

Asylum seekers

A vulnerable group of people

There are currently around 20,000 asylum applicants in the UK. Initial scoping work by the Legal Services Consumer Panel found:

- The system is complex – it is confusing to navigate and similar cases can end up with different outcomes. People seeking asylum do not always have a fluent level of English and this can make it more difficult for them to understand the processes involved (for example all decision letters are issued in English only);
- The cases are complex and the issues which have to be dealt with are often very difficult – UK Border Agency caseworkers may have problems applying the rules or understanding the issues. Asylum seekers may find it very difficult to disclose all the issues relevant for full consideration of their case;
- The groups which may be seeking asylum can be characterised as vulnerable – they may include women, unaccompanied asylum-seeking children or people who have been subjected to experiences which have subsequently affected their physical or mental health. The decision-making process followed may have a disproportionately negative impact on these groups.

These factors combine to imply a risk of serious consumer detriment where good quality legal advice is vital.

Further research

The Consumer Panel considers there are two particular areas in relation to legal advice in asylum that would benefit from a stronger evidence base:

Barriers to accessing legal advice and support: there are reports that asylum seekers have difficulty in finding an advisor and that the number of asylum advisors is declining. There is no single joined-up point where asylum seekers could access legal advice and be matched to an advisor with capacity. In addition, while it may be possible to find advisors in certain parts of the country or for certain types of advice (for example on initial applications), other areas of the UK appear to be less well served, as are other areas of advice (for example appeals).

Concerns about quality where advice is accessed: The quality of legal advice is key, yet studies have identified poor quality advice in a number of cases.



Key statistics

The Solicitors Regulation Authority regulates around 1,300 firms which carry out some form of immigration work

The Office of the Immigration Services Commissioner regulates 1,930 organisations (3,375 advisors) providing immigration advice

ILEX Professional Standards have 27 immigration advisors on their immigration register

The Bar Biennial survey identified 4% of barristers who indicated that they provide immigration advice and services; only 2% state it is their main practice area

There were 19,804 applications for asylum in 2011

In 2011, a total of 9,980 main applicants requested an asylum appeal and 26% of these appeals were allowed

Useful resources

The Immigration Law Practitioners Association (ILPA) has published a number of good practice guides and resources - <http://www.ilpa.org.uk/pages/publications.html>

Coram Children's Legal Centre has produced resources for professionals working with migrant children - <http://www.seekingsupport.co.uk/>

Information on the Law Society's Immigration and Asylum Law Accreditation Scheme can be found here - <http://www.lawsociety.org.uk/accreditation/specialist-schemes/immigration-asylum/>

Challenges for legal advisors

Studies such as the Solihull Pilot evaluation consistently stress the need for enough time to be spent on cases, and for representatives to be present at interview and to meet with claimants at the earliest possible stage in the process. However, this may be difficult or in some cases impossible.

Advisors may need very specific skills, for example when working with particularly sensitive groups such as unaccompanied asylum seeking children. This means not only having a thorough knowledge of the applicable laws but also being able to give advice and take instructions in a sensitive manner in order to achieve the best possible outcome for their client.

Situations where the applicant has been detained present particular challenges for the legal advisor: in addition to dealing with the asylum claim they will also have to give advice regarding bail and seek to have the applicant's case taken out of the detained fast track process where necessary. The very short timescale means the advisor needs to get access to the applicant very quickly to advise and represent their client to the best of their ability.

Good legal advice is vital - people in these situations are unlikely to be empowered enough to be able to deal with the system effectively on their own. There is evidence to suggest that legal representation, particularly at the appeal stage, increases the chances of a positive outcome.

The Legal Services Consumer Panel plans to use any further research carried out in this area to find out how asylum seekers think access to and provision of advice could be improved.