approximately 120 children who were placed in two hotels in Brighton and Hove in 2021 without adequate care provision or liaison with the local authority.<sup>60</sup> Historically, there have been larger numbers of unaccompanied children in Kent than in any other local authority area, but other local authorities which have air or sea ports have also tended to look after above average numbers of unaccompanied children. The two different figures for Kent and the region as a whole arise because the Local Government Association table gives the lower figure of 291 children in Kent's care, but data given at the SMP meeting in June 2021 indicates the higher figure of 409 on that date. The data for Kent are unstable, and prone to sharp fluctuations.

**Table 35: Unaccompanied children in the South East, by local authority, 2019-21. Source: Local Government Association**

	2019	2020/21
<b>SOUTH EAST</b>	<b>960</b>	<b>810/928</b>
Brighton and Hove	38	37
East Sussex	36	56
West Sussex	72	80
Surrey	114	78
Hampshire	133	69
Southampton	15	20
Portsmouth	101	35
Isle of Wight	6	7
Kent	426	291/409
Medway Towns	11	0
Oxfordshire	64	41
Reading	c	19
Slough	c	10
West Berkshire	30	11
Bracknell Forest	c	0
Wokingham	12	6
Windsor and Maidenhead	10	6
Buckinghamshire	31	21
Milton Keynes	23	23

[c = data withheld, usually because the number is at least one but fewer than five.]

Since the creation of the National Transfer Scheme in 2016, which places children in other local authorities with smaller numbers of arrivals, unaccompanied children have been somewhat less concentrated in the areas where children first arrive, but the scheme was voluntary until early 2022 and appears to break down at times of pressure.

The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended. The high number of children feeds through into a high number of care leavers, who may need further immigration advice at the age of 17.5. The South East SMP reported that Kent alone supported 1,075 care leavers as of September 2021.

Additionally there were approximately **141 people** granted asylum, humanitarian protection or other leave in 2016 in the South East, who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **1,465 people have been resettled under the SVPRS**. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.

### Prisons

There were **2,236 foreign nationals in 21 prisons in the South East** (excluding London), as of 31 December 2020. This is the highest number for any UK region, largely because the two prisons in the UK which hold only foreign nationals are both in the South East, namely Maidstone (Kent) and Huntercombe (Oxfordshire), with populations of 514 and 386 respectively in December 2020.

**Table 36: Foreign nationals in prison in the South East, 31/12/2020. Source: FOI response, Ministry of Justice.**

AREA	FOREIGN NATIONALS IN PRISON
Buckinghamshire	120 in three prisons
Hampshire	166 in two prisons (including the Isle of Wight)
Kent	969 in seven prisons
Oxfordshire	531 in two prisons
Surrey	346 in five prisons
Sussex	104 in two prisons

### Other immigration matters

In addition, the South East (excluding London) is home to 14% of the foreign-born population. With reference to the estimates of undocumented people in the whole UK,<sup>61</sup> this gives a rough estimate of around:

**62,548 UNDOCUMENTED PEOPLE INCLUDING 24,393 CHILDREN**  
**325 DOMESTIC VIOLENCE ILR APPLICATIONS**

In the South East (excluding London), **598 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 194 adults, 389 children and 15 persons of unknown age. For London, 1667 people were referred by local authorities and police, of whom 408 were adults, 1180 children and 79 of unknown age.

As of 30 June 2021, there had been 660,850 concluded EUSS applications from the South East region, resulting in **263,990 people with pre-settled status and 26,820 with 'other outcomes'**. The largest numbers of these were in Brighton and Hove, Milton Keynes, Oxford, Slough, Reading and Southampton.

### Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 2,347**  
**PRIMARY LEGAL AID PROVISION: 1,359**  
**PRIMARY LEGAL AID DEFICIT OF -988**

61. Andrew Jolly, Siân Thomas and James Stanyer, 2020. London's Children and Young People Who Are Not British Citizens: A Profile (Greater London Authority).

## Sub-regional breakdown

### Hampshire

In Hampshire, there are three contracted providers, but one has not reported any matter starts since it obtained the contract in September 2018. The two active providers (Biscoes in Portsmouth and Leonard Solicitors in Southampton) reported 206 matter starts between them in 2020–21, and 227 in the previous year, a decline on 304 in 2018–19 and significantly below the 600 matter starts allocated to the access point. One firm does far more legal aid cases than the other: the 2020–21 breakdown was 181 for one office and 25 for the other; the previous year was 175 and 52.

There were 418 people receiving s95 support, with both Portsmouth and Southampton receiving dispersed asylum applicants. There were 131 unaccompanied children in the care of the local authorities, a fall on 255 in 2019. The geography of the county causes some difficulties with travel, when people are accommodated beyond those areas, as an advice organisation reflected:

*It's a big county so the people in those further out places have much less. We have little enough [in Portsmouth], but you have to go all the way to Brighton before there's another organisation...*

Even when people are accommodated relatively centrally, they said:

*They've opened 2 or 3 new dispersal houses this last year in Gosport, and it's sort of so near and yet so far, because they've got no money for taking the ferry over to Portsmouth or for multiple trains to get to Southampton, and that's expensive. They haven't thought about access to advice. That's not the Home Office's priority.*

Similarly the prison population (166 in two prisons including the Isle of Wight) is likely to be particularly hard to reach in the sense of lawyers travelling to advise potential clients.

Hampshire has one office, Friends Without Borders in Portsmouth, registered at OISC L3, but it is not currently operating at L3. It did not offer any advice during the first lockdown and it reopened offering only L1 advice, as it had no funding to keep its L3 adviser. Both Portsmouth and Southampton Citizen's Advice are registered at L2. The Portsmouth office received some set-up support from the Red Cross and their partnership takes on an average of eight cases per month in non-covid times. In addition, the Army Families Federation in Salisbury is registered at L2, but this is a national organisation advising only military families, much like the Naval Families Federation, registered in Portsmouth at L1.

At L1, Hampshire has eight of the CAB offices, plus British Red Cross offices in Portsmouth and Southampton. There are two offices of CLEAR (City Life Education and Action for Refugees) in Southampton, which offers general advice to refugees and asylum seekers (approx. 150 per year) and EUSS (approx. 200 a year) but has to refer Appendix FM and ten-year route type cases to the CAB, although they can do fee waiver applications and also help with leave extension and citizenship applications. Southampton also had SOS Polonia, advertised as 'the first port of call for migrant workers', during the fieldwork period, but this no longer appears on the register as of March 2022.

## Surrey

Surrey has no legal aid providers. At OISC Level 3 it has Refugee Action Kingston, which is not in fact doing L3 advice. There are no OISC L2 offices registered in Surrey apart from Migrant Help, meaning Surrey residents must depend entirely on London for anything above L1. Surrey has eight of the CAB offices registered in the South East but no other L1 offices.

Demand for first time asylum claims has been low, but is increasing. There were 30 people in the county receiving s95 support in December 2020, 44 in March 2021, and 119 in September 2021, of whom 69 were in Reigate and Banstead. There are 78 unaccompanied children in the care of the local authority, who are likely to be referred by social services for legal advice in London, but the lack of local organisations makes it difficult to confirm this. Surrey also has a relatively high foreign national prison population, with 346 people held in five prisons, despite not having a foreign-national-only prison.





### Sussex (East and West)

There is a single legal aid provider, in Brighton, for the Surrey and Sussex access point. This provider reported 85 matter starts in the contract year to August 2021, 134 in the previous year and 122 in 2018-19. It has prioritised unaccompanied children for several years, along with domestic violence cases and other extra-vulnerable clients, though it has recently attempted to assist the people who are newly being dispersed to Brighton and Sussex as part of the Home Office Widening Dispersal plan.

Sussex had 162 people in receipt of s95 support in March 2021, primarily in Hastings (72) and Brighton (63). This had increased to 91 and 67 respectively by September 2021, with another 21 people accommodated in Chichester in West Sussex, roughly an hour to the west of Brighton by road or rail, while Hastings is around one-and-a-quarter hours to the east. There were 173 children in the care of the local authorities, of whom 37 were looked after by Brighton and Hove; 56 by East Sussex; and 80 by West Sussex but, as above, this does not include around 120 children placed into two hotels in Brighton and Hove in autumn 2021 who were not in the local authorities' care at all. All of these authorities refer the children in their care to the sole provider in Brighton, and support organisations report that it is very difficult to refer even first-time adult asylum applicants, let alone fresh claims and ECF cases, though the sole provider attempts to cover as many of these as it can.

The only OISC Level 3 organisation is the Sussex University Migration Law Clinic, which offers advice sessions but does not do casework and is largely limited to academic term times. At OISC Level 2, there are two offices of Migrant Help, in Hastings and Brighton, plus an office of Barnardo's in Crawley which had immigration advisers to serve the now-closed Cedars family detention centre, but does not appear to do any immigration advice now. The only organisation offering Level 2 casework is Brighton Voices in Exile. This organisation has one Level 1 and one Level 2 caseworker, mainly doing non-asylum immigration work which is outside the scope of legal aid. Much of this is Article 8 and Appendix FM work, as well as applications for the Domestic Violence concession, which makes it an invaluable service in the area but a small one, able to take on only 'five or six new cases a month'. It describes itself as financially secure to the end of 2021 only, after which it potentially faces a 'cliff edge', having 'submitted 45 funding applications between the end of March to November 2020.'

Within East Sussex, there are six Citizens Advice offices listed on the OISC register, and two offices of Money Advice and Community Support which employ OISC L1 advisers and are able to offer benefits and debt advice in the context of immigration status. An organisation called Church Communities UK appears on the register, with an address in the village of Robertsbridge, but immigration advice is not mentioned on its website and it does not appear to offer advice to anyone outside the organisation. The only Level 1 organisations in West Sussex are five Citizens Advice offices. This means that, with the exception of Barnardos' Crawley office, the county of West Sussex has neither legal aid providers nor OISC services beyond the Citizens' Advice exemption.

## Oxfordshire

Within the Oxfordshire and Berkshire access point, four providers were contracted in the September 2018 round. One office, Chatham Chambers in Reading, has withdrawn, leaving three providers, one in Oxford (Turpin and Miller) and two in Slough (Duncan Lewis and KB Law). However, Duncan Lewis's Slough office is also closed in online search results and neither it nor the other Slough office reported any matter starts in 2020-21. In the most recent contract year, Turpin and Miller was the only active provider in the access point, reporting 585 matter starts. In 2019-20, it was responsible for 464 of the 498 total for the access point, while the other two reported 28 and 6 matter starts. In effect, therefore, Turpin and Miller is the only provider in the access point.

Turpin and Miller runs a project in Huntercombe prison, using ECF to fund cases, in a partnership with Oxford University. The prison houses 405 foreign nationals (as of December 2020). Although not all of these will require immigration advice in a single year, they are likely to be numerically the largest source of demand. There are 30 people on s95 support in Oxfordshire and 41 looked-after children classified as unaccompanied asylum-seeking children. As explored in other regional and sub-regional sections, this sole provider also deals with demand from surrounding areas including London and the dispersal town of Swindon, which has no active legal aid providers.

There are no non-fee charging or not for profit OISC Level 3 organisations in Oxfordshire, and only one at Level 2, namely Asylum Welcome which, despite the name, does also offer support with registration of children as British, naturalisation, change of conditions applications and other matters outside the scope of legal aid. At Level 1, Oxfordshire has four Citizens' Advice offices plus one of the British Red Cross.



## Berkshire

As above, Berkshire has lost one of its legal aid providers, in Reading, while the two in Slough have not reported any matter starts in the last contract year, and reported only 34 between them in the previous year. In effect there is currently no legal aid provision in the county of Berkshire. There were 137 people receiving s95 support in Berkshire in March 2021, and 185 by September 2021 – an increase on 113 in December 2020, with most of the increase being in Slough (110 people in September 2021). There are 52 unaccompanied children looked after by Berkshire's local authorities, with both Slough and Reading seeing increases in numbers, though a decrease in West Berkshire meant the overall number remained the same.

Each town also has an OISC L3 (Asylum and Protection) organisation: Reading Refugee Support and Slough Refugee Support. Slough Immigration Aid Unit, however, is a charity offering advice and representation on issues now outside the scope of legal aid. Advice is free, as is representation for those who would have qualified (on means) for legal aid, while representation is offered at cost-recovery level for those who are not eligible for the free service. They estimated that around 450–500 clients a year approach them for advice, much of which concerns fee waivers, change of condition applications, and long residence applications. In terms of casework, they undertake on average 40–50 immigration applications, ten nationality applications, and three appeals per year, prioritising those who live in or near Slough, but conscious of significant unmet demand in the local and wider area. Clearly, of course, they cannot meet the new asylum need in the area.

Citizens Advice Reading was registered at Level 2 and had three part-time Level 2 advisers, but lost its funding so all three became redundant from 30 April 2021. This service had a partnership with the Red Cross over the previous four years and had submitted, in the previous eleven months, around 150 applications, mainly for extensions of leave to remain on the partner or parent route, 'almost always with fee waivers and a change of conditions application to lift NRPF'. Some of their casework also derived from referrals from the debt advisers, who identified people who had no recourse to public funds for immigration reasons. Asked what the alternative was, the adviser replied:

*I think we'll leave a big hole. Previously we've taken people from Basingstoke and Wokingham and the wider area. We certainly won't be able to do that anymore and we'll probably only be able to take a few for Reading. I'll only continue [as a volunteer] for a couple of years at most. I've no idea where they're going to go.*

At Level 1, Reading has an office of the British Red Cross and two registered offices of BritCits, an advocacy organisation campaigning for the rights of EU nationals and families, though these do not have any specifically local presence. Citizens Advice has a further four offices throughout Berkshire.



### Buckinghamshire

Buckinghamshire has three legal aid providers, Pickup and Scott, in Aylesbury, and IMK and Duncan Lewis Solicitors in Milton Keynes, all of which have apparently opened matter starts in the contract year, but the data is inconsistent. In one FOI response the LAA stated that Buckinghamshire had three providers.<sup>62</sup> This was one fewer than in the previous year. In another it stated that the Buckinghamshire providers reported a total of 84 matter starts between them.<sup>63</sup> Yet in the anonymised breakdown, it gave figures for four offices having opened 13, 20, 51 and 52 matter starts, for a total of 136, in the same contract year (September 2019 to August 2020).<sup>64</sup> For 2020-21, the total for four offices was 169. The Find a Provider directory on the LAA's website shows three providers for Buckinghamshire, as listed above. It is possible that a provider office has been moved into Buckinghamshire's contract management remit instead of another access point, but it is not clear which one.

There are no non-fee charging OISC Level 3 or Level 2 organisations in Buckinghamshire, and the only Level 1 offices are Citizen's Advice and an office of the British Red Cross in Milton Keynes. In terms of legal aid demand, there are 47 people in s95 support and 44 unaccompanied children. There were 120 foreign nationals in the county's prisons as of 31 December 2020. It appears the largest body of demand is likely to be EU nationals with pre-settled status or other EUSS outcomes.

<sup>62</sup>. FOI response 210121012 dated 18 February 2021 from Ministry of Justice to Jo Wilding.

<sup>63</sup>. FOI response 201012019 dated 26 November 2020 from Ministry of Justice to Jo Wilding.

<sup>64</sup>. FOI response 210315004 dated 14 April 2021 from Ministry of Justice to Jo Wilding.



## Kent

Kent has three legal aid providers, TNA and Elder Rahimi in Folkestone, and Wai Leung in Maidstone. These reported 380 matter starts between them in the year to end August 2021 (compared with 308 and 398 in the previous two years). One provider was responsible for nearly two thirds (245) of these in 2020–21, compared with 72 and 63 for the other two. The breakdown between providers in the previous year was 145, 143 and 20 matter starts. It is not yet clear whether the pattern of one provider increasing its market share will continue.

Kent is in a unique position because of its status as the most common port of entry for asylum applicants and unaccompanied children. It had 65 people receiving s95 support in December 2020, reflecting its situation as an area people are dispersed away from, not into. The numbers of people on initial (s98) support are not broken down by region. For that reason the statistics do not reflect the use of Napier Barracks, near Folkestone. These currently house around 300 men at a time in a quasi-detention setting for about 60–90 days, but previously held up to 600 for varying periods, starting in September 2020. There is no dedicated on-site provision of asylum advice, leaving the men themselves and support NGOs struggling to find advice remotely.

