

Models of immigration advice,
advocacy and representation
for destitute migrants,
focusing on refused asylum seekers

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Introduction

This study focuses on the legal needs of destitute refused asylum seekers. The reason for this choice is to create a targeted piece of work that can be taken up in a practical way. It builds on a 2013 report published by Asylum Aid: *Rethinking Asylum Legal Representation: Promoting quality and innovation at a time of austerity* (RALR) by Deri Hughes-Roberts. RALR was addressed principally to the advice sector and to strategists and funders. The present study sits within the 2015 movement of the homelessness and advice sectors whose aim is to collaborate and end destitution among migrants. It is addressed to funders and strategists and also to destitution support organisations. It shows that organisations that provide accommodation and destitution support are well placed to increase access to, and thereby the effectiveness of, asylum legal advice.

The timing of this research coincides with increased activity by anti-destitution organisations across the UK to increase access to legal advice for the asylum seekers they support.

Factors motivating this include:

- Around 30 organisations providing accommodation for destitute asylum seekers are linked in a movement called NACCOM (the No Accommodation Network). NACCOM is reaching a stage of maturity and change, becoming a constituted body with a visible presence doing reflective work on good practice and sustainability. The message is that accommodation for destitute people is not an emergency response and is here to stay. This prompts reflection on the whole package of support given by member organisations.¹
- NACCOM members are finding that giving long-term support without progress on legal status is a mixed blessing for asylum seekers, who may become depressed in a life which does not move on.
- The end of the Home Office 'legacy' programme in 2011. While this was in process, and for some time after, refused asylum seekers who had been long-term destitute could hope that they would get permission to stay in the UK, and the majority did. Those who did not, or who have become destitute since then, have less basis for hope of a government initiative in their favour.
- Changes in Home Office rules, particularly in 2012, have made it very difficult to get permission to stay based on living in the UK a long time. The political climate does not suggest that this trend will reverse.
- Destitute asylum seekers in accommodation projects are looking for legal help. ASSIST Sheffield's 2014 client survey revealed that most wanted more help with their legal situation. Boaz Trust reports that their clients all want to see the Boaz lawyer (see 5.3 below).
- Organisations providing accommodation need people to move on in order to make space for others who need their help.

Action is needed.

¹ See *Models of accommodation and support for migrants with no recourse to public funds (NRPF)* Housing Justice, Praxis and NACCOM April 2015

What the study covers:

Section 1. What is the situation of destitute asylum seekers and why are they here?

describes the situation of destitute refused asylum seekers in the UK and the effect of destitution on engaging with the legal process.

Section 2. What resources do asylum seekers need in order to get out of destitution?

describes the resources and conditions that are needed to bring destitution to an end, and some of the obstacles to achieving this.

Section 3. Other destitute migrants sets out briefly the situation with regard to other destitute migrants.

Section 4. Models of legal work with destitute refused asylum seekers describes some of the ways that projects around the UK have tackled these obstacles, and provided quality legal support, advice and representation for refused destitute asylum seekers.

Section 5. What helps and how does it help? Identifies key themes and summarises the conditions and resources that make a difference.

Section 6. Ways forward Collects and suggests ideas from the material covered in the research.

Executive Summary

The study focuses on the legal needs of destitute refused asylum seekers. It considers the obstacles to addressing these needs, why it is worthwhile to do so, models of advice and representation which are being used or could be developed, and the context in which they are most effective in bringing destitution to an end.

Changes in government rules and policies mean that asylum seekers who have spent many years in destitution are unlikely to find a remedy for their situation without legal action. NGOs including members of NACCOM, (the No Accommodation Network of charities providing accommodation for destitute asylum seekers) are increasingly aware of a need to build capacity to help refused asylum seekers resolve their situation.

What is the situation of destitute asylum seekers and why are they here?

Most refused asylum seekers are made homeless and destitute at the end of the asylum process. They are not entitled to work or claim benefits. Destitution is a huge barrier to accessing advice. The daily battle to remain clean, safe and not too hungry can be all-consuming and humiliating. Many lose all hope and trust in the legal system. It can be depressing and frightening to re-engage with their asylum case.

Nevertheless, refused asylum seekers may still be at risk of persecution in their country of origin since failings in the system mean that not all genuine claims are recognised. Alternatively, a minority of refused asylum seekers have rights to stay in the UK under EU, human rights, statelessness or immigration law.

While some refused asylum seekers are forcibly returned to their country of origin, the Home Office is unable to remove others for legal or administrative reasons, and they may spend years in destitution, prohibited from working or claiming any state benefits.

What do asylum seekers need in order to get out of destitution?

A refused asylum seeker needs competent, experienced and qualified advice about routes available to them to obtain a secure immigration status, and representation to pursue any that are available. This advice and representation needs to be free at the point of delivery.

Simple practical support, for instance accompanying and fares to travel, can make legal advice accessible. A trusted point of contact with the adviser is important. This could be a migrant network or support worker.

A range of support is needed, to ensure that the asylum seeker has access to any statutory support they may be able to obtain, and that their accommodation and other basic needs are catered for while they re-engage with the legal system.

