

Finding legal representation



Immigration advice

Only the following can provide immigration advice & services:

- solicitors regulated by the SRA;
- non-solicitors working within a legal aid solicitors firm under supervision
- barristers (General Council of the Bar);
- Immigration advisors accredited by the OISC.

It is a criminal offence to provide immigration advice or services in relation to a regulated matter.



Advice v information

Legal advice applies the law to a specific set of facts and proposes a course of action

Legal information is factual & generic and does not recommend a particular course of action. It can include explaining how things work, e.g. how the EUSS application system works

Legal information can include going through written resources with someone, e.g. helping them read guidance on the gov.uk webpage

Giving someone legal advice if you are not a legal professional can damage their case

'relevant matter'

Relevant matters

- claims for asylum
- applications for entry clearance or leave to enter or remain in the UK
- citizenship
- deportation or removal
- bail applications and appeals against deportation

Not relevant matters

- Asylum support applications
- Asylum support appeals
- Applying for passports
- Helping a client to gather evidence, as advised by a qualified person
- Advice on rights & entitlements
- And lots more

Finding a legal representative

- Is the matter “within scope” of legal aid?
- If not, is it possible to refer the client to a charity providing immigration advice/casework at no cost to the applicant?
- If not, would an application for Exceptional Case Funding be possible?



The scope of legal aid

In immigration/asylum, Legal aid is only available for:

- Asylum claims (both initial and fresh claims)
- “Protection” claims – ie Article 3 ECHR/Humanitarian protection
- Trafficking claims
- Some domestic violence claims

Requirements for a grant of legal aid

Even if a matter is “within scope” legal aid will not be granted unless:

- Applicant is on a sufficiently low income to qualify for free legal representation (income test)
- For legal aid casework, that a legal representation confirms that they believe the application has at least 50% chance of success (merits test)

Finding a legal aid lawyer



- Crisis in legal aid – market collapse
- Fewer & fewer legal aid solicitors
- Legal Aid “deserts”