Despite the National Transfer Scheme starting in 2016, to place unaccompanied children in the care of local authorities across the country, Kent continues to look after a comparatively large number of unaccompanied children and to experience sudden spikes in numbers. As of December 2020, there were 266, of whom 255 were in Kent's care and 11 in the Medway Towns' care. As of 10 June 2021, there were 409 children under 18 in Kent's care and 1,077 care leavers. By that date, 284 children had arrived in Kent in 2021, and 114 had moved into other authorities' care via the National Transfer Scheme.

Kent announced it could not take any more children into its care as of Monday 14 June 2021, meaning children would effectively wait at the port until another local authority agreed to take them, but eventually had to agree to continue providing services to new arrivals until they could be transferred. This in turn means there are high numbers of care leavers in Kent and support organisations were concerned that this put pressure on housing and education options as well as access to legal advice. A further challenge, reported at Strategic Migration Partnership meetings in 2021, was that a shift in nationalities, towards a higher proportion of Albanian and Vietnamese children, drove concerns that more of the children might be victims of trafficking for exploitation, and it was difficult to implement adequate protective measures in the circumstances.



Although it no longer has a detention centre (since the closure of Dover in 2015), Kent has one of the UK's two foreign national prisons, in Maidstone, which was holding 514 men as of 31 December. Even discounting HMP Maidstone's population, Kent's other six prisons held another 455 foreign nationals – higher than the total for Scotland, Wales, Northern Ireland, or any other county in England apart from Oxfordshire, with the other foreign-national-only prison.

Kent has one organisation registered at OISC Level 3, Kent Refugee Help, which began as a visitor group for Dover detention centre. It states on its website that it now focuses on offering immigration advice to people in prison in Kent and London, offering video link appointments during covid and in-person visits at other times. Kent also has a University Law Clinic supervised by two solicitors, which is exempt from needing OISC registration. The clinic, though largely limited to term time, takes on around 40 cases a year which do not qualify for legal aid.

At OISC Level 2 there are seven offices in total, including three offices of Migrant Help: two in Dover and one in Gravesend. Refugee Council has two offices, in Dover and Maidstone. A well-networked specialist charity in Dover, named Samphire, has only been registered at Level 2 since March 2021. Previously it was EUSS only, at Level 1. Samphire's legal project operates together with the Citizens Advice office, doing nationality, citizenship and Appendix FM (family life) applications, with one adviser accredited at Level 2 (both Immigration and Asylum and Protection plus one Level 1 Asylum and Protection adviser. The other organisation listed, Armazi, is registered as a not-for-profit with a single adviser, but its website (amid many grammatical errors) also advertises assistance with investments, mortgages, business visas, and obtaining overseas citizenships, alongside asylum and human rights advice. There are 14 offices registered at Level 1 in Kent (since Samphire's move to Level 2), all of which are Citizens Advice offices.



## Networks, Partnerships and Referral routes

Referral was difficult for all levels and types of advice across the region because of what several respondents described as ‘a crisis of capacity’, both for legal aid and non-legal aid advice. Practices differ: one organisation said, ‘We have a list of legal providers and we give them that [if we can’t help]. We don’t recommend or refer.’ Another put clients in touch with two carefully selected agencies, one fee-paying and one free, depending on the client’s circumstances. The shortage of advice meant that some agencies had stopped signposting to others: as one said, ‘There are no other free immigration agencies in Kent, and we don’t send people to London law centres, for example, who we know have catchment areas just like we do. We just say we can’t help.’ Another said they received signposting from, ‘Everyone, increasingly, for everything,’ which proved another drain on capacity.

Although the thinness of the advice networks was a challenge, organisations in some areas had formed small, close informal networks in which everyone knew and trusted one another – Kent in particular. Partnerships were described as working well in Sussex for people in need of both immigration and housing or debt advice:

*Benefits we pass on because it’s a nightmare. We deal with the basics and all the caseworkers are trained in basic benefits stuff, but we signpost to Money Advice Plus or the welfare rights team at the council... Partnerships work well because they can provide specialist benefits advice and, if we’re on site in the same space, caseworkers can talk, which makes life easier. It’s just not possible for one caseworker to be a specialist in every area needed.*

Likewise for housing, where ‘people get fobbed off’ in relation to Housing and Care Act issues, the organisation worked alongside a housing provider called Lawstop to take judicial review or pre-court action.

The Strategic Migration Partnership for the South East operates four separate groupings, covering Kent, Hampshire and Isle of Wight, Surrey and Sussex, and the Thames Valley (including London). More locally, groupings include Brighton and Hove Migrant Forum, which is co-ordinated by the local authority, and Southampton Advice Forum, as well as local City of Sanctuary groups. Several organisations discussed the challenge of deciding which meetings to attend, where their work intersects with a number of different networks like migration, advice, housing, benefits, and so on.

One innovative partnership is between Oxford University’s Bonavero Institute and the legal aid firm Turpin and Miller. As a private firm, Turpin and Miller does not apply for grants, but the university’s law clinic holds the grant and funds the firm to train students to help run clinics, for which the firm does the follow-up work. Undergraduates work on the Oxford Legal Assistance scheme and postgraduates work on the Huntercombe prison project. As one of the lawyers described it,

*The current deputy prison governor said yes and some people at the university said yes – it’s not complicated, it just needs people to say yes, we can do it. We did also need the Bonavero Institute to say yes we can pay for it!*

In this way, collaboration with other organisations allowed them to access funding to provide advice and by-pass the bureaucracy of legal aid, which they described as ‘the real challenge to capacity.’

## Recruitment, Retention and Training

Recruitment is a difficulty for many of the organisations in the region, and many are attempting to train their own new caseworkers, with the disadvantage that this takes a long time and often they lose qualified people. A Citizens' Advice interviewee noted that most of their staff are either retired people or people making their way back into work, who then want to move on. It was described as 'near-impossible' to recruit into legal aid roles outside London – though the London research showed that serious recruitment difficulties also arise in London. The South East does not particularly differ from others in this respect except that salary levels are particularly difficult because the cost of living is high throughout the South East, but the rest of the region does not benefit from London weighting in legal aid fees.

## Unseen shortages

The South East is rarely referred to as an advice desert because of the apparent availability of provision in London. Despite the dispersal scheme having forced many asylum applicants out of the South East in the past 20 years, demand significantly outstrips provision in the region, especially on the South Coast. There is a deficit in both legal aid and non-legal aid capacity, and demand for asylum advice and representation is likely to increase with geographical patterns of dispersal already changing. Much of the legal aid capacity is taken up by unaccompanied children, leaving very limited capacity for adult asylum applicants, let alone fresh claims, ECF work, and the high foreign national prison population. Organisations which attempt to refer people to legal aid services have to try to draw on London provision, but capacity is also limited in London.<sup>65</sup>

Advice and casework for non-asylum immigration matters is very limited outside the capital, meaning there is little support for the large number of undocumented people estimated to live in the region. I received either interview or survey responses from almost all of the Level 2 organisations undertaking non-asylum immigration casework in the region. At OISC Level 3, excluding the organisations which do not in fact do Level 3 casework, the only organisation south of London is Kent Refugee Help, with its focus on the prison population. The other three organisations are in Berkshire.

On that basis, I estimate the total regional (non-London) capacity for non-asylum casework at OISC Levels 2 and 3 to be no more than 450 pieces per year. One of the Level 2 organisations estimated it was able to take on at most 50% of referrals that meet its criteria but, as with all of the organisations in the region, was acutely conscious that there was nowhere else for clients to go for help. In that context, the loss of capacity for around 150 pieces of Level 2 casework at Reading Citizens Advice is a significant one. Likewise, the loss of Friends Without Borders' Level 3 capacity meant that 'quite a diverse range of clients' no longer had access to casework support with family reunion, nationality, visa extensions, travel documents and fresh submissions.

Even with those organisations, however, capacity was dwarfed by the estimate of 62,548 undocumented people, including 24,393 children, living in the South East region outside London. As one solicitor put it, before the LASPO Act, 'I remember calculating that there had been 1500 non-asylum matter starts per year available in legal aid firms in Kent, while after LASPO there was me, who can take a maximum of around 40 cases a year.'

65. Wilding, J., Mguni, M. and Van Isacker, T. (2021) [A Huge Gulf. Demand and supply for immigration advice in London. Justice Together Initiative.](#)

As set out in the sections above, OISC Level 1 provision in the South East is also thin. Excluding Citizens' Advice offices much of the Level 1 provision in the region comes from the British Red Cross. Once broken down by county, excluding groups which are registered at an address but not operating in the area, all that remains in the region outside the Citizens' Advice and Red Cross Offices is two offices of Money Advice and Community Support in Sussex; two offices of CLEAR in Southampton, with relatively wide-ranging support for the refugee or asylum seeking client group; plus Polonia, for Polish nationals, which appears to be Facebook-based.

In relation to CAB Level 1 provision, an immigration adviser within a South East Citizens' Advice office suggested that:

*It depends on the individual office, I think. I think you'll find unless a CAB has someone at higher level, they will do almost no immigration advice. Because of the way cases are triaged, either locally or through the national advice line, they get signposted somewhere else. Clients don't generally get past that stage because they're filtered out early, and that's what happens at most CABs. Many offices will say no, we don't do that.*

Particular provision gaps were identified in the region. Because of the presence of two foreign national prisons in the South East, and the lack of a large-scale dedicated prison advice project in the larger one (Maidstone), unmet need from foreign nationals in prisons is expected to be high. This would apply both to legal aid (including ECF) and non-legal aid advice.

Even first-time asylum representation is in short supply in much of the region, Fresh claims were identified as an area of shortage across the region, with Sussex and Surrey having particularly limited provision for adult asylum applicants, since children are prioritised (to protect them from having to travel further for advice) and they take up most of the sole provider's capacity. Even the waiting list for this provider was said to have been closed from autumn 2020 until February 2021. The beginning and resumption of dispersal to Brighton and Hastings has exacerbated this, alongside the use of hotels in parts of the county, like Eastbourne, which have never accommodated asylum applicants. Support organisations in Sussex were referring clients to providers in Croydon and London.

Fresh claims provision was said to be in desperately short supply across the region. A key difference from some other regions is the relatively thin network of support organisations which might help assemble evidence for fresh claims, so that they could be 'sold' to a legal aid provider in a fairly advanced form. This was particularly severe in areas like Hastings which had accommodated asylum applicants in the past, since those who were refused remained close by and 'under the radar, hoping to make a fresh claim if they can find someone.' Likewise, the Level 3 (and former Level 3) service providers identified appeals work as 'a big gap' because they had neither the capacity nor the funding to take on appeals which were outside the scope of legal aid.

Finally, there was 'definitely a gap' with EU Settlement Scheme support in some parts of the region, where no organisations had bid for government funding. A Portsmouth organisation explained that, 'We considered it, but it's a burdensome contract as well, and we would have needed more people to run it and more Level 2 [caseworkers] because there are quite a lot of complex cases.' Consequently there was no provision, at the time of the interview, in Portsmouth and the nearest support was from CLEAR, in Southampton. This provision appeared patchy throughout the region.

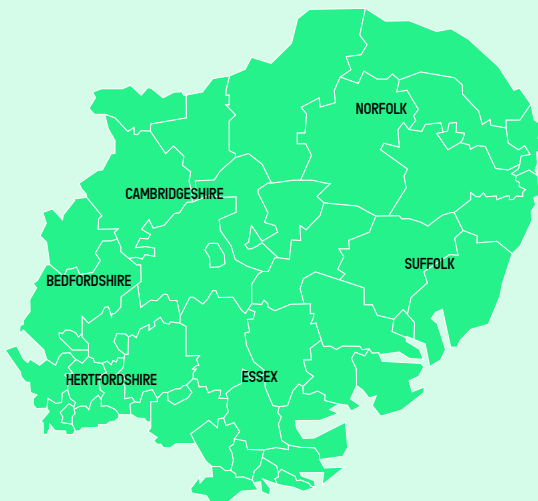
The Sub-London South East should be recognised as an advice desert, adjoining that in the South West, making up an wide area of extreme shortage along the entire South Coast below London and Bristol.

## THE EAST OF ENGLAND | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 12 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



- The East of England region includes the three easternmost counties, Norfolk, Suffolk and Essex, which have no legal aid provision and very limited other provision, and the central eastern counties of Cambridgeshire, Bedfordshire and Hertfordshire, which have some provision.



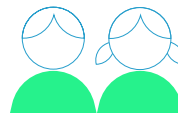
**769**

Legal aid matter starts opened in 2020-21



**1052**

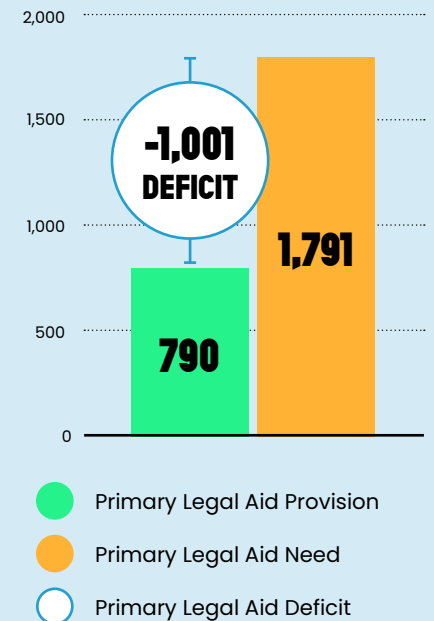
People receiving s95 asylum support



**528**

Unaccompanied children seeking asylum

#### PRIMARY LEGAL AID DEFICIT







## OUT-OF-SCOPE NEEDS FOR IMMIGRATION SERVICES

APPROX  
**237,833**



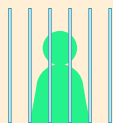
**282**

People who  
need help with  
**protection  
settlement  
applications**



**671**

People resettled  
under the **SVPRS**



**1,212**

Foreign nationals  
in **prison**



**40,210**

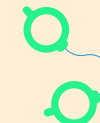
INCLUDING  
**15,682 CHILDREN**

Undocumented  
people



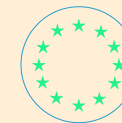
**209**

**Domestic  
violence**  
ILR applications



**619**

People referred  
into the **NRM**



**194,630**

**22,180**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

## Provision overview

### Legal aid

Here the mapping is complicated by the fact that the procurement area is the Midlands and East of England, and the access points overlap the regional boundaries, so the access point of Cambridgeshire and Northamptonshire is part East of England (Cambridgeshire) and part East Midlands (Northamptonshire). The East of England Local Government Association reports having been told that the Northampton providers are not ‘their’ providers. On that basis, the only access point wholly in the East of England is Bedfordshire and South Herts. I have included the access point in the East of England section but have discussed Northamptonshire within the East Midlands section. As can be seen, provision within this access point is minimal and adds little to the overall size of supply.

**Table 37: Legal aid provision by access point, 2018-21, East of England.**

ACCESS POINT	NO OF OFFICES (SEPT 2018)	MATTER STARTS ALLOCATED 2019-20	MATTER STARTS OPENED 2018-19	MATTER STARTS OPENED 2019-20	MATTER STARTS OPENED 2020-21
Cambridgeshire and Northamptonshire	4 (5)	750	49	107	47
Bedfordshire and South Hertfordshire	8	2100	798	646	722
Totals	12 (13)	2850	847	753	769

Norfolk, Suffolk and Essex are not covered by an access point. Solomon Solicitors in Luton, (Bedfordshire) has a formal authorisation for an outreach presence in three locations: the Red Cross offices in Peterborough and Norwich, and Suffolk Refugee Support in Ipswich. Fisher Jones Greenwood is authorised to provide an outreach service at its own office in Colchester, Essex, which is described as solely undertaking unaccompanied children’s cases. It is not clear how many of these firms’ reported matter starts relate to this outreach work. Perhaps surprisingly, the sole provider in Peterborough, within the Cambridgeshire and Northamptonshire access point, has an outreach authorisation to work in Leicester. As set out in the East Midlands section, there is a shortage of provision in Leicester but it does have five provider offices, while Cambridgeshire has only one. It is therefore unclear how many of this provider’s matter starts are opened within the East of England and how many in Leicester.

Many of the providers in the region are small. Five had only a single accredited person on the IAAS register as of June 2021. One had recently lost a caseworker, leaving the remaining person overwhelmed at the time of the research, though it has a second as of January 2022. Luton Law Centre has three solicitors, one full time and two part time, equating to approximately 2.4 full-time-equivalent caseworkers, but had recently had its contract suspended for a year when one supervisor retired and another went on maternity leave. Two of the four Cambridgeshire and Northamptonshire providers did not have any accredited staff registered at their Northampton offices, and did not open any matter starts in 2020–21. In the previous year, one of them reported only one legal aid matter start, while the other did none.