Many asylum seekers want to make a fresh claim, often because they feel their original asylum claim was not understood or dealt with properly. However, the legal test for fresh claims does not always enable people to put right what went wrong in the past. Making an effective fresh claim often requires painstaking groundwork which falls outside the scope of the legal aid scheme.

The legal aid scheme does not support quality work on fresh claims, and some solicitors make poor submissions which damage the asylum seeker's situation further, or leave them without advice or information for long periods since little can be done within their resources.

Different work is needed for effective fresh claims.

There is a shortage of legal advice. Cuts in legal aid over 10 years have reduced the availability of quality legal advice and representation for asylum seekers. The abolition in 2013 of legal aid for immigration advice means that free advice on most kinds of applications is scarce. The pressure of providing asylum advice under these circumstances has driven many high quality practitioners out of practice.

Sources of advice are also fragmented. Due to legal aid contracting arrangements, restrictions on who can give immigration advice, and the content of professional training, it is rare to find all elements of the necessary advice and representation in one organisation. To progress their situation, an asylum seeker is likely to need to engage with more than one organisation.

Despite all this, an asylum seeker's life and prospects can change radically with appropriate legal advice.

The problems of shortage and fragmentation of legal advice and the obstacles created by destitution and insecurity should be addressed together. Not only does this mean the provision of accommodation as a basis for engaging with the legal system, it also means that access to legal advice and its effectiveness are best addressed in a holistic way, as part of a network of support and service.

Models

Through conversations and desk research a number of models of providing legal help to refused asylum seekers were collected and analysed.

Enhanced casework

In this model, funding from Comic Relief was used to enable high quality legal practitioners to top up legal aid funding to enhance their casework with women asylum seekers who had suffered violence. Funds were used in a range of ways including:

- one to one legal casework, including specialist representation covering all stages of the asylum process
- phone advice and triage
- training for other organisations working with vulnerable women
- crèches to enable child care during sensitive appointments or a tribunal hearing
- outreach advice sessions
- interpreters

This enabled legal practitioners to take detailed statements, assess fully the merits of the case, obtain expert reports and ensure the client was supported to engage with the legal process. The success rate of fresh claims was 90% compared with the national figure of 14%.

Legal buddies/trained casework support

The essence of these schemes is the use of unqualified, trained workers, either paid or voluntary, to carry out the ground work for a fresh claim for asylum. This often includes country of origin research, a skill which can be learned and for which suitable volunteers can readily be recruited. Working in this way gives an opportunity for the asylum seeker to take an active role in their case. This model is used in different contexts and the schemes look quite different in practice. Some have the capacity to submit fresh claims to the Home Office. Others pass the bundle of evidence to a solicitor.

Like the enhanced casework model, legal buddy schemes plug a gap in legal aid provision without duplicating it.

Partnerships between accommodation/destitution support organisations and legal advisers

NACCOM organisations have successfully entered partnerships with legal advisers though in very different ways. This section describes three examples: Boaz Trust, which has a lawyer on site one day a week; Hope partnerships where legal advice organisations refer to Hope Housing for accommodation but retain responsibility for the legal case, and Bristol Hospitality Network (BHN), which has steadily increased links with legal advisers and is working on its own volunteer roles to support asylum seekers to re-engage with the legal process.

Partnerships with legal advisers may raise challenging issues for accommodation providers. BHN is an example of how these issues are being worked through.

Education/self help

A small number of projects are developing peer support and self-help. The initiatives suggest that there is potential in these ideas which could be explored further. Organisations may overlook asylum seekers themselves as a resource in their own situation.

Outreach

Drop-ins are a key resource. They give an opportunity to meet others in a similar situation and draw on their experience. They are potentially an accessible and trusted means of accessing advice. Networks which form around drop-ins can provide support for asylum seekers to engage with the legal system. A legal adviser integrated into the drop-in can be an effective low cost way of identifying potential for fresh claims and can be the only source of free advice for other applications to regularise status. The drawback is the level of demand, with queues so long that not everyone can actually see an adviser.

Maximising the impact of legal expertise

Given the loss of legal expertise from the asylum sector it is important to make best use of what remains. This includes sharing the time of experienced workers who can help newer organisations build their capacity, and training non-legal professionals (e.g. health workers) so that issues are identified and collaborative working can be initiated from different points.

What helps and how does it help?

The material collected suggests that:

- Quality legal work can make a difference in ending destitution.
- Unqualified but trained people can contribute to this.
- Local embedding is essential to create access, contact points and trust.

Fresh claims submitted through the projects discussed were markedly more successful than the national average in obtaining a secure immigration status. Even asylum seekers whose cases ultimately failed were more accepting of the process when they felt they had had a fair hearing.

Quality legal advice is not defined in this report, but it was clear that there was no substitute for experienced advisers. People wanted lawyers who could 'think outside the box' with a breadth of experience. Thorough ground work and a holistic approach were important components in order to re-open stuck cases and address real issues which had been missed.

