

**REFUGEE GOOD
ACTION PRACTICE**



Community Justice
Fund



Paul Hamlyn
Foundation

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

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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 **95 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.



**REFUGEE GOOD
ACTION PRACTICE**