While some providers may in practice have additional staff and trainees besides those on the register, who can undertake non-legal aid work, legal aid capacity will be constrained by the number of accredited workers. Some may be seeking to recruit but, in the context of country-wide difficulties in recruiting, there is no guarantee of being able to do so. Even the largest provider said they are currently at capacity, and are turning away work, though with some potential to expand the team in the near future, as the accreditation exams restarted. This is only possible because they are large enough to sustain a number of trainees and ‘grow their own’.

Legal aid providers in the region confirmed that the work did not pay for itself and that this was an obstacle to expansion. One noted that they were cross subsidising from their private work, which fed into their decision not to increase their legal aid work, as well as the decision to focus on unaccompanied children work, where payment on hourly rates helped minimise financial losses. Another, however, was winding down its private work because it was not financially viable without charging full commercial rates, which they were not willing to do. A head of department explained the financial difficulty as follows:

*If you're doing a standard fee asylum case, at £413, our ledgers record 30–40 hours per case. If you do less than that, you will be picked up on audit for not having done the work. As you know, billing targets are normally 3 times your salary – but if the work is paid at £10 an hour, your salary won't be proportionate. Is it worth doing? You could earn more per hour in Macdonalds. We can't change [the fee], so we have to target our fee earners to make sure it's a sustainable business. If my target for the month is £7k, I have to do the work that allows me to meet that target.*

This meant that the immigration department, despite being the firm's busiest, relied on other departments to subsidise their salaries, by about 50%. As the interviewee put it, ‘It's a very difficult business decision. Why don't we just allocate these resources to another department? I constantly have a battle with my directors.’

Consequently, their firm rarely does ECF work because ‘It's not business sense’ to take the work on, given the time it took to make the application, answer queries or respond to requests for further information, ‘then you get it and it's £234 – you would have spent that on the first day.’ In another organisation, one solicitor was doing ECF work, along with fee waiver applications, as ‘a pet project’ but this was time consuming and only feasible because of grant funding.

The lack of provision for ECF work meant that people in need had to go outside the area or go without, meaning, 'It won't show up as local demand.' This has been a particular problem in the region: local authority interviewees argued that:

*We need to break this idea that matter starts equal capacity. We had a regional meeting yesterday and reiterated it again. [The LAA say] the take up rate is 33% in the East of England. This is your allocation and you're nowhere near that so there's no problem.*

As another put it, the LAA has no data on how many people travel outside the area for advice because they cannot find a closer provider, 'So the matter start rate stays low and we lose the argument straightaway.'

Two of the five legal aid providers interviewed in the East of England region were doing Detention Duty Advice work, which had 'a massive impact on capacity', particularly from the middle of 2020, 'because it was twice weekly charter flights to EU countries, let alone other countries outside the EU, and that was putting a lot of pressure on everyone. Obviously most of those we had to take on. Now we have to progress them.' This typically involves a piece of urgent work at the start of the case and then continuing casework until the matter is concluded. Although these are not counted in the Access Point's matter start totals, they draw on the same pool of lawyers. For one of the providers, detention work used roughly 30% of their capacity over the course of the year.

In discussing the feasibility of outreach work into the most easterly counties, one explained that they had explored the possibility of supporting provision in Suffolk in the past, but 'It all comes down to finance and resources and staff... It's not exactly on our doorstep.' They argued that a grant would certainly be needed to set up either an office or an outreach presence. Another agreed that different funding would be required because of the long lead-in time for a new office to break even, suggesting a lump sum up front and sharing office space with another organisation. They argued that, 'The LAA has not facilitated that. It definitely needs to change, rather than always looking at it as case by case. If you want an office there, you need to fund that differently.' However, providers suggested that recruitment would remain an obstacle to outreach or expansion, unless they were simply moving capacity from one place to another.

Several support organisations and non-legal aid providers also raised the issue of quality. As one put it, it is 'extremely difficult to refer on to a legal aid provider, as there are hardly any good ones and the good ones are always at capacity, creating a bottle neck situation.' Another said, 'The quality of some solicitors, we would prefer not to use them, but we've got no choice as there's no one else to go to.' A third, acknowledging the availability of provision in Luton, said 'I have to say we've had experience of some of them not being very good – they'll take on the case but not action it, so I have real reservations about making referrals to some of the legal aid solicitors in Luton.' The firms with a poorer reputation were said to be 'the ones that will take people most easily... the firms in Luton that we use when there's no other option. It's not necessarily the advice, but the level of service.' At least three other respondents raised the problem of solicitors 'merits failing' clients in the region instead of appealing their cases. One interviewee felt this happened more when advice was provided remotely, making it 'easier to drop them.' This is not unique to Luton or the East of England region, but it is among the regions where it was specifically and repeatedly raised as a concern.

### Other free or low cost provision

There are two non-fee charging organisations accredited at OISC Level 3 in the East of England region: Suffolk Law Centre (offering volunteer solicitor appointments once a month) and Coram Children's Legal Centre's office in Colchester. The latter works only with children and families, while the Law Centre service is more generalist but limited to two hours of advice per month, given by volunteers.

At OISC Level 2 there are eleven offices. Four of these are Migrant Help, which has the Home Office contract to give information and assist with accommodation and asylum support issues, from offices in Brandon, Ipswich, Luton and Newmarket. It does not offer immigration advice and casework to individuals. In effect, therefore, there are seven: in Bedfordshire there is Bedfordshire Refugee and Asylum Seeker Support (BRASS) and a Refugee Council office in Luton; in Hertfordshire there is a Refugee Council office in Stevenage; in Peterborough there is Peterborough Asylum and Refugee Community Association (PARCA); in Essex there is Citizens Advice Southend; in Norfolk there is Norfolk Community Law Service and GYROS in Great Yarmouth.

There are 55 organisations registered at Level 1. Of these, 38 are Citizens' Advice offices. Another six are British Red Cross offices across the region, while Norfolk County Council is also accredited at Level 1, leaving ten independent organisations. Bedfordshire has four of these, as does Norfolk, while Suffolk and Cambridgeshire have one each.

To put this into context, this is a comparatively thin non-legal aid advice network, which meant the Law Centre felt that too much of its advice line capacity was being taken up dealing with Level 1 matters. There is a relatively strong range of Level 2 organisations which offers a real opportunity to create training and referral pathways, if given appropriate support and funding. The scarcity extends to non-advice organisations, demonstrated by the fact that it is the only part of the UK which does not have a hub meeting of the No Accommodation Network (NACCOM), because there are too few member organisations. Two organisations' representatives (PARCA and New Routes) attended the East Midlands and South Yorkshire hub as guests, but noted that there is no accommodation provision in Norwich for people whose asylum applications have failed.





## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

The East of England region had 1052 people in receipt of s95 support as of 31 March 2021, which breaks down as follows:

**Table 38: Local breakdown of s95 support figures in the East of England, March 2021.**

AREA	DISPERSED POPULATION	BREAKDOWN
Bedfordshire	222	Luton 188
Cambridgeshire	194	Peterborough 190
Essex	327	Thurrock 189 Southend on Sea 60 Basildon 45 Harlow 34
Hertfordshire	73	
Norfolk	125	Norwich 114
Suffolk	69	Ipswich 58

While these numbers are relatively small compared with some regions of the UK, they represent a steady increase from 603 people in June 2017 and 810 in September 2018, when the last round of legal aid contracts were awarded. The increase continued, to 1,268 by September 2021, with Thurrock increasing to 250 people and Luton to 238.

In addition there were **528 unaccompanied children** in the care of the various local authorities in the region, with the largest numbers in the care of Essex, Hertfordshire, Norfolk, Suffolk and Cambridgeshire. This was a slight decrease on the total of 580 on 31 March 2019, which represented an increase for all local authorities in the region since the National Transfer Scheme came into effect, except those in Essex. Given the absence of legal advice in Norfolk and Suffolk, and the outreach-only presence in Essex, providers in other Luton and Northamptonshire said they were taking on unaccompanied children from this area, which is likely to displace adult asylum work and other case types.

**Table 39: Unaccompanied children in the East of England, by local authority, 2019-21. Source: Local Government Association.**

	2019	2020/21
<b>EAST OF ENGLAND</b>	<b>580</b>	<b>528</b>
Bedford Borough	22	23
Central Bedfordshire	35	38
Luton	47	25
Cambridgeshire	78	61
Peterborough	23	18
Essex	108	100
Southend-on-Sea	21	8
Thurrock	32	24
Hertfordshire	102	84
Norfolk	31	78
Suffolk	78	69

This means that in March 2021 there were 521 people in receipt of s95 support, and 247 unaccompanied children, living in the three Eastern counties with no providers at all. The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended. These figures compare with 749 matter starts opened across the entire region in 2020–21. If all unaccompanied children are being represented, even though not all require representation in the same year, then the data support the evidence given by support groups that it can be very difficult to find representatives for adult asylum applicants, especially in the eastern half of the region.

Additionally there were approximately **282 people granted asylum**, humanitarian protection or other leave in 2016 in the East of England, who were therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further **671 people have been resettled under the SVPRS** in the East of England. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.

### Prisons

The East of England had **1,212 foreign nationals in 13 prisons** on 31 December 2020, broken down as follows:

**Table 40: Foreign nationals in prison in the East of England, 31/12/2020.**  
Source: FOI response, Ministry of Justice.

AREA	FOREIGN NATIONALS IN PRISON
Bedfordshire	<b>70</b> in one prisons
Cambridgeshire	<b>402</b> in four prisons
Essex	<b>104</b> in one prisons
Hertfordshire	<b>191</b> in one prisons
Norfolk	<b>212</b> in three prisons
Suffolk	<b>233</b> in three prisons

Some, though not all, will be eligible for legal aid and need immigration advice. There were 549 foreign nationals in prisons in the three easternmost counties, and I understand that HMP Highpoint in Suffolk may become another hub for foreign national prisoners, which will significantly increase the already high need in this category. Peterborough has the highest number of foreign nationals in prison, with one provider in the city, who reported fewer than 30 matter starts in 2020–21.

The largest provider in the region estimated that around 15–20% of its cases are, or begin as, prison-based though not all of those cases are within the East of England region. Remote access varies at the discretion of the prison:

*Some prisons have been good in terms of having [remote] conferences. Peterborough have been alright and I've had a few conferences with clients. There are some, Gartree for example, it's been what, a year and a half we've been in this situation, they still only offer face to face. Which makes it completely unreasonable and difficult to travel up to see clients and whether they then need to self-isolate or not, and whether we need to self-isolate.*

Even with the prisons that facilitate remote access, however, 'You still have to wait weeks for an appointment.'

### Other immigration matters

The East of England is home to 9% of the foreign-born population, giving a rough estimate of around:

**40,210 UNDOCUMENTED PEOPLE INCLUDING 15,682 CHILDREN**  
**209 DOMESTIC VIOLENCE ILR APPLICATIONS**

In the East of England, **619 people were referred into the NRM** as potential victims of modern slavery by local authorities and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 215 adults, 378 children and 26 persons of unknown age. The statistics include UK nationals, but around two-thirds may have asylum or immigration needs.

As of 30 June 2021, there had been 503,600 concluded EUSS applications from the East of England. That left **194,630 people with pre-settled status and 22,180 with 'other outcomes'**. The largest numbers of people with 'other outcomes' were in Luton (2,810), Peterborough (2,740), Ipswich (1,420), Bedford (1,150), and Thurrock (1,040).

Overall, the EUSS need was overwhelming at the time of the fieldwork and there was little capacity for any other non-legal aid work, given the general shortage in the region, but there was a widespread concern that needs around upgrading Pre-Settled Status were likely to be similarly difficult to meet. One of the Law Centre's solicitors had been successfully using ECF to represent 'a lot of carers with British children – all women.'

## Primary Legal Aid Deficit

**PRIMARY LEGAL AID NEED: 1,791**

**PRIMARY LEGAL AID PROVISION: 790**

**PRIMARY LEGAL AID DEFICIT OF -1,001**

## Sub-regional breakdown

### Norfolk

Norfolk has no legal aid providers and no OISC Level 3 organisations. At Level 2, there are two organisations, GYROS in Great Yarmouth and Norfolk Community Law Service (NCLS) in Norwich. These both offer a range of Level 2 casework in Norfolk and Suffolk and are at the heart of most of the partnerships in the county. There are nine offices registered at Level 1, including three Citizens Advice offices and one British Red Cross Office. Norfolk County Council is listed at L1. New Routes focuses on integration; The Bridge Plus focuses on community cohesion, as does the Hanseatic Union in Kings Lynn; Access Supporting Migrants in East Anglia offers generalist advice for migrants, via multi-lingual drop-in sessions.

NCLS has been OISC-accredited since 2012 and offers support with the EUSS and EEA family permits, having started out with a 'European focus', but 'when you start to supply any immigration service, you realise how much demand there is, so we started doing some advice for non-Europeans'. This includes citizenship applications, partner and spouse visas, family and human rights application, domestic violence applications, change of conditions, and similar work at OISC Levels 1 and 2.

At the time of the fieldwork, New Routes in Norwich had lost one of its OISC advisers the previous year and, although they had two newly qualified Level 2 advisers, they had not yet restarted any advice in their own right, but were working alongside GYROS. There was 'not enough demand for someone full-time, so at the moment everyone has OISC Level 1 on the side,' with referral pathways to GYROS for OISC Level 2 and the Red Cross for other support. Their work was mainly with families and adults, while other organisations undertook more of the support work for unaccompanied children.

NCLS was potentially interested in doing legal aid work but pointed out that it would be 'a big project' to put themselves into a position where they could take on asylum work, and also felt that a legal aid contract would help with 'some of what we do but most of our work is outside scope.' Shifting their capacity into legal aid work would only 'leave a gap somewhere else'. They believed that demand was much higher than the Legal Aid Agency understood it to be, 'but because we're not legally aided, our data [about demand] is not captured.' As a result, organisations and SMP staff say the Legal Aid Agency believe that need in the sub-region is being met by the two outreach providers.

Norfolk had 125 people in receipt of s95 support in March 2021 and 78 unaccompanied children in 2020-21. Interviewees believe that it is easier to find solicitors for unaccompanied minors in general, but that this is more difficult in Norwich than Suffolk and Essex, because it is a long distance even from the outreach provider from Essex, Fisher Jones Greenwood. The outreach service is 'covering a huge area... so they do all the young people... but they're three big counties. Some young people had to wait a lot of months in Norfolk to meet their solicitor for the first time.'

Consequently, an interviewee from an OISC Level 1 organisation explained that it was 'not unusual for adult asylum seekers in Norwich to go to Birmingham and Sheffield to get solicitors', while another said applicants have to rely on London firms. The average train journey from Norwich to Sheffield is almost four hours, while the car journey takes over three-and-a-half hours. Even for London, support organisation interviewees said the journey could be three hours, with Luton taking even longer, despite being within the access point. Yet, because those individuals find representation somewhere else, they are not 'seen' by the Legal Aid Agency as demand within Norfolk. It also had 212 foreign nationals in its prisons who are very unlikely to be able to access advice, given the distance for any provider to travel, and the difficulties arranging remote appointments in prisons. It was described as 'very difficult' to get advice for fresh claims 'and only Ramfel [in Essex] are able to help with that.' Even London providers would 'rarely accept cases' from Norfolk and Suffolk, since their capacity was already filled.

The OISC Level 2 organisations bear much of the burden of the lack of advice. As one put it, being able to signpost a client was 'fairly rare as, by the time clients come to us, they are in crisis. We are the go-to agency anyway – if only there were other people to signpost people to!' This leaves them with the task of managing clients' expectations and frustrations when they are unable to either give or refer for the help people need.

GYROS, in Great Yarmouth, offers information, advice and advocacy for immigration, housing, debt and welfare, working on applications and appeals (at Level 2), NRPF condition removal, nationality, and so on. They support with judicial review cases through partnership with Public Law Project. They describe their work as 'increasingly crisis and complex support' around access to a range of service because 'immigration now underpins all eligibility'. They supported 3,545 clients in the year to July 2020 and a further 2,327 from August 2020 to 31 January 2021. They had done 'pop-up' advice sessions in rural areas.