Quality legal work would be given in conjunction with advice on statutory support, although this would usually need to come from a different source. Triage – advice on possible ways forward – was essential and often missed in destitution settings, though options will reduce after 30 November 2015 when Assisted Voluntary Return is absorbed into the Home Office. Unqualified workers' contribution is all the more valuable when structured and supported, and includes signposting and doing the groundwork under supervision for fresh claims. Local embedding of advice work is vital. It creates trust and access points. Organic growth out of existing relationships increased resilience, flexibility and multiple access points to a resourced network. For example In North East England Open Door North east, Justice First and Red Cross all run regular sessions in each others' premises thus giving access to destitute asylum seekers who do not have the resources to travel. Embedding requires attention to local conditions. Asylum dispersal patterns, Migrant and Refugee Community Organisations, local solicitors firms, law centres, barristers chambers, universities, activist and faith networks are all relevant.

Ways forward

Legal workers in accommodation/support projects?

The inclusion of legal advice as a part of support naturally brings up the question of whether destitution organisations, including NACCOM members, could or should employ their own OISC adviser (at least level 2 to give advice on immigration status). Asylum Link Merseyside, based on their experience, say:

There has been a conscious move towards partnering agencies who specialise in immigration advice or work with job centres, but, crucially, housing them within the same building. This provides a one-stop approach to the client, and also shares knowledge and expertise... The key thing is that the organisations work together with each one, understanding and complementing the other.

Looking at examples referred to in this study, e.g. Boaz Trust and Refugee Survival Trust, in all cases there is some degree of distance between the legal adviser and the destitution/accommodation organisation. Asylum Link's advice seems to reflect what has worked so far.

Organisations interested to explore employing their own adviser could refer to organisations working in other fields, e.g. domestic violence, where in-house OISC advisers have been employed.

Accommodation/support projects contracting legal work

An alternative to employing a legal adviser is for an accommodation/support organisation to raise funds to contract with an existing provider for a number of hours of legal work for a fixed fee the benefit of clients of the project. (See Cardinal Hume Centre in Westminster.) The contracting organisation raises charitable funds for this purpose, and the agreement is with them, not with the individuals receiving advice. This guarantees the users/residents access to advice from a trusted source (but with no obligation to use it). This could also be tried with private practitioners, guaranteeing a number of hours advice.

Low cost ideas for destitution/accommodation organisations

Ideas drawn from the projects described in the report can make a positive contribution particularly if they are seen as elements in creating stronger partnerships, including with specialist agencies based at a distance.

- Training volunteers and paid staff to refer, signpost and liaise effectively.
- Strengthening links with local services including advice agencies, health services, the Red Cross, mental health services, Migrant and Refugee Community Organisations by holding outreach sessions in each other's premises.
- Hosting fresh claims information sessions for current clients, given by an experienced legal adviser.
- Talk with local solicitors/advice organisations and university or City of Sanctuary or campaign groups about getting a fresh claims group going.

Enhanced casework model (topping up legal aid)

This model could be repeated with a different client group. Hutton and Lukes suggested 'single men with mental health issues, often destitute, often having experienced torture and persecution, who now find themselves ARE with no solicitor who will take them on apart from those requiring payment they simply cannot find.'

A three-way partnership between a NACCOM project, a therapeutic organisation and a quality adviser would offer a strong basis for such a project.

Fresh claims groups and legal buddy development

Work is needed in which an evaluation process is established at the outset so that the impact of the work can be examined. In parallel, information could be collected about earlier failings in decision-making or representation. This could be easier and effective if a lead is taken by an umbrella/national organisation experienced in asylum law, policy and practice. Good practice developed at a national level should guide the development of fresh claims groups in their local context.

Existing networks could be built upon to share learning about good practice in fresh claims work, involving both fresh claims groups and legal representatives, and integrating any learning from the evaluation of the NLC/JF partnership.

Outreach and drop-ins

Resourcing legal advice time in drop-ins, whether through direct funding of posts to the drop-in organising body, or through support of pro bono time from practitioners, is a low cost way to increase access to legal advice for destitute refused asylum seekers.

Conclusion

Partnership, holistic working, drawing and sharing expertise from centres of excellence are all accepted good practice in the asylum field. The challenge is to apply this in a time of fewer resources to the under-resourced area of working with destitute asylum seekers, and to include quality legal advice routinely in a network of support.

1. What is the situation of destitute asylum seekers and why are they here?

Asylum seekers whose claims are refused, and who have no further rights of appeal in the UK,² lose all support from the Home Office (unless they have children) and are made destitute within 21 days. They are expected to leave the country and if they do not they may be detained and forcibly removed.³

The presence of refused asylum seekers in the UK does not fit neatly within the categories of 'legal' and 'illegal'. Most have a status called 'temporary admission' with conditions attached, and report regularly at the Home Office. Fulfilling the conditions becomes an increasing struggle, as maintaining a stable address while destitute may be an impossible challenge.

A refused asylum seeker has no right to benefits, to work, to housing or to support from the Home Office, but is subject to detention and removal at any time. Until they are removed or their legal status changes, they remain in a condition of tolerated social exclusion. There are many reasons why, having been refused asylum, people are still in the UK.

