

Why is immigration advice important?

Briefing for homelessness services

Migrant destitution is a growing issue in the UK¹, with an ever-increasing number of individuals needing specialised support around understanding their rights and entitlements.

Immigration status problems prevent migrants from finding routes out of destitution – often they must try to resolve the problem first or, failing that, make the difficult decision to leave the UK. For both of these options, access to good quality, regulated immigration advice is essential to enable vulnerable asylum seekers and migrants to take action to alleviate their destitution while avoiding decisions that can have lasting negative consequences.

What is immigration advice?

Immigration advice is advice which:

- Relates to a particular individual
- Is given in connection with a relevant matter (e.g. asylum claims, immigration, applications, nationality applications, EU freedom of movement, unlawful entry, removal and deportation etc.)

Providing immigration advice is a regulated practice, and anyone giving immigration advice must be regulated. The Office of the Immigration Services Commission (OISC)² exists to regulate practitioners whose role is not regulated by one of the other ‘designated professional bodies.’ The OISC requires practitioners to meet certain standards, such as ensuring they carry insurance against bad advice and keep up to date with changes in the law.

Unregulated immigration advice is a criminal offence, even when given free of charge on behalf of a charity or not-for-profit organisation, and regardless of its competence or otherwise. Even if given in good faith, the potential impact of providing poor advice can have very serious implications on those it is intended to support.

Why is good quality immigration advice important?

Providing unregulated or poor immigration advice to destitute migrants can have an extremely negative effect on their future in the UK, and their ability to move away from destitution. Not only are the potential implications both severe and long lasting, but they can also be very expensive, involving legal fees, application fees, fees for interpreting, translation and reports, fees for appealing negative decisions and health surcharges.

Bad practice among legal practitioners does exist and it is important to protect vulnerable migrants from financial exploitation. Poor or illegal advice offered in regards to asylum cases can lead to the removal of the right to remain in the UK, and the potential return to a country where they may have a fear of persecution.

¹ Models of immigration advice, advocacy and representation for destitute migrants, focusing on refused asylum seekers (Clayton, 2015)

² <https://www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner>

Homeless Link

If you or a client is unhappy with their legal adviser, the first step is usually to make a complaint to the firm or organisation that they work for. It is also possible to complain directly to their regulator (e.g. the OISC, the Solicitor's Regulation Authority, etc.) or to the Legal Ombudsman.

Where can people access immigration advice?

There is a shortage of accessible and free-to-access legal advice across the UK. Over the past 10 years there have been successive cuts in legal aid³ for immigration purposes. Combined with the aforementioned restrictions on those that can provide immigration advice, this means that it can often be difficult to find free-to-access immigration advice services, especially outside of large metropolitan areas.

Immigration advice is available however, and can be accessed at the following services:

Immigration practitioners/advisers

Immigration advisers can help a client with most things to do with immigration, including helping them to fill in the right forms and representing the client at a tribunal.

Advisers don't make immigration decisions; they are only allowed to give advice on things they're qualified to help you with - as determined by their regulator. If it is a matter for which legal aid is available (e.g. asylum, trafficking or domestic violence), make sure that the adviser you signpost to has legal aid funding. If your client chooses an adviser that doesn't have legal aid funding, they could end up spending thousands of pounds for advice and representation.

Law Centres

Law Centres offer free legal advice (subject to a means test), casework and representation to individuals and groups within local communities. They also help build capacity within local communities by training and supporting local groups and educating people about the law and their rights. All Law Centres are independent and operate on a not-for-profit basis.

Advice lines

It is possible to call advice lines, in order to receive advice on matters of immigration.

Immigration Advice Drop-ins

There are many drop-in centres across the UK, offering support in a range of areas, which can sometimes include regulated immigration advice. Many are run by the British Red Cross refugee services and also Migrant and Refugee Community Organisations (MRCOs) and Black or Minority Ethnic (BAME) community organisations.

³ Legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial.

Further reading

- [Models of immigration advice, advocacy and representation, for destitute migrants, focusing on refused asylum seekers](#) (Clayton, 2015)
- [How to improve support and services for destitute migrants](#) (Petch, Perry and Lukes, 2015)
- [Migrant Destitution Toolkit: How to facilitate local partnership working and develop pathways out of destitution](#) (Homeless Link, 2016)
- [Supporting people with no recourse to public funds: guidance for homelessness services](#) (Homeless Link, 2016)

Links to access immigration advice

(Homeless Link is not responsible for the content of third party websites)

[AdviceNow](#)

This website provides diverse information, aiming to help you make sense of the law and your rights.

[Asylum Help](#)

Asylum Help provides confidential and impartial advice and guidance to adult asylum seekers and their dependants throughout the UK in a language they understand.

[British Red Cross](#)

Offers casework support where trained staff and volunteers can advise on a range of immigration issues in over 15 areas of the UK.

[Citizens Advice Bureau](#)

Has lots of information about accessing immigration advice and different CABs across England.

[Joint Council for Welfare of Immigrants \(JCWI\)](#)

Runs a number of phone advice lines, including specifically for undocumented workers and other irregular migrants.

[Law Centres Network](#)

This has an online directory of over 40 law centres across the UK. It also includes an online directory of advice available on a legal aid basis. It can be searched by area of law and location.

[Legal Aid Advice Finder](#)

This website helps you to find firms with a legal aid contract by town or postcode. Ensure that you check the box labelled 'immigration' before hitting 'search'

[Legal aid at GOV.UK website](#)

Gov.UK (formerly DirectGov) is the Government's portal for public services. This section explains what is covered by legal aid and how eligibility is calculated.

[Legal Ombudsman](#)

Full details on seeking advice on making a complaint is available on their website, including an advice line.

Homeless Link

[Legal Services Commission's Community](#)

Legal Advice helpline on 0845 345 4345 for a list of firms and not-for-profit organisations who have a contract to give free immigration advice funded by legal aid.

[Law Society](#)

Their website has lists of accredited legal advisors across England.

[Office of the Immigration Services Commissioner \(OISC\) – Advisor finder](#)

This website allows you to search for OISC registered organisations by town or postcode. Irregular migrants will normally require 'Level 2 Casework' or above. You can select 'not fee charging.' Caution: not all registered organisations offer an advice service to the general public.

[Refugee Action](#)

Runs a Frontline Immigration Advice Project, increasingly the availability of free-to-access OISC-regulated legal advice by supporting organisations and groups to overcome OISC regulatory obstacles.

[Right to Remain Toolkit](#)

Self-help guide for migrants. You can direct migrants to this, but avoid explaining the contents unless you are regulated.



What we do

Homeless Link is the national membership charity for organisations working directly with people who become homeless in England. We work to make services better and campaign for policy change that will help end homelessness.

Let's end homelessness together

Homeless Link
Gateway House, Milverton Street
London SE11 4AP

020 7840 4430

www.homeless.org.uk

Twitter: @Homelesslink

Facebook: www.facebook.com/homelesslink

© Homeless Link 2014. All rights reserved.
Homeless Link is a charity no. 1089173 and
a company no. 04313826.