Wider networks are important to the organisations working in Norfolk, with NCLS connected in to Norfolk and Norwich Law Society, who 'fundraise for us', to the Legal Education Foundation and hosting a Justice First Fellow, Access to Justice Foundation's strategic board, and also attached to Advice UK, LawWorks and, as an associate member, the Law Centres Network. They also participate in NASREF, the Norfolk Asylum Seeker and Refugee Forum, and have a relationship with a private firm whom they pay, at a discounted rate, for 'some very complex cases, which I think would have broken us... but that's really expensive.' GYROS draw on relationships with Public Law Project and the Aire Centre for judicial review and appeals, NCLS for employment and family law, and the Ipswich and Suffolk Council for Racial Equality (ISCRE) across the county border, for discrimination law.

There had been a collaboration in Norfolk and Suffolk, Project Safety Net, which brought together NCLS, Norfolk County Council and a domestic violence organisation called Leeway. NCLS provided specialist advice including legal advice, and making applications for leave to remain in the UK, allowing their clients 'to move on, on the same basis that a UK national would be able to move on, ie that it's still difficult but at least it takes away the immigration difficulty.' The funding had ended, which left NCLS limited to working in Norfolk, with no similar service in Suffolk. There was some frustration that, despite having seen the importance of immigration advice, large organisations and commissioners,

*...know how important immigration advice is, they know how brilliant our service is but they still haven't understood the need to embed it. People expect us to be here, but they don't expect to have to allocate any of their funding to us. When you talk to commissioners, the idea is still that people don't necessarily deserve to stay here. We need to make the case for why legal advice is essential.*



A further problem, which uses up capacity unnecessarily, is that refugee workers are turning away women 'who we knew didn't have an immigration status problem. It was basically women with a foreign name... and actually those women don't need immigration advice. They just need the workers to listen.' This is likely to be a wider problem than this region alone.

New need around the EUSS process was also pulling capacity from other areas when there were already 'not enough "every day law" services'. Organisations in Norfolk said they had 'reallocated most staff to immigration work now as it's so important. [There is] very little support so we are swamped.' There was significant unhappiness that Norfolk County Council had obtained the contract for EUSS advice in the area, which raised possible conflicts of interest, as well as leaving some other more experienced organisations unfunded to do the work.

### Suffolk

Suffolk has no legal aid provision. It has only a single office registered at OISC Level 3, Suffolk Law Centre, which offers immigration advice for two hours a month, using volunteer solicitors. It cannot offer casework. The service is open to all Suffolk residents. The volunteers, who 'all have other jobs and some are not lawyers', are trained and supervised by a local private practitioner. Front-of-house triage ensures the more complex cases reach the two Level 2 and 3 volunteers, and the simpler matters go to those with Level 1. Even private immigration firms are in fairly short supply, however, for those with needs beyond this. The Law Centre also has a housing law legal aid contract – the only one in Suffolk – as well as a discrimination unit, 'and then a massive pool of volunteer lawyers from private practice' who offer free half-hour sessions in general law (like small claims, wills and probate), employment, personal injury, and housing and family law, for people ineligible for legal aid.

At Level 2, there are three offices of Migrant Help, dealing with accommodation issues on behalf of the Home Office, but not offering advice or casework on individuals' cases. Suffolk has nine Level 1 organisations, eight of which are Citizens Advice offices and the other is BSC Multicultural Services, which describes itself as working mainly on health and youth projects.

There are 69 unaccompanied children in the care of the local authority in 2020-21, some of whom can be referred to the outreach provider in the north of Essex, and 69 people in receipt of s95 support as of March 2021, but Suffolk is effectively bordered by advice deserts on all sides. Suffolk Refugee Support had in the past hosted the legal aid outreach sessions at their offices, as well as providing transport money for those travelling to representatives elsewhere. They described the advice shortage as:

*an ongoing problem for some years. We have made representations through the East of England Local Government Association to the Home Office about this, the principle that we're expected to take part in dispersal and the National Transfer scheme but there's no legal aid advice.*

In effect, the shortage of advice threatens the viability of government policy on asylum accommodation and dispersal.

There are also 233 foreign national prisoners – the second-highest population in the region, after Cambridgeshire. Ipswich and Suffolk Council for Racial Equality (ISCARE) began working in ten of the region's 13 prisons before the first Covid lockdown, identifying EU prisoners who needed advice for themselves and their families. The pandemic meant that, at the time of the fieldwork, ISCARE had not been able to effectively get into prisons either to provide advice or to fully explore advice needs.

As above, the Project Safety Net collaboration included Suffolk as well as Norfolk in supporting people with immigration needs relating to domestic violence but funding for the project had ended by the time of the fieldwork, leaving Suffolk without such a service. As in Norfolk, the serious shortage of advice creates real difficulties with referral. The Citizens' Advice office refers domestic violence clients to Suffolk Refugee Support, one of the few private firms if they can afford to pay, or via the Citizens' Advice network of Level 2 caseworkers for telephone advice, where capacity allows – yet this is work which is within the scope of legal aid because of its importance to ensuring victims' safety.

### Essex

Essex has no providers with legal aid contracts but, as outlined above, one London-based provider, Fisher Jones Greenwood, has been authorised to do outreach from its office in Colchester, in the north of the county. The work it does in the East of England is mostly, if not wholly, with unaccompanied children, with local authorities throughout Essex and Suffolk seeking to refer their unaccompanied children to this firm, though it does not have capacity for all of them.

As of March 2021, Essex had 327 people in receipt of s95 support, amounting to roughly a third of those in the East of England region, and 132 unaccompanied children in the care of three local authorities in 2020–21. It seems likely that they rely on provision in London and Bedfordshire and South Hertfordshire for all but a small proportion of the children and families. As a refugee support organisation explained, 'It's a real problem... as there's now dispersal accommodation all across Essex and it's very difficult for clients to find someone they can reach.'

The only OISC Level 3 organisation listed as non-fee charging on the register is a branch of Coram Children's Legal Centre, whose Migrant Children's Project and Legal Practice Unit include solicitors and caseworkers representing children on immigration and asylum matters including those which are outside the scope of legal aid, with an excellent reputation but a small team and limited capacity.

However, at Level 3, Essex also has RAMFEL (Refugee and Migrant Forum of Essex and London), which combines free and fee-charging services at OISC Level 3 in East London and is central to provision and partnerships throughout Essex and beyond. RAMFEL describes its team as having 'doubled in size during the pandemic', including solicitors as well as OISC-accredited caseworkers. They provide non-asylum immigration advice, casework and representation to about 1000 people a year but, as a measure of the capacity gap, they estimate that they turn away about 2000 people a year. On top of this, they report having to 'close all referrals nearly every other month [and] also turn away clients who don't fit within our funding criteria, much of [which] is borough specific.'

RAMFEL also has to refer out clients who need legal aid to progress their cases. In spite of the close proximity to London and its larger pool of legal aid providers, they analysed two weeks' worth of data and found that their caseworkers called an average of 27 firms before finding a provider with capacity. As an interviewee said, 'You go down the list until you get to those with a poor reputation.' They had built a relationship with a firm in Birmingham during the pandemic, but found it easier to do domestic violence work in-house than to refer clients, even though they were eligible for legal aid, because the time limit for making an application made it impractical to refer the cases.

Citizens Advice in Southend is registered at OISC Level 2. It was, at the time of the fieldwork, working on EUSS applications among other things. There are 13 offices registered at Level 1, of which 12 are Citizens Advice offices and one is a British Red Cross office. The Red Cross has three Level 1 caseworkers, plus funding to work with RAMFEL on Level 2 matters and access to a pro bono solicitor from Duncan Lewis Solicitors once per fortnight, offering telephone appointments for Level 3 work. Another organisation described 'depending on [individual] relationships with Duncan Lewis' to get representation for their clients, and also having a pro bono solicitor available usually one day a month. Several organisations similarly relied on the same firm for pro bono advice clinics but found they were often unable to take on the cases for full asylum representation. As one expressed it, although they did not advocate any firm overstressing its capacity,

*The take up rate from their clinic is only about 30% and these are clients we've already vetted and we know they do need an asylum solicitor. It's not because they don't need to be taken on... They need advice and we can't progress them if the [solicitors] can't take them.*

As a result, one organisation said they had a relationship with a London provider which they 'keep for the real emergencies' where there was not time to 'chase and chase, [for] up to a year before their case is taken on'.

The British Red Cross and Refugee Action both described valuable relationships with RAMFEL. Refugee Action had worked on 32 domestic violence concession applications where they undertook preparation and obtained police paperwork before passing them on to RAMFEL, while the Red Cross in Colchester said RAMFEL had submitted 52 applications for them in the past year. RAMFEL would also review cases for people who had been refused asylum, make an ECF application where possible, and attempt to refer them to legal aid providers. An organisation that was seeking to gain OISC registration and progress to Level 2 explained that RAMFEL's work also contributed to their training: 'We go to RAMFEL... and we sit in on those meetings and do casework and preparation and support, so we've got a lot of hands on experience in OISC work but we need to take the final steps.' Other organisations engaged in refugee and migrant support in the county, and engaged with the problems around lack of legal advice, include Essex Integration and CAST (Communities and Sanctuary Seekers Together), which supports refused asylum seekers in Southend-on-Sea to gather further evidence.

As in many areas, funding was problematic, and a number of organisations said their funding had recently ended or was precarious, putting these relationships at risk.

### Cambridgeshire

Cambridgeshire is within the access point of Cambridgeshire and Northamptonshire. There are four providers in the access point, but three of these are in Northampton. The only provider within Cambridgeshire is in Peterborough, on the border between Cambridgeshire, Lincolnshire (also an advice desert) and Northamptonshire. Another which received a contract in 2018 has withdrawn. One of the remaining providers has done no legal aid work under its September 2018 contract, while a second reported one matter start in the year to August 2020 and none in 2020–21. The two active providers reported 47 matter starts between them in the year to August 2020, with a roughly even split of 25 and 22. The previous year's total was 107 (56, 50 and 1) and the 2018–19 total was 49. Since the matter start figures are anonymised, it is not possible to tell precisely how many were in Cambridgeshire, but it is certainly far fewer than the 194 people on s95 support (mostly in Peterborough) and 79 unaccompanied children in the county in 2020–21. Interviews with legal aid providers elsewhere in the region suggest that the local authority relies on Luton providers for its unaccompanied children.

There are no OISC Level 3 offices in Cambridgeshire, but Peterborough has one Level 2 organisation, called Peterborough Asylum and Refugee Community Association (PARCA), which runs the support for resettled Syrian refugees, other refugee integration support, EUSS support and signposting and referral assistance. There are five offices in the county registered at OISC Level 1, including three Citizens Advice offices and one of the Red Cross. The other is Cambridge Ethnic Community Forum, which describes itself as 'an umbrella organisation for Cambridge and district that provides racial equality services to individuals and groups.'

One of the Luton providers described taking on some foreign nationals from the prison in Peterborough, but Cambridgeshire has the highest foreign national prison population in the region and it seems likely that much of that need goes unmet. There were also 2,740 people in Peterborough alone with 'other outcomes' from the EUSS, which indicates there is significant need for advice and casework at Level 2 or above, which cannot realistically be met at present within the county.



## Bedfordshire

The legal aid access point of Bedfordshire and South Hertfordshire has eight providers, seven of which are in Luton, in the south east corner of Bedfordshire. The other is in Watford, in Hertfordshire. These eight between them reported 722 matter starts in the contract year 2020-21, with the two largest providers reporting 195 and 191 of these. The smallest two opened 18 and 11. In the previous year, the combined total was 646 matter starts, with the largest provider undertaking 39% of all work (252 matter starts) in that access point. There were effectively only six providers taking cases on in that year, as the smallest two opened only one and six matter starts, so provision was a little higher in 2020-21 than the previous year. This was partly down to Luton Law Centre being unable to recruit to replace its supervisors when one retired and one went on maternity leave. Overall, a legal aid provider summarised the local position: 'The demand is much higher than capacity [and] there are still a few dodgy solicitors around in Luton.'

Bedfordshire has no OISC Level 3 organisations. There are three Level 2 offices: one each of Migrant Help and the Refugee Council in Luton, and Bedfordshire Refugee and Asylum Seeker Support (BRASS) in Bedford, which runs advice drop-ins, a women's group, the Syrian resettlement support, and other activities. At Level 1, there are ten offices, six of which are Citizens Advice, with one Red Cross office in Luton. Luton also has NOAH Enterprise, a homelessness outreach and day centre which runs an EUSS service. Bedford has the Polish British Integration Centre, a generalist advice centre for Polish nationals with funding for the EUSS. Kings Arms Project, also in Bedford, has eight accredited advisers and is operating a Home Office pilot advice service to obtain advice for people with no leave to remain (see below).

Bedfordshire has 222 people in receipt of s95 support, mainly in Luton. There are also 86 children in the care of Bedford, Bedfordshire and Luton local authorities. The county includes Yarl's Wood detention centre, which has a capacity of 400. Until the Covid pandemic, it housed almost exclusively women, plus some families, before being 'repurposed' to hold people who arrived via small-boat crossings. Although advice in detention is contracted and counted separately from non-detention advice, some local capacity is taken up with this work. For example, one Luton-based provider estimated that roughly 30% of their total capacity is devoted to detention surgeries and follow-up work (not all of it in Yarl's Wood). They prioritised bail work, followed by asylum, with a view to protecting the most vulnerable first. Some of the Yarl's Wood detention advice providers have agreed to provide advice, remotely, at the new Derwentside detention centre in the North East.

A Level 1 caseworker explained that 'Bedford might not seem like the centre of the universe but it's not far to a lot of places where there are lots of legal aid solicitors... We're in quite a privileged position in terms of geography.' Nevertheless, they still experienced difficulties referring clients, where the solicitors had no capacity. As with other apparently well-supplied areas, capacity in Luton is subject to inward demand pressure from surrounding areas. A legal aid provider explained that they receive 'a lot of referrals' from Children's Services in Norfolk and Cambridge as well as the Bedfordshire area. They also have clients in Manchester and Yorkshire which usually happens because an existing client is moved to another area, whether from detention or prison or not, and then continues with the existing lawyer either because of vulnerability or lack of alternative provision in the new area.



The Law Centre estimates that it undertakes about 50 legal aid matter starts a year and this includes significant proportions of domestic violence and ECF work, particularly for Zambrano carers. They do a limited amount of first-time asylum or unaccompanied children work, but they also run an advice line which receives 'a huge number' of calls, some of which go unanswered. Even after getting through, there is an element of triage and turning 'a lot of people away' based on capacity. As a Law Centre, it is difficult to manage clients' expectations 'because people think they should be able to get legal aid because they're on a low income, and we have to explain that they're out of scope and then triage them for ECF'. The application process is 'an extra barrier' and, if ECF is refused, they have to use core funding to cover the work already done.

The Bedford-based Kings Arms Project is operating a Home Office funded pilot scheme for access to immigration advice. Although the partners are local legal aid providers, the pilot scheme funds privately paying access for an initial meeting, a longer session for a full review, for which the solicitor should have received all of the client's paperwork in advance, and a third meeting to discuss possible options, which should also be given in writing and translated. The Kings Arms Project itself is accredited at OISC Level 1, with three caseworkers for Immigration and two for Asylum and Protection, and more undertaking the training, to ensure its staff can provide the wraparound support and advice needed.

They describe legal aid solicitors as initially 'aghast at how prolonged and complicated we wanted to make it', but they feel it offers the level of holistic support that vulnerable or homeless people need. Despite this, clients still need casework support for an application, if the review process indicates they can make one, so the pilot still faces difficulty with lack of legal aid and free capacity, especially for complex cases. As an ongoing pilot, a detailed evaluation is not available yet but an interviewee from the organisation felt that it 'enables us to test things and push doors and explore what can be done for people.' As a result of having this holistic service available, they said, 'We're meeting people who have been in Bedfordshire for years and in vulnerable situations,' so it is essential that the service is trauma sensitive, culturally sensitive, physically accessible and with interpreters available.



## Hertfordshire

Only South Hertfordshire is technically within the access point shared with Bedfordshire. As above, there is only one legal aid provider within Hertfordshire, in Watford. It is impossible to separate out which of the matter starts reported in the access point were undertaken by the Watford provider, but it was almost certainly fewer than 100 in each of the last two contract years. There are no OISC Level 3 organisations, and the only Level 2 organisation is a Refugee Council office in Stevenage in the north of the county. Hertfordshire has eight Level 1 organisations, seven of which are Citizens Advice offices and the other is a branch of the Red Cross.

Although there are only 73 people receiving s95 support in the county, there are also 84 unaccompanied children in the care of Hertfordshire County Council. Given the limited capacity to the north, in Bedfordshire, it is likely that they are at least partially reliant on London providers.