These include:

- Failings in the asylum system. The person may actually be a refugee but has not been recognised as such. The quality of asylum decision-making has been the subject of frequent⁴ critical reports - from Asylum Aid's *No Reason at All* in 1995 to *A Question of Credibility*, Amnesty International and Still Human Still Here in 2013. Although efforts have been made to address the quality of decision-making, and a higher percentage of claims succeed initially (now around 40%), problems remain.
- Poor legal advice. Despite the regulation of asylum advice, unscrupulous advisers continue to operate, and reductions in legal aid have made it more difficult to deliver good quality advice. The damage done by poor advice early on is in some cases irreparable.
- Even without poor practice by the Home Office or lawyers, many refused asylum seekers feel that their case has not been understood. The asylum process is not always geared to ascertaining and understanding the basis of the claim, and misunderstanding and misperceptions abound.
- The asylum claim may have been correctly refused in law, but the asylum seeker may still be afraid. Their fears may not be catered for by the law.
- Some embassies do not cooperate with the Home Office to provide travel documents to enable the person to be returned, or the asylum seeker cannot fulfil the embassy's requirements in terms of e.g. proof of birthplace.
- Lack of diplomatic relations between the UK and the home country.
- There is no route, or no safe route of return (e.g. for some years the airport at Mogadishu was closed)

² Some have no right of appeal in the UK. Some have had a single appeal which they have lost or not been able to exercise. A few go further in the appeal system.

³ Just over 4,000 refused asylum seekers were removed from the UK in 2014. Just over 2,500 left voluntarily, but see section 2.7

⁴ Roughly yearly, from both NGOs and government bodies.

- Removing someone against their will requires coordinated action and is expensive. In a large and complex organisation like the Home Office, administrative obstacles and delays may not be addressed.
- The asylum seeker may in effect be stateless, even though they are not able to meet the legal requirements to apply for recognition as stateless.

Even where the Home Office is not able to remove the asylum seeker, the person has no right to work, and no entitlement to public funds. A refused asylum seeker may remain trapped in destitution, sometimes for years.

The legal needs of refused asylum seeker families are less apparent because they less often become 100% destitute, and when they do, they may remain hidden. After asylum refusal they usually keep their support from the Home Office until they leave the country or obtain status.⁵ Where children are born after asylum has been refused and the parent is already destitute, the picture is more complicated. Like all children in need, the children of refused asylum seekers are entitled to local authority support under the Children Act 1989. Some families obtain support from the Home Office.⁶ However, some families do not seek support because of the fear of removal. This results in small children living in even greater deprivation. While some single adult refused asylum seekers are living under the radar, the issues are intensified and the range of legal advice needed may be greater and more specialist when a small child is involved.

Even for those who are on asylum support, living at this level of poverty, asylum seeker families, including single women with children, can become severely isolated from legal help. Drop-ins – a key access point for many single asylum seekers – may feel inaccessible.

Destitution as a barrier to legal advice

Destitution is a huge barrier to accessing legal advice. The daily battle to remain clean, safe and not too hungry can be all-consuming. The humiliation that goes with this way of life can make interactions difficult, especially with strangers or those perceived as officials. For instance sleeping on the street the night before a legal appointment a person may feel dirty and exhausted and not able to meet a lawyer.

Refused asylum seekers often experience a further level of difficulty in engaging with the legal system. They may have done all they could to present their case, perhaps on several occasions, and still failed. To now be destitute, afraid of return, and have been disbelieved (usually) about important and traumatic events in their lives saps their energy and confidence. Many lose hope and feel that there is nothing they can do to change their situation. Many have been traumatised by events in their home country, and their mental health is compromised by this.

The effect of previous adverse decisions, of extended periods in destitution, the ever-present threat of removal, the practical obstacles and limitations on the capacity of new applications to right a previous wrong – all contribute to the difficulty for asylum seekers of staying engaged with a legal process, and the fear that some have of doing so.

The insecure and excluded status in which many refused asylum seekers live has both a practical and emotional impact on the kind of legal advice which is accessible or useful.

⁵ A current government consultation seeks to end this support for families: *Reforming support for failed asylum seekers and other illegal migrants*, Home Office August 2015

⁶ Section 4: a no-cash form of Home Office support which includes accommodation, which can be obtained during pregnancy. See glossary and appendix 2

2. What resources do asylum seekers need in order to get out of destitution?

In the long term there are only two routes out of destitution – to obtain an immigration status which gives permission to live in the UK ('leave to remain'),⁷ or to leave the UK. In the short term, there are limited forms of statutory support which are available to a minority of refused asylum seekers. This study focuses on the long term solution of changing status.

1. Legal advice

A refused asylum seeker needs competent, experienced and qualified advice about routes available to them to obtain leave to remain, and representation to pursue any that are available. This advice and representation needs to be accessible to them. This means it needs to be free at the point of delivery. To make legal advice accessible it is often necessary to build confidence and overcome practical obstacles. This may include:

- *A trusted contact point.* For refused asylum seekers disillusionment and mistrust as well as lack of information may be barriers to approaching an adviser. Trusted intermediaries may include MRCOs (Migrant and Refugee Community Organisations), anti-destitution organisations, Red Cross and advisers at drop-ins.
- *Fares to travel* Even a local fare is prohibitive for someone who has literally no income. Some asylum seekers must travel to another town or city for advice (e.g. from Sunderland to Newcastle or Barnsley to Sheffield. There are 'advice deserts' in London).
- *Help in getting an appointment.* A skilled helper who knows what to ask for can overcome practical barriers such as holding on the phone with limited credit while a multi-choice message plays in English.
- *Accompanying to an appointment.* This can help with confidence, memory and understanding.