Finding a legal aid lawyer

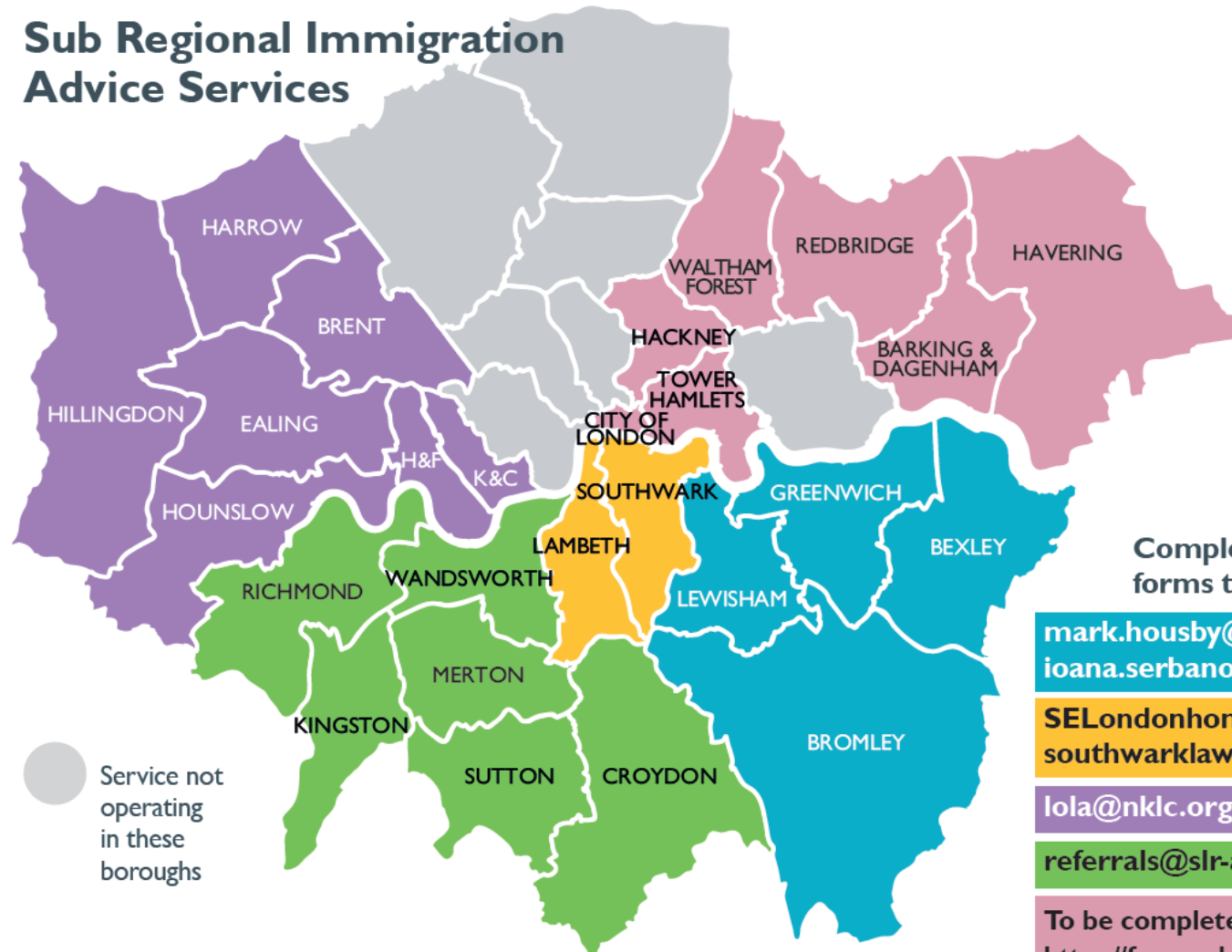
- Law Society Find a Solicitor database: [Find a Solicitor - The Law Society](#)
- Call the Civil Legal Advice telephone helpline [advice-practitioners-guidance.pdf \(publishing.service.gov.uk\)](#)
- ILPA members directory [Members directory – ilpa](#)
- OISC adviser finder [Find an immigration adviser: Search for an adviser - GOV.UK \(www.gov.uk\)](#)
- Some migrant charities may have lists on website e.g. [Find a lawyer - Rainbow Migration](#)

Non-legal aid matters

Majority of immigration matters not generally eligible for legal aid. Options:

- Rough sleepers – refer into Sub-regional Link Worker Advice Service
- Find a charity/law-centre which take on immigration issues
- Apply for Exceptional Case Funding and find a legal aid lawyer

Sub Regional Immigration Advice Services



● Service not operating in these boroughs

Completed referral forms to be sent to:

mark.housby@lrmn.org.uk and
ioana.serbanoiu@lrmn.org.uk

SELondonhomeless@southwarklawcentre.org.uk

lola@nklc.org.uk

referrals@slr-a.org.uk

To be completed online:
<https://forms.gle/7EiF7qjEvhjcvKPQ8>

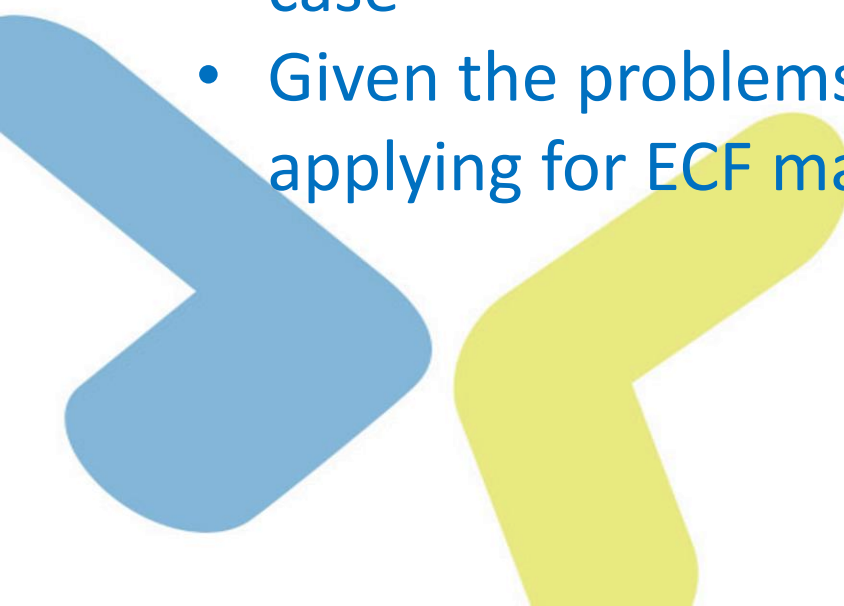
Law Centres & Legal Advice Charities



- Law centres may be able to take immigration cases (some only take legal aid matters)
- Charities providing legal advice & casework free at point of access – criteria dependent on funding

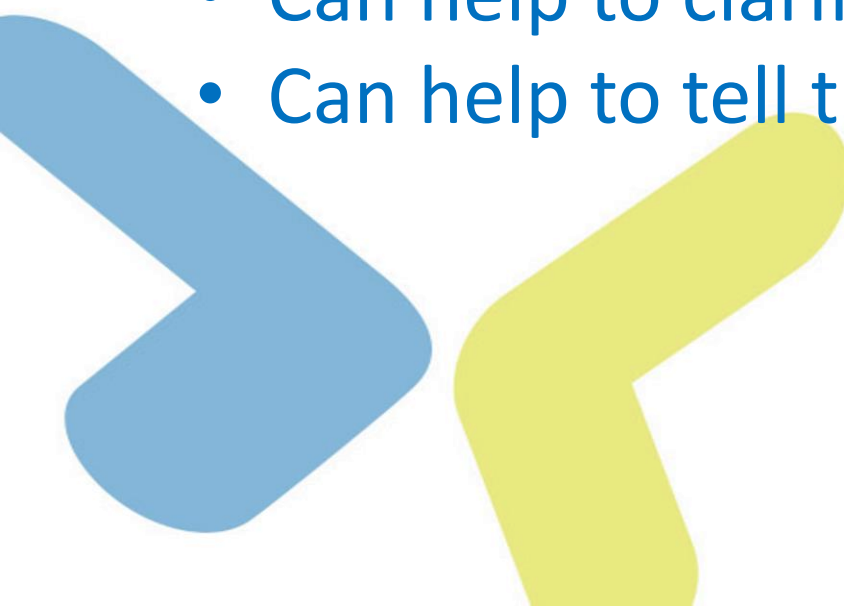
Exceptional Case Funding

- Exceptional Case Funding is available for cases which are not 'automatically' able to receive legal aid.
- Getting ECF means that a legal-aid solicitor can then take on the case
- Lawyers usually want a person to have ECF before they will take on a case
- Given the problems with finding legal aid lawyers, the benefits of applying for ECF may be limited



Timeline/ key information

- Going through timeline with a client to identify when key events happened, what order
- What is the key information they might want to get across?
- Can help to clarify what evidence is needed
- Can help to tell the story to a potential legal rep



Subject Access Requests – Home Office

- Helping a person to obtain their Home Office file is not immigration advice
- Immigration history is often very important for a legal representative to know
- Getting a Home Office file can take some time and can sometimes delay an application
- The HO file might not make much sense to you but will help a legal rep
- Request copies of personal information held in the borders, immigration and citizenship system - GOV.UK (www.gov.uk)

Finding legal representation

- There are no shortcuts
- It will take a lot of phonecalls & emails
- Persistence is key
- Think about how to present the case – key issues
- If you manage to refer, support client as much as you can to maintain the relationship
- Do listen out for recommendations

What if you can't find representation?

- Ideally everyone would have a legal rep because immigration & asylum cases are complex, BUT
- Reality is that not everyone will find a representative
- Capacity to represent themselves?
- Right to Remain toolkit Right to Remain Toolkit – Right to Remain



Funding immigration advice

- If you have service-users you are unable to assist due to immigration issues & can't get legal help how can you fund this?
- Local authority funding? 'It's a no-brainer': Local authority funding for immigration legal advice in the UK A report by Jo Wilding, May 2023 – Justice Together (justice-together.org.uk)
- Developing in-house specialism?
- Commissioning specialist support?