## Recruitment, retention and training

As with all regions of advice shortage, recruitment was described as ‘a nightmare’ and ‘virtually impossible’ at all OISC levels and for legal aid. As set out above, Luton Law Centre was unable to continue with legal aid work for a period of months because of the difficulties recruiting a replacement supervisor, as well as for non-supervisory positions. A private firm in the region similarly struggled with recruitment because of the salary levels they could offer to those already carrying significant student debt, when the salaries of legal aid immigration advisers were being heavily subsidised from the income of other departments in the firm.

For non-legal aid organisations, the inability to recruit meant they were often attempting to train their own staff, sometimes from among their volunteers. As well as having to pay someone to operate at a level below that which they need, this has a cost in supervisor time and is a lengthy process. One of these organisations said they had not calculated the cost because ‘we just do it because we have to’. Another was recruiting and training staff from among its own client group of people with lived experience of the immigration system. The training offered by Refugee Action had ‘transformed our lives with the online OISC learning’, saving the costs of travel and overnight stays, but also easing the burden for staff with traumatic backgrounds who were fearful of travelling to big cities.

The Law Centre had funding to host a Justice First Fellow, whose traineeship would include immigration, but without this the costs of training are too high for many organisations. One of the private firms had created an internship scheme with a local university whereby final year students shadow them two days a week, unpaid, with a view to being more able to pass their accreditation exams by the end of the year ‘and if they pass, we recruit them’. Supervisory support across organisations is building capacity very slowly in the easternmost counties, but is extremely resource intensive.

## Referral routes, networks and partnerships

As is typical in areas of extreme advice shortage, the organisations on the eastern side of the region tend to know all of the other organisations within their own county and the neighbouring ones, with a good understanding who can help with what issues. Most describe relationships with one or more firms of solicitors to whom they attempt to refer, but some also pointed out that, because of limited capacity, they had to ‘scattergun our referrals’ which prevented building up a more robust working relationship which would allow them to ‘connect up and give the same advice to the client as the solicitor is’. This was compared to their relationship with RAMFEL where, ‘if the client doesn’t understand anything, we’ve got a copy of the advice letter as well and we can explain it to them, so it’s all more joined up.’

The Red Cross was central to a number of networks across the region, while RAMFEL in Essex is a core part of the referral routes for organisations over a wide area around it, although some of its funding is limited to particular geographical areas. Norfolk Community Legal Service and GYROS operate as the hub of several partnerships in Norfolk, around domestic violence in particular, while the pilot operated by Kings Arms Project seems to have strengthened its networks to legal aid solicitors. As with all parts of the country, however, these networks depend heavily on temporary funding. The Project Safety Net collaboration between Norfolk Community Law Service, Norfolk County Council and the domestic abuse service, Leeway, had been providing specialist immigration advice (called Options Advice) with Home Office funding. The funding ended, as did the formal collaboration, leaving organisations struggling to meet the continuing need.

In Bedfordshire, a number of organisations are part of Luton Access Partnership, including Luton Law Centre and the Citizens’ Advice office, Luton Irish Forum, Luton Rights, and the local authority. Some of the funding is provided by Luton Airport’s Community Investment Fund. Luton Rights and Luton Irish Forum offer welfare rights advice, while Citizens’ Advice provide specialist debt work and a Universal Credit project, creating referral channels and data protection agreements enabling information sharing between organisations.

NCLS hosts the worker for Norwich Community Advice Network, explaining that,

*We have a very collaborative way of working, based on not competing, recognising specialist areas of work, so they help people with Universal Credit applications and we pick up them up at mandatory review stage if they’re refused on immigration grounds.*

The network offers a referral system which is free for the voluntary sector and aims at a ‘no wrong door’ approach, so that people in need reach the right advice, no matter which agency they approach first. The collaborative approach also manifested in NCLS’s OISC Level 2 caseworker supporting the caseworker at Suffolk Law Centre with supervision in order to qualify at OISC Level 1.

Networks which include local authorities can, however, lead to tensions and potential conflicts of interest, as one organisation argued:

*Throughout [the project], we were always concerned about conflicts because [the local authority] are linked to the Home Office system and they have a duty to pass on information, so for anyone they support, that pre-empts the advice. Also the other conflict is the power because often they are supporting the client financially and with accommodation, so you’ve got the same person funding them and giving them advice. It’s like a landlord giving rent advice to their own tenant.*

This was raised by several East of England organisations during the Justice Together workshop, particularly in relation to EU nationals being targeted by immigration officials approaching local authority homelessness teams.

## Burden on support organisations

Support organisations and non-legal aid advice organisations bear a significant burden as a result of the lack of legal aid advice. Where clients travel for face-to-face meetings, support organisations have often found themselves having to fund the travel. For an organisation in Essex, most of its clients go to providers in Luton or Coventry, at a cost of £60–80 return. Where they are able to book tickets well in advance, this can be cheaper but appointments are often made or changed too late for advance booking, especially if they are arranged in response to a client receiving a short-notice date for a Home Office interview. Frequently an entire family needs to attend the appointment, not only a single client, in which case it may be cheaper to pay for the solicitor to come to the client, if the solicitor has time to do so. One organisation in Norfolk had paid £460 for a family to go to Birmingham and, even for a single person, it could cost over £100 if it was not booked until the day before travel.

Legal aid providers have a discretion to pay for the client's travel (where they can show a provider was not available any closer) but, because they then have to carry that cost until they can bill the LAA for it, usually at least months later, many do not. Support organisations also said they bore the costs of clients having to travel to Liverpool to submit a fresh asylum claim. This is nearly six hours by train from Norwich and nearly nine hours from Suffolk, merely to hand over paperwork, since the Home Office reverted to insisting on in-person submission, having allowed email submission early in the pandemic.

Undertaking outreach in underserved areas also requires legal aid providers to subsidise the costs of provision as one explained: 'It's quite a journey. It takes at least a couple of hours each way. Your travel time is limited to three hours regardless of where you're going, so you kind of lose out on that.' Likewise, where the nearest available provider is a long way away, local authorities incur costs for the children they support, who should be accompanied to appointments and interviews by their social worker or other known adult, 'But that is also a huge cost to the local authority, because it can be a full day including the travel and the appointment with the solicitor.'

Yet groups in the East of England emphasised that remote access is not a panacea in this respect. First, finding a provider somewhere in the country with capacity presents a resource demand:

*When you're talking about the costs of not having a referral pathway, it's also the costs in caseworker time, sending and chasing the referrals. Of course you can just type an email and send it to 20 people, but then it gets no reaction, so we tend to call, and chase, and that takes a lot of time.*

Organisations pointed out that this is not work they are funded to do, so it is a cost to them as charities. Having found a provider, the support organisation often has to provide a quiet room in which the client can have the meeting, a device and an internet connection, which may be a very significant commitment for a small organisation without spare space. Organisations might also have to sort, scan and send the client's paperwork to the legal aid provider and some described collating the evidence of legal aid eligibility to send to the solicitor. One had calculated its spending on these costs at around £15,000 per year, including travel. They also described having to 'deal with the fallout' of clients' frustration or disappointment or distress at feeling they did not have enough time with the solicitor, because of the limited time that legal aid would pay for.



Some legal aid firms offer pro bono advice clinics in the region but they are unable to offer interpretation in multiple languages before legal aid funding is in place, meaning the support organisations need to provide interpreters, which usually has a cost – and may still not result in the provider being able to take on the client. One concluded that ultimately, the support charities were ‘subsidising the legal provision, which isn’t right’, and which was blamed on the funding structures rather than the legal aid providers.

Not only support groups but also solicitors described having to incur expenses and spend time to facilitate clients’ access to what they need to put forward their case. One had a client who had been dispersed from Luton to Yorkshire, and who needed to have a medico-legal appointment with a psychiatrist.

*He doesn’t have access to internet or to be able to access remote desktops and things, so he had to travel all the way to Luton to be able to come and see me so I could set him up so he can have his attendance with his psychiatrist, and it cost like £45 each way to get a ticket. Someone who’s receiving £35 or £40 a week, that’s ridiculous... so we then have to take steps to book them their ticket, to make sure they come for their appointments so you can progress their cases, so those type of difficulties.*

Given the shortage of provision in the area he was dispersed to, there was little prospect of getting representation in the new area. Nor had it proved possible to keep the client local to the solicitor: ‘You request that they remain within your locality because you’re here and you’ve been dealing with this case for so long, and all that, and the response you get is, it’s on a no-choice basis.’ This meant that progressing a fresh claim to the point that a client would receive asylum accommodation, instead of being homeless, might also mean they were physically removed from proximity to the lawyer. A similar example involved a client who had a hearing scheduled at the Tribunal but ‘couldn’t set it up and he had to come in and do it here.’

In effect, remote working may facilitate some access to legal advice from advice desert areas but it imposes additional work on both legal aid providers and support organisations.





## NORTHERN IRELAND | IMMIGRATION SERVICES DEMAND IN 2021



### IN-SCOPE: LEGAL AID PROVISION

#### 9-12 ACTIVE LEGAL AID PROVIDER OFFICES ACROSS THE REGION



- In NI the Law Society's website listed 99 firms doing immigration legal aid work at the start of the research, but many of these firms did not undertake immigration work in practice.
- NI faces the additional issue of a land border with the EU, meaning it has cross-border workers and potentially complex questions around entitlements to housing and social security which do not arise in the rest of the UK.
- The Law Society of NI then published a list of just nine solicitors' firms, all but one of which is in Belfast.



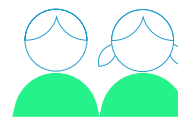
**1,353**

advice and assistance  
matters opened  
101 representation cases



**825**

People receiving s95  
asylum support  
No dispersal to NI. These are people who  
first presented in NI.



**35**

unaccompanied children  
seeking asylum



**There is a legal aid deficit, especially for Tribunal cases, but this is difficult to quantify**

NB: legal aid need in Northern Ireland is higher due to the broader scope of legal aid.



## NEEDS FOR NON-ASYLUM IMMIGRATION SERVICES

APPROX  
**37,381**



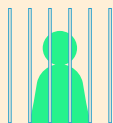
**212**

People who  
need help with  
**protection  
settlement  
applications**



**1,456**

People resettled  
under the **SVPRS**



**136**

Foreign nationals  
in **prison**



**4,468**

INCLUDING  
**1,742 CHILDREN**  
Undocumented  
people



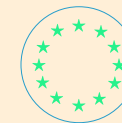
**23**

**Domestic  
violence**  
ILR applications



**66**

People referred  
into the **NRM**



**31,020**

**4,480**  
(OTHER OUTCOMES)

People with  
**pre-settled  
status**  
from EUSS  
applications  
and with **no  
settled outcome**

## Introduction

Legal aid is available for the full range of immigration work as well as asylum in Northern Ireland. NI faces the additional issue of a land border with the EU, meaning it has cross-border workers and potentially complex questions around entitlements to housing and social security which do not arise in the rest of the UK. As with Scotland, devolution influences the comparison with England and Wales because immigration remains the preserve of the UK government but many related issues, like benefits and housing, are devolved.

Legal aid is administered by the Legal Services Agency Northern Ireland (LSANI), an executive agency of the Department of Justice. The system is moving from paper-based to online, with the Legal Aid Management System (LAMS) introduced in July 2019. Around £82.1 million was paid for publicly funded legal services in 2019–20, though somewhat different figures are given in different places, for 83,663 ‘acts of assistance’.<sup>66</sup> Of these, 39.7% were under criminal legal aid, and 44.6% were under Advice and Assistance, the non-representation element of legal aid which replicates the Green Form scheme previously in operation in England and Wales, whereby any solicitor can provide time-limited advice on any legal issue which is not excluded from scope.

The auditor’s report part-qualifies the most recent LSANI accounts, on the basis that there were errors and deemed errors (where insufficient evidence is on file) totalling about £2.5 million, and requiring LSANI to do more work to develop a methodology for estimating the levels of fraud and error, and an effective strategy to prevent them. This seems strongly reminiscent of the same issues arising for England in Wales before the transition from LSC to LAA after the LSC accounts were qualified for four successive years. It is important that lessons are learned from the England and Wales process to avoid the same mistakes around overzealous auditing, which has driven honest and conscientious providers out and would be potentially catastrophic for such a small sector.

66. [LSANI Annual Report and Accounts](#).



## Provision overview

### Legal aid provision

Any qualified solicitor is entitled to undertake legal aid work in any category of law. The Law Society's website listed 99 firms doing immigration legal aid work at the start of the research. Those participating in the Law Society's Immigration Practitioners Group and ILPA NI group are the main providers of immigration legal aid work and, at the start of the research period, they expressed a long-held concern that it was very difficult for a would-be client to find a provider from that list who offered immigration legal aid work in practice. Frontline agencies had reported to the Centre for Administrative Justice (CAJ) that it was frustrating, particularly when a case was urgent, to call numerous firms who appeared on the Law Society website, only to be told they did not do immigration work. The CAJ and others were particularly 'concerned that a person in immigration detention might use that [list] and you know, after about five phone calls they'll give up and it's just because they're not ringing the right firms.'

During the research period, the Law Society of NI agreed to ask all members to confirm whether they actively undertook immigration work, after which it published a list of just nine solicitors' firms, all but one of which is in Belfast.<sup>67</sup> These are NA and Co, Creighton and Co, RP Crawford, Granite Legal Services, Phoenix Law, Children's Law Centre, Fisher and Fisher, Worthingtons, EL Kennedy, James Strawbridge Solicitors, and Johnson and Co. There are at least three others, McCourt and Maguire, Neary and Co, and the Law Centre NI, which do immigration work and attend the ILPA NI Working Group but are not on the new list. The Law Centre, however, has to turn away the majority of 'routine' and pre-decision asylum work, instead focusing on small numbers of difficult cases which have often been complicated by poor-quality work by other solicitors earlier in the process.

This is consistent with the views of the research participants in Northern Ireland, who suggested there were no more than 10–15 firms actually doing immigration legal aid. They stressed that often immigration work is done by a single individual within a firm, perhaps alongside other areas of work, rather than by a whole team or department within a firm, meaning that capacity may be small even in those firms which do it.

However, Freedom of Information data from LSANI indicates that a larger number of firms is involved to some extent.<sup>68</sup> In the three financial years 2018–19, 2019–20, and 2020–21, there were 60, 42 and 39 firms respectively which registered and were paid for an Advice and Assistance case, the form of legal aid which covers initial advice but does not fund representation at any level. At Civil Representation level, the total number of firms involved over each of the three financial years was 36, 39 and 31. It seems likely that some of these firms did only very small amount of immigration work in each year.

Respondents estimated that fewer than ten barristers undertake immigration and asylum work in the Tribunal, which only sits for a couple of days a week with Home Office Presenting Officers travelling from Scotland. This compares with the NI total of 'some 602 barristers, 446 solicitor practices and 1,077 individual solicitors' who registered as users of the new Legal Aid Management System (LAMS) when it launched in July 2019<sup>69</sup> indicating that a tiny minority do immigration work.

<sup>67</sup>. Law Society of Northern Ireland (2021). Immigration Practitioners' List – Law Society of Northern Ireland.

<sup>68</sup>. Freedom of Information response FOI/21/05 dated 29 July 2021 from Legal Services Agency NI to Jo Wilding.

<sup>69</sup>. [Director of Legal Aid Casework's Annual Report 2019–20](#).

As to the volume of cases, LSANI gave information on the number of applications for legal aid granted within each scheme:

**Table 41: Legal aid provision in NI. Source: LSANI Freedom of Information response.**

LEGAL AID TYPE	MATTER	2018-19	2019-20	2020-21
Advice and Assistance	All	1,116	1,591	1,353
Higher representation	Bail hearing	15	15	22
Higher representation	First-tier tribunal	*	94	63
Higher representation	Upper Tribunal	*	26	16
Higher representation	First Tier and Upper combined	235	*	*

\* Data kept differently prior to 2019

Although all immigration and asylum work remains technically within the scope of legal aid, interviewees explained that in reality it is difficult to access for most matters because the fee is so low, at only £43.25 per hour, while one provider explained that their hourly costs average around £105. The low fee and the lack of specialists seem to be the main limiting factors on capacity, and I was told that two specialist firms had recently withdrawn from immigration legal aid work.

Significantly more data collection is needed before it is possible to form a clear understanding of the relationship between demand and provision in NI. However, the number of grants of funding each year for representation in the First Tier Tribunal, as shown in Table 40, does not appear to be commensurate with the 825 people (including dependants) in s95 asylum accommodation in NI being able to access representation for an appeal to the First Tier Tribunal (unless there is an extremely high grant rate at first instance, removing the need for appeals).