To advise an asylum seeker on their immigration status a person must⁸ either be a legal professional (usually a solicitor in this context) or an adviser accredited by the Office of the Immigration Services Commissioner (OISC) at level 2 or above.⁹ Less qualified workers can play a vital role in building confidence and giving information about what is possible.

2. Advice on financial support

Secondly the asylum seeker needs advice and possibly advocacy or representation to obtain any financial support that might be available to them while they seek to secure their immigration status.

Home Office section 4 asylum support is available to a minority of refused asylum seekers in designated circumstances.¹⁰ This consists usually of a room in a shared house and an Azure card which can be used at designated supermarkets, but no cash.

⁷ Either limited or indefinite.

⁸ The regulatory regime introduced by the Immigration and Asylum Act 1999 is compulsory and unqualified advice is a criminal offence.

⁹ There are three levels of OISC advice: Level 1 (advice and assistance), 2 (casework), 3 (advocacy and representation)

¹⁰ A summary of criteria are in appendix 2. The most relevant here is that s.4 support may be given while a possible fresh claim is being considered.

Local authority support (accommodation and a small weekly sum for living costs) should be provided for those who have care and support needs due to physical or mental illness or disability¹¹ and children in need.¹² Local authorities vary in their recognition of these duties.

3. Appropriate help with fresh claims

This route out of destitution is given particular treatment here because:

- Refused asylum seekers who feel that their claim has not been properly dealt with and are afraid to go home often feel that a fresh claim is (a) the only option open to them and (b) the way to get their claim properly heard. Many asylum seekers and their supporters regard a fresh claim as the key route out of destitution and to resolve their immigration status.
- For these reasons, effective fresh claims work is an objective of many organisations seeking to support asylum seekers, and a key theme in this report.
- An asylum seeker with a fresh claim outstanding can apply for s.4 support.¹³
- Fresh claims work has the potential to be a rich source of information about failings in the asylum system. Practitioners who are doing good quality fresh claims work gather significant material of this kind but usually have no time to collate, express or report this, nor is there a place to do so.

First we explain what a fresh claim is and the difficulties in making effective fresh claims.

Making fresh claims and the obstacles

The essence of a fresh claim is that there is something new, such as a change of circumstance or new evidence.¹⁴ Some asylum seekers have desperately made the same submissions repeatedly, hoping that their case will be understood. But fresh claims are not an appeal; they are not designed to correct earlier failings and may not be able to do so. Even if errors are uncovered, fresh evidence is also needed which supports the asylum seeker's claim.

Fresh claims are made direct to the Home Office. Most further submissions, as they are properly called, are not accepted to be fresh claims. A small minority result in a new right of appeal. In 2014, 78% of submissions were not accepted to constitute fresh claims and so were rejected outright. 8% obtained a new right of appeal. 14% obtained leave to remain through the fresh claim without making any further appeal.¹⁵

The effect of earlier errors

Making a fresh claim does not start from a clean slate as the asylum seeker has already been through the asylum process and been refused. Previous findings of fact, even if not accurate, are treated as the starting point.

Legal representation: Access, quality and scope

Theoretically, limited legal aid is available for work on fresh claims, but the fixed fee paid to the solicitor does not cover the painstaking work of revisiting the claim from the beginning, identifying new issues, carrying out research, and taking detailed statements. This work is often critical to the success of fresh claims.

¹¹ See Care Act 2014, appendix 2.

¹² Children Act 1989 s.17 see appendix 2.

¹³ Home Office policy is to decide fresh claims within five days if the person applies for s.4. This potentially reduces the importance of s.4 as a remedy for destitution, although if the person is challenging refusal of a fresh claim s.4 should continue after refusal.

¹⁴ Immigration rules HC 395 para 353

¹⁵ FOI 35829 of 2015.

As legal aid does not cover this groundwork, solicitors often advise asylum seekers to find new evidence and then come back. The asylum seeker may not know what would constitute useful evidence, or how to obtain it. They are then in a catch 22. Until the groundwork is done, the merits of the potential claim cannot be fully assessed nor legal aid granted. Legal advice projects contacted for this report are often working on cases where the merits are initially assessed as too low for a solicitor to take the case on.

Compared with the deadlines of appeals and removals, it may be difficult for a solicitor to prioritise fresh claims work. Asylum seekers are left without information and in some cases not sure whether they have a solicitor who is working on a fresh claim.¹⁶ Some Red Cross workers and NACCOM agencies reported a minimalist approach by solicitors to fresh claims with little work done for the fixed fee.