The Law Centre had previously employed five solicitors with funding from the Department of Justice but, at the time of the research, was reduced to two solicitors funded with grants from a variety of sources. These two solicitors have roughly 150 clients at a time. Some capacity was pre-allocated to resettled refugees under the Syrian scheme, so they were taking on very little 'routine asylum work' and instead reserving their capacity for complex cases once people had been refused asylum and for difficult immigration status issues around, 'cross border workers who are often migrants, living and working on both sides of the border so [for example] what is the entitlement of their children to benefits?'

One private firm has a single solicitor doing legal aid immigration work, undertaking about 60 cases a year including asylum, judicial review and post-asylum settlement. Another solicitor had only begun taking asylum cases five months before they completed the survey, and already had over 60 clients because demand was extremely high. Clearly there is a shortage of advice and representation for all matters, but there is a very severe shortage for fresh asylum claims. As a solicitor described it,

*You have the situation where someone's been refused asylum, has lived here seven years in limbo and you look at their file and say, this decision was terrible, there's loads of extra evidence we can get you, but that's a really difficult one to persuade legal aid of and then that person [goes without representation], even though they might have a decent case if you could just get it off the ground.*



Partly it results from the merits test being applied in a 'quite harsh' way, according to interviewees, so that it can be difficult to demonstrate the merit of a complex case where a person has had a previous appeal. It is also partly a consequence of the lack of organisations working outside the scope of legal aid at the necessary level, with only the Law Centre able to offer that representation. It means that the right to legal aid and a fresh submission is ineffective in practice.

Other significant gaps identified are for preparation for asylum interviews, and advice and support in the move-on period, as well as a general exclusion of non-English speaking people from mainstream advice services due to lack of budget and provision for interpreting. This has left a shortage of services for migrants, for which there are two possible (and concurrent) solutions: to upskill the ethnic minority services and to make sure migrants are proactively included into mainstream services, including advice services.

## Other free or low-cost provision

OISC advisers are not currently allowed to do legal aid work in NI; only solicitors' firms can do so. This is a decision of the legal aid authority, rather than the OISC. There are two organisations registered at OISC Level 3: Advice NI and STEP NI. Advice NI, in Belfast, is both an advice provider and an umbrella organisation with more than 70 members, established in 1996 to coordinate independent advice bodies in NI. EUSS work is the only aspect of immigration advice offered in its own advice centre, alongside other advice services which have been difficult to source elsewhere in the advice network.

STEP NI offers EUSS services for the whole of NI, and immigration advice and Syrian resettlement scheme support for the Mid Ulster local council area (one of 11 local council districts). It has one Level 3 adviser and three Level 1 advisers. The Level 3 adviser is a solicitor whose time they buy in from a private law firm. Previously they directly employed two solicitors but found retention difficult on the salaries that they could afford as they depend on local council funding and are in a rural area. They describe STEP as 'a community building and community advice organisation' with specialist advice in 'prevention of homelessness for migrant workers, debt advice and family support for migrant workers, and a language club', in an area with 'a concentration of East Timorese and food businesses'.

At Level 2, there is Migrant Centre NI and three offices of Barnardo's, all in Belfast. Migrant Centre NI does EUSS work only, in three offices, in partnership with Advice NI. The OISC register lists 56 offices of 34 organisations as operating at Level 1. Some are still listed twice on the register, as both Citizens' Advice Bureaux and Community Advice under Advice NI, because Citizens' Advice in Northern Ireland closed on 1 January 2019, and those organisations became members of Advice NI, many of them rebranding as Community Advice. Advice NI secured an OISC Level 1 exemption for its members in 2019. The offices are distributed as follows: 16 in Belfast and 11 elsewhere in County Antrim; 7 in County Down; 9 in Derry / Londonderry; 7 in Armagh; 1 in Fermanagh; 3 in Tyrone, 1 in Newry and 1 in Lisburn. These include organisations focused on housing, unemployment, ethnic minorities and generalist advice. Almost 150 advisers across the Advice NI membership received training for the EUSS and the organisation was considering 'what we do next' with training and deployment of those people. Bryson Intercultural is sub-contracted by Migrant Help to carry out the advice and information role which Migrant Help has for England and Wales, and records all asylum support cases. Until 2014, the NI Council for Ethnic Minorities had this role.

There is a range of organisations active in migrant and refugee support alongside the OISC provision, like Starling Collective and Home Plus, which work with destitute former asylum applicants, homeless migrants and recognised refugees, which are active in the NACCOM network and which share the concern that there is not enough advice and, in particular, not enough good-quality free advice in NI.

OISC-accredited organisations believe there is a definite need for more immigration advice beyond the scope of the EUSS: as one put it, 'NI is crying out for some kind of all-encompassing service for people who are vulnerable... [who] would definitely merit other applications... and can't afford it privately.' Private firms either close their immigration departments because they are unprofitable or 'just slide into [commercial immigration work], workers visas and sponsor licences for businesses instead.' One interviewee argued that there had been little consideration of need beyond initial asylum applications and appeals, so that, 'it's largely ad hoc provision or reactive to need rather than strategic or funded.'

## Primary Legal Aid Need and Provision

As with Scotland, it is not possible to calculate Primary Legal Aid Need in the same ways as for England and Wales because the scope of legal aid is broader and, therefore, so is the eligible legal aid need. However, taking the same formula as for England and Wales, the Primary Legal Aid Need is 1,009. Provision is not separated into asylum and other immigration in the statistics available, but total provision at the Advice and Assistance stage of legal aid is 1,353. Given the accounts of respondents, both legal aid providers who are unable to meet the demand and support organisations who struggle to find lawyers for their clients, it is apparent that there is a deficit, even for those categories which make up the primary need calculation.



## Demand overview

See introduction for the sources of statistics and basis of calculations and estimates.

### Asylum and related matters

As of 31 March 2021, there were **825 people in Northern Ireland receiving s95 support** of whom 817 were in Belfast, and eight elsewhere. Five of those outside Belfast were receiving subsistence payments only, not accommodation. Although there are people receiving s95 support in NI, there is no dispersal to there from the rest of the UK, so they will be people who arrived in NI of their own accord. It was not possible to claim asylum in NI until 1994 when, Advice NI explained, a pregnant woman was unable to travel to Croydon and was the first person permitted to lodge a claim within NI.

An article from 2015 indicates that the 497 people then in s95 accommodation constituted a record high for NI, with China, Nigeria and Somalia the most significant countries of origin.<sup>70</sup> The article said that there were concerns about ‘delays in the system, ... language barriers, access to specialist legal advice, cuts in government support, poor quality accommodation and racism.’ Clearly demand has continued to rise significantly (72%) in the five to six-year period since what was then a record high.

There were **35 unaccompanied children** in the care of Northern Ireland’s Health and Social Care Trusts as of 31 March 2021 and 55 young people receiving care-leaving services, mainly in Belfast.<sup>71</sup> This number has also been rising, as a general trend, albeit with a drop in 2020–21. In 2015, it was reported that 25 children, aged 12–17, had been taken into care having arrived in NI unaccompanied between 2011 and August 2015. Five of these had arrived in the first eight months of 2015.<sup>72</sup> The number of new referrals per year from 1 April 2016 were 13 (2016–17), 16 (2017–18), 26 (2018–19), 39 (2019–20), and 20 (2020–21). The figures do not include care leavers for each authority, many of whom will need legal advice because their limited leave has ended.

Additionally there were approximately 212 people granted asylum, humanitarian protection or other leave in 2016 in Northern Ireland, who are therefore likely to need help with settlement applications in 2021. This also gives a guide to the number of people who might have needed help with family reunion and travel document applications since that time.

A further 1,456 people have been resettled under the SVPRS in Northern Ireland. These groups arrive with a grant of asylum already in place, but they may need help with additional family reunion and travel documents, as well as settlement applications.

Organisations reported that there is ‘a huge capacity issue’, either in their own experience of trying to refer or turning away referrals, or in reports from frontline organisations through the Refugee and Asylum Forum which described ‘ringing and ringing and ringing solicitors’ and being unable to get solicitors for their users or the detainees they visit. Members of the Immigration Practitioners Group were ‘so overwhelmed, they’re inundated and there’s a lot of concern there because they’re having to turn away people that they know really need legal advice, but they can’t work beyond capacity.’

70. Fergus, L. (2015) [New figures reveal 500 people seeking asylum in Northern Ireland](#). The Detail, 02/10/2015.

71. Northern Ireland Direct, Consultation Paper: Social Services Policy Group. No longer available.

72. Fergus, L. (2015) [New figures reveal 500 people seeking asylum in Northern Ireland](#). The Detail, 02/10/2015.

## Prisons

As of 27 May 2021, there were **136 foreign nationals in NI prisons**<sup>73</sup> (Republic of Ireland nationals are not classed as foreign nationals). In practice, those in prison are unlikely to be able to access specialist immigration advice though in some cases the criminal solicitor continues acting for them in their immigration matter. A particular problem arises when prisoners are moved into immigration detention in Larne House, which is a Short-Term Holding Centre, and then rapidly moved to a detention centre in England, where the NI solicitor can no longer act for them unless they have already lodged a bail application in NI. In England, they lose access to non-asylum legal aid and may be unable to access representation for an Article 8 or deportation case. As one solicitor interviewee explained, their case load was too small to be able to call this a 'tendency', but they felt that 'the people who are most vulnerable and with the least support are targeted the quickest' for this kind of action.

*We had a case like that, a lady in prison here, who was about to be released so we were trying to get her a bail address and she was removed to the immigration detention centre in NI, without her solicitor being told. I'm not sure her solicitor even got to her before she was taken to Larne, and then she was removed to Scotland, and the solicitor caught up with her in Dungavel, then a couple of days later she was removed to England, again without her solicitor being informed. Eventually she was in England and there was no other choice but to pass her on to another solicitor, with the added complication of having no legal aid for it – it was horrific. Her sentence wasn't more severe than others who were released because they had a family outside fighting for them and a bail address. She was an easy target with no family and not much English and with mental health problems – like someone one knew there was nobody fighting for her.*

73. FOI response 21:67 dated 16/6/2021 from NI Prison Service to Jo Wilding.



### Other immigration matters

Northern Ireland is home to 1% of the UK's foreign-born population. Applying this percentage to the estimate of undocumented people in the UK (Jolly, 2020) gives a rough estimate of around:

**4,468 UNDOCUMENTED PEOPLE INCLUDING 1,742 CHILDREN**  
**23 DOMESTIC VIOLENCE ILR APPLICATIONS**

STEP NI believes both of these are underestimates, with undocumented people being their 'stock in trade' and they may well be correct, since there is very little information available to make a more informed estimate.

In Northern Ireland, **66 people were referred into the NRM** as potential victims of modern slavery by local authorities, Health and Social Care Trusts and police, plus an unknown proportion of those referred by NGOs and government agencies. These were 33 adults, 31 children and 2 persons of unknown age. The statistics include UK / Irish nationals, but around two-thirds may have asylum or immigration needs.

As of 30 June 2021, there had been 88,700 concluded EUSS applications from Northern Ireland. This process had left **31,020 people with pre-settled status and 4,480 with 'other outcomes'**. The September 2021 iteration of these statistics breaks 'other outcomes' down into 'refused', 'withdrawn or void' and 'invalid' and this breaks down to 2,480, 1,800 and 1,600 respectively for the total of 5,880 people with these outcomes by the end of September. Even the pre-settled group, as well as potentially needing advice and support to upgrade to settled status, will face difficulties accessing social security benefits and other support. Those with 'other outcomes', unless they have successfully reapplied, may now be undocumented. The largest numbers of people with both pre-settled status and 'other outcomes' are in Armagh City, Banbridge and Craigavon; Belfast; and Mid Ulster, but there are also significant numbers in Newry, Mourne and Down; Mid and East Antrim; Fermanagh and Omagh; and Ards and North Down.

Two particular problems were identified with EUSS applications from NI, first, long delays and second, that criminal histories were wrongly recorded, with NI data not pulling through to Police National Computer (PNC) checks, so that an investigation which was discontinued by the Police Service of NI would show up as outstanding on the PNC. Additionally, some frontier workers had mistakenly applied to the EUSS, for which they were not eligible, and advisers were unsure whether that would disadvantage those individuals in some way. These are issues specific to NI.



## Local geographies

Given the limited provision above OISC Level 1 for the whole of NI, it is not particularly helpful to compile a sub-national breakdown in the same way as for English regions. It is, however, important to note that complex cross-border issues become increasingly likely with proximity to the Republic of Ireland border, while transport infrastructure means that access to advice is likely to decrease with distance from Belfast.

At the time of the fieldwork, need in NI was persistently high, and the border between NI and the Republic was generating significant discussion and uncertainty. In relation to suggestions that people would intentionally use it as a 'back door' to access the UK, respondents believed that many people in fact cross the border without realising it. For example, a solicitor described how people often believed they had arrived 'at an airport in England' and travelled by bus or car to Belfast, meaning they had in fact arrived at an airport in the Republic of Ireland. Likewise for people who needed to apply to the EUSS, respondents explained that, 'Many migrant workers are oblivious to the fact that this is the UK at all.' Neither the NI Assembly nor local councils had become involved in publicising the scheme at an early stage, and the Home Office was criticised for having 'omitted NI in their media and awareness campaigns for a long time'.

This meant there had been low awareness of the need to apply which, combined with the very small number of Level 2 advisers in NI, meant many people started late on the often-complex process of obtaining ID or passports for themselves or their children and consequently drove 'a big caseload for paper applications' – which could be made without a valid ID, but which required a Level 2 adviser. Consequently, 'At some point our immigration provision increased by 200%... and it's stayed at that level... We've assisted nearly 30,000 people with EUSS.' Although the EUSS has sharply increased need, organisations felt that need across the board would remain high after the deadline and there would certainly be a need for the EUSS advisers, if they could be redeployed or upskilled.

Legal aid firms are overwhelmingly concentrated in Belfast, with very few immigration solicitors working elsewhere in NI. OISC provision, on the other hand, is geographically more spread out, with Migrant Centre NI based in Derry and 'they do a lot of work in the North West', while STEP is in Dungannon, about an hour by bus from Belfast and a shorter distance from the Irish border. An interviewee described them as doing 'unbelievable work with what they have', with 'a huge reach' into 'a huge migrant population because there's a lot of agriculture and industry there and... a lot of people coming to work there, particularly people from Timor Este, a lot of European nationals, a lot of Brazilians'. Many of the East Timorese are entitled to Portuguese nationality. This means, 'somebody could access advice up to a certain stage [outside Belfast] but if they want to get JR or tribunal representation they're probably going to have to come to Belfast.'

Advice NI has a mobile advice van, in service since 2020 and funded by Barclays, which is available for member organisations to book and use, and it hopes to add another vehicle for outreach work. This, and other remote working, has enabled them and their members to cover the entire NI area, particularly people who struggle to get to offices. Dungannon is 'massive, with a very rural population' and is typical of an area which would benefit from mobile outreach. Advice NI gave the example of an employer who contacted them for support on behalf of the 80% of its 300 employees who were EU nationals. In another community, people living on the Republic side and working on the NI side of the border had been refused settled status and needed advice. There are also non-EU migrant workers, some of whom 'commute for work, or do a week of work across the border, or even just get taken somewhere in a white van for work and they don't know where they're taken to,' who may need immigration advice outside the EUSS.

Although immigration laws can be difficult to understand for those subject to them anywhere in the UK, proximity to the EU border adds enormous complexity:

*People struggle to get their heads around the fact they can arrive in Dublin or Donegal and come here and not be stopped, and maybe even find a job because there's so much work around, and then the hostile environment will get them in July. For advice on this there's no provision at all – it's just, the rules have changed but sorry we're not allowed to help with this. Also for people born here, the dual citizenship provisions are not clear to them, so there are people born here and with dual citizenship, who with the pandemic have been working from home so they move back and they want their family to come... and should they apply for an Irish passport, and the EUSS, or a British passport?*

Other needs arose when Syrian refugee families were resettled throughout NI, often needing support with family reunion and settlement. They received 12 weeks of support from key workers before being 'handed over in terms of support... into the local community.'

Despite not having dispersal accommodation, Belfast nevertheless has a population of destitute people who have previously claimed asylum and may have been in the city for long periods of time. Some have accommodation but lack any other support, while others are seeking both legal advice and subsistence support. Attendees at the NACCOM hub meeting explained that, as elsewhere in the UK, it had been easier during the pandemic to help people to get s4 accommodation and support but it remained very difficult to get legal advice and representation for fresh claims and they were expecting a number of cessations of support which would cause homelessness and destitution again.

In respect of asylum, it was explained that 'It's all horrific, but their system [in the Republic of Ireland] with Direct Provision, it's called, is a particularly harsh system. People are there for seven, eight years in these hotels in the middle of nowhere waiting on decisions.' Sometimes people leave the Republic and enter the North and, in the past, they would commonly be returned to the Republic under the Dublin Regulation, on the basis that they had already claimed asylum in another European country. Support organisations and advice providers were unclear what would happen after the UK's departure from the Dublin regime to asylum applicants who cross the border into the North.

A final point in relation to local geographies relates to the structure of local government. NI has 11 local councils, which do not have the same range of responsibilities as local authorities in England, Wales and Scotland. In particular, they do not have responsibility for housing or education, nor for looking after unaccompanied children (and other children in need), which falls to the five regional Health and Social Care Trusts. That means a legal advice provider is much less likely to be applying for judicial review of local level decision-making. It also gives local government in NI less power to fund or commission legal advice than is available to their English, Welsh and Scottish counterparts. Devolution complicates this: as in Scotland, the Department of Justice has to adapt its provision to an immigration system controlled from Westminster, with very little consultation from the Home Office. One interviewee described this as giving NI policy makers 'a bit of a get out', but felt things had improved with long-term dialogue around the intersections with 'other stuff, housing, social security, etc' that is within the devolved NI policy remit.

## Infrastructure

In terms of immigration and Home Office infrastructure, NI has one part-time Tribunal hearing centre, namely Laganside in Belfast. Pre-pandemic, this centre sat on two days per week (Tuesday and Thursday), with Home Office Presenting Officers travelling from Glasgow. Since the pandemic, Presenting Officers appear remotely. There is one immigration detention centre, Larne House, which is a Short-Term Holding Centre and should not hold any person for longer than seven days.

As explained above, this creates disadvantage, since detainees are moved rapidly to England to comply with time limits for Short-Term Holding Centres, but the part-time nature of the Tribunal means there is often an in-built delay before a bail application can be heard. This means people in detention need to see a solicitor quickly and lodge a bail application quickly, if they are to have a chance of remaining in NI. If the application is lodged before the applicant is moved, it will still be heard in Belfast, but this happens remotely, whereas bail applications in Belfast are normally heard in person. Organisations explain that the quality of connection is usually poor, but even the most vulnerable clients are not brought back to Belfast for the hearing because of the expense.

Commonly, because of difficulties accessing phones, computers and Wi-Fi, clients

lose contact with any NI legal aid provider, and in any event a support organisation explained that, 'Once they're in England or Scotland, legal aid tends to start saying well they're out of the jurisdiction so you can't get legal aid to represent this person anymore.' Given the different scope of legal aid in England, this usually means they lose access to non-asylum legal aid. These short time windows mean that, to avoid losing the link to NI, clients would need 'a specialist solicitor who's sort of ready to go'. But Larne House has a capacity of 19 people and there is an insufficient volume of work for any provider to specialise in detention work.

Advice organisations also report difficulties with accessing interpreters. One legal aid provider said they would only take on clients who had workable English or spoke the solicitor's own other language, because, 'I find the legal aid arrangements for interpreting are so cumbersome they are unworkable for me.' Another advice organisation explained that, though their own experience of interpreters had been good, there were significant problems around funding for interpreters and quality of interpreters. They said funding for interpreting is rarely systematically included within project grants, leaving them reliant on family members and friends, with the attendant difficulties around confidentiality.

Another important issue with immigration infrastructure, mentioned by several respondents, is that there is only one biometrics centre, which is in Belfast. There could be difficulties getting biometric appointments, which were said to be released 'in fits and starts', such that it could take 'weeks' to get a free (as opposed to fee-charging) appointment, despite the application not being valid until a biometric appointment is made. The Law Centre found it was able to escalate the issue of lack of appointments rapidly to government level, because the Department for Communities had a strong interest in ensuring that resettled refugees did not become undocumented, but this is more difficult for others outside the resettlement scheme.

Related to this, transport links are described as ‘not great’ and ‘a constant issue’. Most applicants, including resettled refugees, need to attend the biometrics centre or the Tribunal in person. In many areas there are no trains, only buses which are described as ‘not particularly regular’, ‘very expensive’ and taking ‘a long, scenic route’. Organisations report real difficulties in arranging for people living in more remote areas, whole families or disabled people to travel to the biometrics centre, legal appointments or the tribunal: ‘maybe two hours journey, maybe three buses’. The Tribunal was described as ‘a bit unsympathetic to that because they want people there in person, at 9am even if the case doesn’t start until 3pm’.

Advice NI’s mobile advice van is a creative response to some of these infrastructural challenges, particularly for client groups which lack access to internet or hardware. The van was converted to be ‘covid secure, [with] all the digital tech, and separate entrances for advisers and clients. It has Wi-Fi and different info screens and printers.’ This was funded by a sponsor and enabled them to reach all parts of NI, including Roma groups and homeless people.



## Fees and funding

Interviewees explained that, 'We had two firms recently that closed, who were busy specialist immigration firms. They haven't closed – they closed their immigration departments.' Both told the Immigration Practitioners Group of the Law Society that they withdrew for financial reasons: 'we had loads of work, we had built up really good connections in the community, we had built up trust, we were happy with how it was going but we were not getting paid for the work'.

One of the survey respondents said that, when they came into legal aid work in 1982, the hourly rate for Advice and Assistance was £43.25 and that this rate has not changed in the intervening 40 years. This solicitor said their hourly costs were £105. Although immigration work at Tribunal level is paid on a fixed fee, the nominal hourly rate has not changed. One solicitor described appeal fees as 'unworkable' at the best while another explained that, if the Home Office withdraws shortly before the appeal hearing, there is an even more 'miniscule' fee: £240, which is 20% of the full appeal fee, or £420 if the Home Office withdraws on the day of the hearing. Another said that the legal aid funder, the Legal Services Agency (LSA),

*...will not grant a certificate for an appeal until the hearing date is listed. The tribunal require all the work to be done before the hearing date. Quite often the Home Office withdraw their decision on the morning of the hearing in the face of a well-reasoned appeal submission, whereupon legal aid refuse to pay more than 35% of the fee [£420] as they say the appeal did not run.*

This problem had worsened since the change of Tribunal procedure, which now requires submission of all evidence and an advance skeleton argument before the hearing is listed, specifically with a view to enabling the Home Office to review its initial decision and withdraw it if, in light of the appeal evidence and skeleton argument, the decision is unlikely to be upheld on appeal. Where a decision is withdrawn, representatives will have done the same work they would have done for a full Tribunal hearing, save the hearing itself, but receive only 20% of the full fee.

However, NI had escaped the cuts to scope that were imposed in England and Wales so that, like Scotland, all areas of immigration remain in scope subject to the means and merits tests. Those in detention automatically qualify for legal aid and the Green Form scheme allows for time-limited Advice and Assistance. This is praised for being broad and inclusive, although some advice organisations felt that non-asylum immigration representation beyond basic advice is rarely available to clients in practice, because the work is so unprofitable. At Representation level, the fee system is described as 'outdated' and failing to recognise the level and amount of work required, the vulnerability of the clients and the consequences of them being unable to access advice. The same was said to apply to barristers, although no barristers were interviewed for this research. Solicitors said it was very difficult to access barristers, perhaps because they would 'essentially get paid the same' for a five-minute hearing in a Magistrate's Court as for an asylum appeal for a vulnerable client. Legal aid for judicial review was described as 'generally pretty accessible'. It is paid at hourly rates and, although merit based, interviewees believed it was relatively rarely refused.

While many organisations elsewhere in the UK rely on some element of local authority funding, this does not exist in the same way in NI, because of the different organisation of local government. Belfast City Council was described as 'very supportive', funding clubs and educational support for asylum seeking young people or refugees, 'but they're small projects, not commissioning advice'. No organisations currently have funding to support with application fees, such as those for 'children who are crippled with huge settlement fees,' leaving them reliant on loans and community fundraising (as is the case throughout the UK).



The Law Centre NI's funding from the Department of Justice (DoJ) was withdrawn some years ago, leaving it reliant on a combination of legal aid income and grant funding to run strategic cases, an advice line and a second tier advice service, as well as taking on the complex late-stage work where problems have arisen because of earlier failings. As one interviewee put it, they are 'brought in when others have f\*\*\*ed up.' It appears the loss of DoJ funding may have happened because this vital infrastructural role did not, at the same time, deal with high volumes of cases. As with many not-for-profits in England and Wales, the Law Centre now combines funding 'from here, there and everywhere, which is messy and not sustainable.'

Grant funding is therefore central to the operation of all of the non-legal aid organisations, as well as the Law Centre, and the most important funders are the same as those elsewhere in the UK: the Big Lottery, Comic Relief, and so on. The same problems arise, with short-term funding giving rise to short-term employment: 'Often we're offering a job for 9 months or less. One time we were trying to recruit a paralegal for 10 weeks. To be honest it's not great.' The issues appear to be similar to those in other advice desert areas of the UK, but perhaps all the more intractable because of the geographical isolation of NI:

*I have to say when dealing with funders I get the impression they are really open to funding work in NI and a lot of them, there is a focus on looking at the devolved nations and looking beyond London. They've all been really great and open to hearing about those issues, but I still think a lot of immigration work still focuses on policy and grassroots activism rather than straight, boring, "we need advisers, we need people sitting and telling people what to do." I've heard ... frustration on that, that what's really needed is advisers and OISC people doing phone lines and clinics but funders want to see bigger projects. [I]f you don't have the people doing the initial advice, you won't end up with any of the other projects because all of the information and all of the groundwork comes from advisers, so there's maybe a bit of a gap there, which leads into the capacity issue, where we just don't have that many free advice services and we don't have that many solicitors and it all comes together.*

EUSS funding had enabled several organisations to do 'the most amazing free advice service' across NI, and perhaps offers a model for what is possible for NI with training and sustainable funding – although EUSS funding had come in fits and starts that were difficult to manage, with an initial one-year tranche of funding followed by several extensions of three or six months. It also illustrates the point made by one interviewee, that 'In NI we depend a lot on what comes from Westminster.'

A further problem is the perception of who services are for. An advice organisation explained, 'There is a lot of perception that if it doesn't have ethnic minorities in the name, then it's not for ethnic minorities.' Often this was because services had no funding for interpretation, therefore felt unable to help those needing language support, but had not included funding for interpretation in their bids and proposals. The Department of Communities offers funding, including the Minority Ethnic Development Fund, but there is 'nothing separate for advice'. Interviewees argued that 'the mindset needs to change', both among advice organisations, other service organisations, and government bodies, around accessibility and mainstreaming of services for ethnic minorities and migrants, and ensuring the funding includes that provision.

There is an urgent need to review legal aid fees and the sustainability of legal aid practice, as well as other advice funding around immigration and asylum in NI.

## Networks, partnerships and referral routes

The asylum and migrant support sector in NI was described as ‘very well networked’ and ‘a relatively cohesive sector’ by an interviewee in an advice organisation, who had previously worked in England. The Refugee and Asylum Seeker Forum (RASf) was said to include ‘pretty much’ all of the organisations involved meaning that between them, ‘We can account for most of the asylum seekers in NI. They will be linked in to those services in some shape or form.’ Although this, and the Migrant Forum, include advice organisations, an interviewee noted that private practice legal aid solicitors are rarely involved in the networks, and that their involvement would be useful.

The Immigration Practitioners’ Group of the Law Society NI formed in around 2017 and the ILPA NI group only in 2020, so the formalising of the immigration legal professional network is relatively recent and interviewees felt that these networks helped even those working in the field to better understand who was doing immigration work, as well as ‘having connections, knowing what’s going on and being able to come together on issues like legal aid and the Tribunal.’ The sharing of information through these two networks has proved particularly useful in the NI context, as an interviewee from an umbrella organisation explained:

*Most of what I’ve said today has come from those networks, so if I say there’s a capacity issue, it’s because those networks are telling me there’s a capacity issue. When I’m saying I know there’s a solicitor who’s dual qualified [in the North and the Republic of Ireland], I’ve met her through those, and then it’s really common here that you’ll get someone saying, “I live in Dublin, but I work in Belfast and my wife is American and I’m not really sure what we need to do because she would like the kids to go to school across here.” And you’re going, “Oh my god, two different jurisdictions, two different immigration regimes,” and now we know if you come across something like that you can refer it to someone who’s dual qualified and it comes through those networks. They’re really important.*

Advice NI is an established and important network for the wider advice sector with a broad membership from sole advisers to large organisations, including generalist advice, specialist advisers covering issues like housing and immigration, and targeted providers with specific client groups such as disabled or ethnic minority populations. Its main priority is coordination and support for the advice sector, covering training, quality standards and policy work. It does also do frontline advice work, ‘on contracts that local services can’t fulfil’. This includes EUSS work, and the welfare reform support project, a debt service and specialist tax advisers. This dual role is arguably a difficult line to walk because of the potential conflict between roles as an umbrella support organisation and a frontline advice provider, potentially competing with its members for contracts. The organisation emphasises, however, that frontline advice is only offered where none of its members is able to provide that work.

A number of advice and migrant support organisations are involved with the Strategic Migration Partnership, which sits within the NI Local Government Association and plays the same role as its counterparts across all parts of the UK. It deals with a similar range of concerns to other SMPs, with the added issue of the Frontier Worker Permit Scheme, for non-Irish EEA nationals living in the Republic of Ireland but working in NI. Some also participate in the monitoring group for the EUSS, with the EU Delegation to the UK.

The Committee on the Administration of Justice (CAJ) does not offer frontline advice, but acts as a legal resource for frontline organisations, particularly when new legislation or policy comes into effect, alongside policy and campaigning work. Its focus is on human rights, justice and equality more broadly, but it has an immigration project within that, and other organisations can affiliate to the Committee.

Beyond these networks, there are some direct partnerships between organisations which support capacity or outreach. Advice organisations partner with solicitors' firms to refer clients who need representation or a higher level of casework than the advice organisation can offer. STEP buy in a solicitor's time and triage clients to identify who needs the solicitor and what can be done by its own caseworkers.

*It works so well under the EUSS because a lot of what the Home Office says is complex and needs higher level work is really just admin. For example, someone has a criminal record and there's nothing really stopping an OISC Level 1 or 2 adviser doing it and the solicitor just doing a cover letter, or for people who didn't have IDs, and needing to make a request for a paper application, which is different from someone who is Chen or Zambrano, so it's worked well, compared with the solicitor having to take the whole of that case or having to refer it for private advice.*

Another advice organisation works closely with Seraphus Solicitors, a London-based firm, to 'jointly deliver about 30 Q and A sessions a year, mainly covering joining family members.'

There are, of course, also more general referral routes, with legal aid solicitors referring clients to the Red Cross for family tracing and to Extern, an Ireland-wide charity which supports newly-granted refugees in and beyond the move-on period. The Children's Law Centre is 'the go-to' for all organisations encountering children with immigration legal issues, while the Advice NI network allows for referrals between organisations where, for example, 'debt advisers are asking people if they've applied for EUSS.' Referral by a trusted adviser via a 'warm handover instead of just signposting [is] more likely to keep them in the advice network' – a point which highlights the importance of the cohesive network which exists in NI.



## Recruitment, retention and training

Recruitment of qualified advisers is very difficult throughout NI, because there are few immigration solicitors and few OISC-accredited advisers, especially given the salaries organisations can afford to pay. This appears to be even worse in rural areas than in Belfast. Although this reflects a recruitment crisis throughout the UK, one interviewee pointed out that it is almost a 'rite of passage' that 'young people tend to leave' Ireland for study or work elsewhere, while few people come in from other jurisdictions, creating a 'brain drain effect'. This is partly because wages are higher outside NI, but solicitors also put it down to issues around the qualification process for lawyers in NI, which one described as 'very restrictive':

*I think we have a particularly archaic system. You have to have a Master from a firm who's willing to essentially sponsor you through the two years' training and you do six months in office, six months in class, six months in office, and there's no sort of ranking or anything. You do the exam, you pass, and then anyone that has a Master gets in. So the usual thing is you get a lot of nepotism and cronyism and people getting in because of who they know, rather than their actual grades or work experience and things like that, and people leave, very naturally, because they say well I can go to England and qualify.*

The Institute of Professional Legal Studies has recently begun teaching immigration law as part of the course, according to one solicitor who explained that it had previously been an optional three-day module, which was cancelled in their own year at the Institute due to lack of take-up. This meant, in effect, it was not seen as 'a standard bit of private practice' despite impacting on criminal, family and other areas of law that new practitioners train in. As with other changes, this appears to result from pressure from the Immigration Practitioners Group on the Law Society. The solicitor hoped that this, combined with the existence of professional networks, would encourage more newly qualified solicitors to go into immigration work.