Once the solicitor has claimed payment, the asylum seeker cannot obtain a new legally aided representative for six months. If poor submissions are made, the consequences for an asylum seeker are worse than just losing. Evidence that was submitted will not be treated as new again; the asylum seeker's credibility is further damaged, and this may be irreparable. It follows that to make an effective fresh claim, an asylum seeker needs an experienced adviser and the resource for a thorough approach to the work. They may well need substantial groundwork to be done outside the scope of legal aid, first of all to establish whether a fresh claim can be made.

At the end of the process, the asylum seeker may need legal representation to challenge a fresh claim refusal. This can only be done by judicial review and this requires a solicitor. Legal aid rules on judicial review now operate as a disincentive to challenge.

A few solicitors have an established practice of intense and extensive work on fresh claims, generating 'escape'¹⁷ from the fixed fee into hourly charging. While this may often produce high quality work, it also runs the risk that complex claims are cherry-picked and less challenging ones left without help.

4. Families

Destitute asylum seeker families may need different support to engage with the legal system. Professionals such as social workers and health visitors, who are independent of the legal process, can be access points to legal advice if they are networked and aware of the issues. Red Cross is increasingly engaged in support for refugee and asylum seeker families, and because of their experience in both humanitarian and refugee issues, they can be an access point to other agencies for women who are otherwise isolated.¹⁸

Applications for leave to remain, including fresh claims, may be made for families, just as for single adults, but the scope of the work may be wider, as the children's interests are a legal priority. The Home Office has a duty under s.55 Borders Citizenship and Immigration Act 2009 to have regard to the best interests of the children, and to make this a primary consideration in any decision affecting them.

Fresh claims work with families may require other resources and make a holistic approach even more critical. Resources can include child care to give adults the freedom to give a detailed statement and talk through legal avenues freely; time and resources to make

¹⁶ Where the NFP or NGO sector is weak this compounds the isolation and difficulty. Red Cross in Northern Ireland commented on the hopelessness felt by people in a context like this who could not move their case on.

¹⁷ If a solicitor spends three times the expected time on a case they can claim payment at an hourly rate and 'escape' from the fixed fee. However, this is risky since if the Legal Aid Agency deems that the work done amounts to less than three times the standard, only the fixed fee is paid and the rest of the work is unpaid.

¹⁸ E.g. its support for a hostel on Teesside for asylum-seeking women with small children helped to improve poor conditions and supported the women e.g. to register their babies' birth, and get access to health care. The hostel had attracted a lot of criticism, see e.g. evidence given to the Home Affairs Select Committee Inquiry on Asylum Session 2013-14 HC 71 by Suzanne Fletcher MBE and others

contact with schools, health and social care professionals. In the enhanced casework model discussed below, some of the funding was used by GMIAU to pay for crèche time.

5. Mental health and other support

Previous trauma, the current difficulties of being in the asylum process, and the multiple problems of destitution all mean that asylum seekers may need a range of practical, emotional and psychological support both for their basic well-being and to enable them to engage with their legal case.

6. Obstacles to meeting these needs - shortage and fragmentation

Following ten years of legal aid cuts, legal advice for destitute migrants and asylum seekers is in desperately short supply. Implementation of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) in April 2013 ended legal aid for immigration advice, and while in theory it remains in place for asylum advice and representation, the impact of cumulative cuts¹⁹ has reduced the availability of that advice, and placed a severe burden on the overstretched not for profit (NFP) sector.²⁰

The reduction in specialist and experienced advisers affects not only access to advice per se, but access to quality advice: 'the decline in the good quality 'provider base' has been the universal anecdotal experience of providers and referring agencies over the last several years.'²¹

This may mean that there is no quality legal advice free at the point of delivery in the geographical area where the destitute person is. There is no nationally planned delivery of immigration and asylum legal advice as a publicly funded service, and²² since April 2013, the allocation of legal aid contracts follows the pattern of previous demand in a region. This replicates and amplifies shortages rather than remedying them.

As described above, some destitute asylum seekers may have other (non-asylum) legal routes they could pursue to obtain a secure status, for instance under EU, human rights, immigration law or statelessness rules. As there is usually no legal aid since LASPO for advice and representation on any of these routes, some desperate people are driven to raising funds from friends to pay poor quality private representatives.

Due to legal aid contracting arrangements, statutory²³ restrictions on who can give immigration advice, and the content of professional training, an asylum seeker is unlikely to find all elements of necessary advice, advocacy, representation and support within one organisation. Advice on Home Office support is generally not available from lawyers whose training does not include it, and there is no legal aid funding for it.

Before April 2014 advice and advocacy on (Home Office) asylum support was given by national and regional refugee support organisations. In April 2014, government funding for these services was withdrawn, and replaced by a single contract for (in the case of s.4) a telephone and web-based service run by the charity Migrant Help, which processed applications but did not provide advocacy.

Most locations now have no or reduced resource for face to face advice on s.4 applications. Several projects have reported that access to advocacy or help with complex cases is problematic. In some areas the Red Cross has taken on some asylum support work, and

¹⁹ Described in e.g. ILPA's *Evidence to the National Audit Office* 19 July 2014

²⁰ Carita Thomas, presenting to the Access to Justice workshop at the University of Bedfordshire Centre for Research in Law 3 July 2014 cited post-LASPO: 45% drop in legal aid work and a 90% drop in not-for-profit organisation work on asylum.