Training and exams for immigration advisers have become much more available, according to all respondents, with the move to online delivery. Pre-covid, STEP NI provided a facility for sitting OISC Level 1 exams, but those wanting to upgrade to Level 2 often had to travel to London or Manchester. The shift into online working gives access to a whole range of training, assessments, and meetings of professional networks like ILPA, without the need to travel to England. Several organisations were also using Refugee Action's training and support, while the Law Centre NI continues to provide training within NI (and STEP has previously facilitated some of the exams). Even so, difficulties remain because of the limited existing provision: as an advice organisation pointed out, 'You can't train advisers without an organisation, but you can't register an organisation without advisers.' Mentoring and supervision remain necessary, but in very limited supply. Interviewees also emphasised the need for constant updating and support because of the speed of legislative change.

The EUSS offers a potential model and a basis for training new advisers. EUSS work offered people 'a taste' of immigration advice work. Some organisations built training costs into their first tranche of Home Office EUSS funding. STEP ran four iterations of training, and had 'increased capacity a bit but it was not as easy as we hoped'. Of 36 who began the training, 12 had taken the exam or were 'struggling with registration'. At the time of the fieldwork, four had passed the exam but one of these subsequently left NI, and two had taken the Level 2 exams. This long lead-in time for new advisers illustrates why short-term funding, giving rise to short-term employment contracts, prove a particular problem for organisations which depend on grants.

Registration beyond EUSS work was proving something of an obstacle for some organisations. An advice worker described this as ‘just testament to... where the sector is at the moment, because the paperwork is not really any more complex than doing funding bids and other compliance’. Accordingly there would be ‘at least another few registered at full L1 when the EUSS is finished’ but the experience shows how difficult and labour intensive it is to increase capacity. However, Advice NI has trained 148 EUSS advisers across its network and this pool of people is potentially a vitally important resource for the sector, post-EUSS.

For NI (as in Scotland) there is a clear split between solicitors’ firms, which can do legal aid work, and OISC organisations, which cannot. Solicitors said they had never heard of a law firm employing an OISC-accredited caseworker, whereas in England and Wales the ‘paralegal route’ into qualification is reasonably common, and non-lawyer caseworkers can do legal aid work if they obtain the IAAS qualification.

## Quality

Quality is repeatedly cited as a problem, particularly when non-specialists have ‘dipped their toes’ into immigration work, for example taking on a deportation case for a former criminal client. So long as a person is a qualified solicitor, they can take on immigration work without the further accreditation process that exists in England and Wales (but not in Scotland). Often a solicitor with no experience in immigration begins doing immigration work, perhaps because of high demand, but because of the complexity of the law and policy, ‘It’s trial and error, but it’s a lot of error, so we see a lot of people where it has gone wrong.’ There is not necessarily a swell of opinion in favour of requiring accreditation as an entry barrier, given the very limited provision which exists, but the lack of any barrier to ‘a solicitor... who’s had a career in real estate’ taking on an asylum case was said to sometimes have ‘disastrous results’.

For the Law Centre in particular, this meant spending a lot of time trying to address errors made by previous solicitors. A solicitor who had worked in private practice gave an example:

*A number of my clients had No Recourse to Public Funds on their visas because the person that did the application didn’t know that you can put forward that that [condition] shouldn’t be on it, and then they end up in this incredibly complicated situation where they can’t get any public funds.*

Other examples included overcharging, especially for non-complex applications; serious errors in both asylum and immigration cases which led to a client’s application being refused; failing to make applications for s4 accommodation in time, potentially causing homelessness; failure to pass on compensation for unlawful detention; general delays and inaction; or a right of appeal being lost. An NGO adviser explained that, because advice was often given by email during the pandemic, they now had written evidence that some solicitors were giving wrong advice. Even so, the adviser found clients often lacked the confidence to make complaints, and would simply turn to the voluntary sector to help with the underlying issue.



Interviewees explained that the main asylum and immigration providers had been 'for years... saying there's a problem with the quality of advice' but that the Law Society has argued 'there are no complaints and, in the absence of complaints, we dispute your assertion that there's a problem.' Lawyers pointed out that when someone becomes destitute or is detained as a result of poor advice, 'the last thing on their list of priorities is to make a complaint.' However, an immigration solicitor with 'a huge caseload' had recently been struck off, leaving a large number of people unsure whether or not they were represented or whether bad advice had affected their cases. This seems to have influenced the Law Society NI's decision in 2021 to canvas its members about whether they routinely undertake immigration work.

The Law Society was also criticised for not doing enough to facilitate or encourage complaints in the case of poor work. An advice worker explained that they had supported three people to complain, but it took more than two years for the complaint to be resolved, the Law Society did not mention these resolved complaints in its annual report or its website, and there is no support – either from the Law Society or any other body – for people to complain, including those with language or technical barriers. The same advice worker was also supporting 'ten cases from two advisers in the same company who have given wrong advice'. The voluntary sector is not resourced to support people to complain, so the adviser had to do it in addition to their other work. The adviser felt the process lacked independence 'because there are usually 15 Law Society members on the panel'. Others agreed the complaint process was not accessible or independent enough, but added that it is important to clarify for clients what can be expected of the solicitor and what the solicitor cannot do.

The ILPA NI working group and the Law Society Immigration Practitioners' Group have the potential to raise standards but only reach 'the converted' who already provide good quality services or want to improve, in the face of significant financial challenges in legal aid work. Interviewees argued for 'something around quality assurance' or 'some kind of voluntary stamp, a mark of specialism, like you could go and do a voluntary exam or some kind of course' which could then be advertised to inform clients that a solicitor specialises in immigration. This is 'very much just in discussion at the moment' but appears to be something which should be prioritised, and perhaps used to encourage more solicitors into immigration specialism, given the rising need in NI.

## Summary

For NI, there is rising demand particularly for asylum applications and unaccompanied children, but also from a population of destitute refused asylum applicants, as demonstrated in the demand overview. At the same time there is apparently falling provision with the closure of two specialist providers' immigration departments, evidenced by the Law Society's request to members to confirm whether they do immigration work, and the finding that there are fewer than 15 firms which regularly undertake immigration and asylum legal aid work. This, combined with the complex issues NI faces as a result of devolution and the border with the Republic of Ireland and the EU, means there is an urgent need both for more accurate real-time data on provision and need, and for increased good-quality advice, casework and representation capacity.



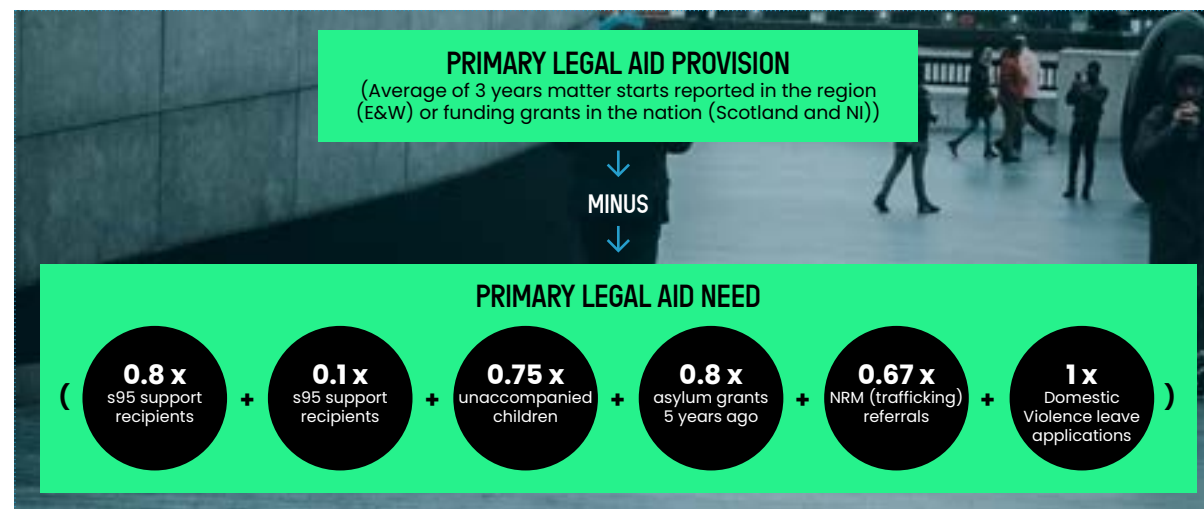
# APPENDIX – DATA COLLECTION

## METHODOLOGY AND DATA COLLECTION

The project relied on a range of data collection strategies including desk research for published statistics, Freedom of Information requests, interviews with different levels of advice organisation covering every region and nation of the UK, an online survey, and a Knowledge Exchange approach. All of the data were thematically analysed by region or nation, using a set of key categories focused on demand, supply, geographical issues, networks and partnerships, referral routes, recruitment and training, and looking for any specifically local issues identified by participants.

## STATISTICAL DATA

Statistical data relate to the key categories within provision and demand for legal advice such as asylum applications and asylum support, number of foreign nationals in prison, and EU Settled Status applications and outcomes. These are detailed in the Demand Overview and referenced in the text and / or footnotes. Where there were no published statistics for a category of demand or provision, a Freedom of Information request was made, and these are similarly referenced in the text or footnotes.



## Interviews

Semi-structured interviews were carried out with 43 individuals and organisations involved in immigration legal advice across the UK. These followed a topic guide covering the key research questions and allowed for follow-up questions on any topic which emerged in the interview relating to local demand and provision. Interviews took place remotely, by telephone or video conferencing.

This was initially a targeted approach, looking to ensure, so far as possible, that there was at least one interview for each region or nation at each level of advice: legal aid and OISC Levels 1,2 and 3. Invitations were sent by email to organisations which appear on the OISC register and on the respective legal aid authorities' lists of providers. I particularly targeted organisations which have more than one office within a region, or offices in two different regions, who were likely to be able to reflect on local differences. I then adopted a snowball approach, asking interviewees who else in the area would be important to talk to. Other interview participants were recruited through the survey, which offered respondents an option to submit their contact details without completing the survey if they preferred an interview. Finally, some interview participants were recruited via the Strategic Migration Partnership meetings and other network or working group meetings, described below.

The breakdown of interviews by region / nation is.

### Interviews:

South East	6
South West	2 + additional data collection below
East of England	4 + additional data collection below
Midlands	4
North East, Y&H	6
North West	5
Wales	4
Scotland	3 + additional data collection below
Northern Ireland	4
National	6

The total is more than 43 because one organisation covers two regions.

### The breakdown of interviews by advice level is:

Legal aid	12
OISC 3	12
OISC 2	8
OISC 1	3
EUSS only	2
Other	11 (includes second tier advice and asylum support)
Group	1

The total is more than 43 because some organisations operate separate projects over more than one level.

## Survey

A survey was compiled to obtain information from a larger number of organisations than could be reached with interviewing alone. The survey used the Smart Surveys site, which is GDPR compliant, and designed so that respondents could skip any questions which were not relevant to their organisation. This enabled a single set of questions to be used for all organisations including OISC levels 1-3 and legal aid across all four jurisdictions.

The survey was sent by email to all legal aid providers on the lists for Scotland and Northern Ireland for whom an email address was available online, and to all organisations on the OISC register which had an email address registered. It was also sent via the online Refugee Legal Group, publicised on the Free Movement blog, and sent out by Refugee Action and Naccomm to their nationwide networks, and by several organisations with regional or local networks. Since this research partly overlapped in time with the London Immigration Advice Mapping project, responses were not sought from organisations in London, though some London organisations did respond to this survey, having missed the London version. Where they had not responded to the London survey, they were taken into account in this research.

Responses are detailed by level and region / nation below, and were received from 61 organisations. This appears at first glance to be a fairly low response rate compared with the total number of organisations across the levels of advice throughout the UK. However, there were 16 survey responses from organisations accredited at OISC Level 3, and the interview and survey responses combined amount to 25 organisations. There are only 46 non-fee charging Level 3 organisations outside London in total, and 53 in London, with some of these being multiple offices of the same organisation. At OISC Level 2, the combined number of responses is 15, while there are 54 offices in the UK outside London and 26 in London.

At Level 1, there is a vast range of organisations from large national charities to very small community groups and generalist advice centres. Citizens Advice offices in England, Scotland and Wales accounted for 377 of the 574 offices on the register; all CAB advisers are exempt from OISC regulation at Level 1, but they may or may not have received any immigration specific training. Taking account of duplicate offices, there are 143 separate organisations accredited at Level 1 (as of May 2020), of which 37 are members of Advice NI. Although the response rate is clearly lower for OISC Level 1 than for Levels 2 and 3, it is not as low as might appear at first glance. Few of these have immigration advice as their core activity and many of them – together with support organisations which do not give advice – made their contributions through the meetings and workshops format discussed below.

### Surveys:

Responses from 61 organisations, distributed as follows.

South East	8
London	9
South West	11
East of England	4
Midlands	6
North East, Y&H	7
North West	4
Wales	1
Scotland	8
Northern Ireland	3
Legal aid	10
OISC 3	16
OISC 2	10
OISC 1	14
None *	11
Private sol	1

But \* includes organisations which buy in provision as a partner.

Totals 62 because one organisation does both OISC 2 and legal aid.



## Knowledge Exchange, Meetings and Workshops

The second phase of data collection included knowledge exchange work with various networks and partnerships. A particular target of this approach was the Strategic Migration Partnerships (SMPs) in different areas, to try to understand the regional and sub-regional pictures from their perspectives. This included one-to-one interviews with SMP leads, small group discussions, and presentations with Q&A during SMP meetings, which were taking place remotely. These facilitated the SMP attendees inputting their own knowledge of the regional situation, including demand, supply, gaps in the existing advice network and place-specific barriers to provision or access. It was not possible to achieve this level of engagement with every SMP across the UK but I received detailed input from the SMPs for South West England, South East England, East of England, East Midlands, Yorkshire, and Wales, and had discussions with lead officers for Liverpool City Region and Birmingham.

I also participated in a number of workshops and meetings with a devolved national, regional, or sub-regional focus. This offers an effective way of reaching more organisations than interviews alone, and allows more in-depth exploration of a sub-regional picture, including with key informant groups which have experience of supporting people to access immigration advice but whose experiences are not always well-explored through the survey questions, which are aimed at advice organisations.

I tested this approach in the East of England region, organised by the East of England Local Government Association, and then attended all of the summer 2021 regional hub meetings of the No Accommodation Network (NACCOM), the Justice Together Initiative's workshops for areas identified as having an advice shortage (Wales, East of England, South West England, West Midlands, and Northern Ireland), Sebba Foundation's roundtable with law clinics in England, and the June 2021 meetings of the Northern Ireland and Scotland working groups of the Immigration Law Practitioners' Association. Like the SMP process outlined above, these involved presentations of varying lengths on the interim findings for the particular nation, region or sub-region, tailored to the interests and experience of the group, and then inviting discussion which added nuance to the existing information, around the characteristics of the advice-seeking population and the advice sector, travel patterns, referral networks and so on.



## Other research informing this report

In addition, I undertook separate projects in:

- the East of England (group discussion with local organisations, interviews with four out of the ten active legal aid providers in the region plus one email interview, and extensive discussions with Local Government Association) commissioned by the East of England LGA;
- South West England (17 interviews with local providers, support organisations, local authority and Legal Aid Agency stakeholders, plus lawyers undertaking either private immigration work, immigration legal aid work in another access point, or non-immigration legal aid work in Plymouth and Devon, to understand the barriers to provision in the specific area; one solution-focused workshop including providers, support groups, local authority and LAA) commissioned by the Refugee And Asylum Seeker Forum and part-funded by the Economic and Social Research Council as part of a Postdoctoral Fellowship based at the University of Brighton.
- Scotland (19 interviews with legal aid providers, advocates, law clinics, the Scottish Legal Aid Board, and support groups) funded by the Economic and Social Research Council as part of a Postdoctoral Fellowship based at the University of Brighton.



## CREDITS

### Photography

Photography by Anderson

### Report design

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