²¹ Sheona York, *The end of legal aid in immigration: a barrier to access to justice for migrants and a decline in the rule of law*, *Journal of Immigration, Asylum and Nationality Law*, (2013) Vol. 27.2

²² See LAA annual report 2013/14 and business plan 2014/15

²³ Immigration and Asylum Act 1999

Refugee Action takes on asylum support advocacy in cities where it has a presence. There are a few local specialist advice projects such as ASHA in Manchester. Advice on local authority support may be provided by refugee support organisations, and by others with experience in the field such as in asylum drop-ins or at the Red Cross or destitution support organisations. This advice may not be available at all in some localities. Legal challenges to refusal are done by a few specialist lawyers.

7. Returning to the country of origin

Some asylum seekers are able to consider Assisted Voluntary Return to their country of origin.²⁴ This involves a small amount of funding and support for resettlement. Independent advice on the suitability of this for the individual is given by the Refugee Action Choices programme, which also administers and arranges the return. From 30th November 2015 independent advice will end and the AVR service will be absorbed into the Home Office. The Home Office already administers a scheme of voluntary departure, which does not entail any financial support, and this is likely to become the norm to avoid forced return.

8. Summary: the legal help that destitute asylum seekers need

One message of both this report and the JRF study *How to improve support and services for destitute migrants*²⁵ is that a person's life and prospects can change radically with appropriate legal advice.

Another message is that the problems of shortage and fragmentation of legal advice and the obstacles created by destitution and insecurity can and should be addressed together. Not only does this mean the provision of accommodation as a basis for engaging with the legal system – as is clear in both the JRF and HJ/Praxis/NACCOM²⁶ reports – it also means that access to legal advice and its effectiveness are best addressed in a holistic way, as part of a network of support and service.

A network of support which effectively meets legal need and overcomes the barrier of destitution includes the following elements:

- Experienced, qualified, and good quality legal advice and representation on immigration status
- Knowledgeable advice and advocacy on other issues, including short term statutory support to meet living needs, access to health care, etc.
- Practical resources, e.g. fares to appointments, child care
- An environment which is welcoming and gives a basis for trust
- Moral support and encouragement which may include accompanying to appointments
- Communication and collaboration between trusted contact points (e.g. Refugee and Migrant Community Organisations (RMCOs), destitution organisations, health care workers (e.g. midwife, GP), Red Cross, refugee support organisations) and legal advisers, with the consent and participation of the asylum seeker
- Groundwork for the legal application, which can be done by trained unqualified people
- Mental health support including professional care where needed.

²⁴ 1,450 refused asylum seekers took AVR in 2014.

²⁵ Heather Petch, John Perry and Sue Lukes July 2015

²⁶ *Models of accommodation and support for migrants with no recourse to public funds (NRPF)* Housing Justice, Praxis and NACCOM April 2015

3. Other destitute migrants

The distinction between refused asylum seekers and other destitute migrants is not always clear cut in a human sense, although their legal situations are different. Many people leave their country for mixed reasons, including fear of persecution, but may prefer to continue with their life by advancing their work or study. A scientist who feels her own country is unsafe for her may prefer to get a research post abroad while hoping that things change. She may finally claim asylum if the situation in her country does not improve, and immigration law means that she cannot continue to stay abroad.

There is certainly a need to look more closely at the legal needs of other destitute migrants. However, as the study by Petch, Perry and Lukes shows, their reasons for destitution and legal needs are diverse. Despite a wish to be inclusive, it was not practical finally to make a serious review of meeting their legal needs within the context of this report.

However, at some points in this report, the term migrants is used, and some of the material, for instance about drop-ins, is relevant to other destitute migrants, not only asylum seekers. The need for quality legal advice, advice on interim statutory support, and for these to be accessible applies to them too.

One key issue in relation to other destitute migrants is the loss of legal aid with LASPO in 2013. They do not have the possibility of a fresh claim (though may have an initial asylum claim to make). However, triage advice, and advice on all other routes is now rarely publicly funded and desperately hard to find. In a few areas NGOs are setting up low cost, fixed fee advice to avoid people being driven into abusive situations.²⁷

This is an area of advice where accommodation providers working with non-EEA non-asylum-seeking migrants might consider bulk contracting with a legal advice organisation, in the way described in section 7. Street Legal, discussed briefly in this report, and as a case study in Petch, Perry and Lukes, is obviously an important development.

²⁷ E.g. the Migrants Resource Centre in London. Some law centres are doing this.

4. Models of legal work with destitute refused asylum seekers

This section presents a number of different approaches to providing appropriate legal advice for destitute refused asylum seekers, with an emphasis on fresh claims work. The material is gathered from conversations with workers in advice and destitution organisations – local, regional and national –, written evaluations, annual reports, websites, discussions at conferences both formal and informal, and is also informed by the writer’s personal experience in this field.

In all conversations for the research, there was an attempt to gain a picture of how provision worked in that organisation/locality in relation to: legal advice and representation for fresh claims, legal advice and representation for EU/Article 8 applications, practical and preparatory support with fresh claims, and access to help with other forms of temporary statutory support: (s.4, Care Act and Children Act).

Some of the work presented here has been formally evaluated and some has not. This study is not equipped to evaluate, but draws out significant themes which repeated over a number of locations.

One key message is the necessity of working with local conditions. There is learning to be drawn from local detail, and for this reason a level of detail is given in the body of this section, and more in the appendices.

1. Model one: Enhanced casework

Greater Manchester Immigration Aid Unit, Asylum Aid and Southwark Law Centre, three organisations with long experience in immigration and asylum advice and representation, obtained funding from Comic Relief to work with women seeking asylum who had been subject to gender-based violence. They used this to enhance their casework by topping up the funding available from legal aid. Fresh claims constituted a smaller part of the work, but the striking success rate of the work applied to both initial and fresh claims.

An evaluation by Ceri Hutton and Jane Harris describes the achievements and learning in detail, and this section draws on that evaluation²⁸ as well as conversations with workers in the organisations.

The funding was used in different ways by the three organisations, including:

- one to one legal casework, including specialist representation covering all stages of the asylum process
- phone advice and triage
- training for other organisations working with vulnerable women
- crèches to enable child care during sensitive appointments or a tribunal hearing
- outreach advice sessions
- interpreters

In terms of enhanced casework, the critical resource that was funded by the scheme was the time of skilled and experienced legal representatives above and beyond what legal aid allowed. This enabled them to:

²⁸ *A Fighting Chance: Enhancing legal services to asylum seekers: achievements and lessons*, On the Tin Ltd, Ceri Hutton and Jane Harris, October 2014

- Carry out a full legal review of the merits and issues in the case, and assess the evidence which would be needed;
- produce a full and accurate statement. In many cases this had not been done before;
- instruct and liaise effectively with other experts and to refer, e.g. to trafficking experts, doctors, psychologists. This specialist care was important both for the asylum seeker's well-being and to obtain expert evidence to substantiate a claim;
- deal with other legal issues which were not directly part of the claim, such as problems with an Azure card or a move of accommodation. Resolving these issues has benefited from skilled legal input and built confidence with the client, as well as avoiding their having to go to different agencies for different issues.
- help the client holistically e.g. by organising travel or childcare
- explain the process to the client so they could participate
- keep client informed and up to date.

Funding enabled skilled and experienced lawyers to spend more time with potential clients, unravelling the story, thus enabling them to give well-informed advice as to whether there was a case to act on. It allowed time to be spent with traumatised clients, to understand their situation and what expert evidence might be needed and to get to the bottom of a complex history. Asylum Aid explained that the funding enabled them to instruct an expert, which their commitment to high quality advocacy for vulnerable clients would mean they would want to do anyway, but which would be financially risky where that backing was not available.

Keeping the client informed is of course basic good practice, but the message of this and other projects discussed in this report is that the client's participation in the process is also important to the outcome and to their satisfaction with the outcome.

The outcomes of the three projects are striking. While numbers are relatively small, the success rates are very high. Of 22 fresh claims which had been decided at the time of the evaluation, 20 had resulted in leave to remain, usually with refugee status. Of the 12 determined appeals, all had eventually succeeded.

National figures for outright success in fresh claims were 14% in 2014.²⁹

The cases where the project provided representation were often cases which had been turned down by previous legal representatives or where there had been previous negative decisions. They were not 'easy wins'. In this respect they were like some of the cases that destitution organisations and fresh claims projects face regularly.

The reason for choosing this client group was that key issues in women's claims are often missed, and there is evidence that women are more likely to be wrongly disbelieved.³⁰ It will be important to try the benefits of this approach with other client groups. Hutton and Harris say that in the course of their evaluation, the most mentioned group was 'single men with mental health issues, often destitute, often having experienced torture and persecution, who now find themselves ARE³¹ with no solicitor who will take them on apart from those requiring payment they simply cannot find.' NACCOM projects have many clients who could be described in this way, and who are on the edge of what the project can manage or support.

²⁹ FOI 35829

³⁰ E.g. Asylum Aid's report *Unsustainable* 2011.

³¹ Appeal Rights Exhausted – see 'Terminology used in this report'

2. Model two: Legal buddies/ Trained casework support

One of the key themes to emerge from this study is the role which trained but not necessarily qualified people can play. A strong partnership between a skilled lawyer and a person in an intermediate role can enable access to the legal process, get some of the essential ground work done at lower cost, and build the client's confidence in the process. This has been tried in different ways in various locations, with variants on the role. Fresh claims work is particularly suited to the contribution of trained lay people, including volunteers. This work will often begin with assembling all papers relevant to the claim. This can include files from previous representatives, and the Home Office file obtained through a Subject Access Request. An unqualified person can assemble and order the papers, and, with proper training and supervision, may be able to assist in the detailed perusal which may reveal critical issues, though ultimately this also needs a qualified eye. The search for new evidence will in most cases include research into conditions in the asylum seeker's country of origin. With an agenda set by a qualified adviser as to the issues to be researched, non-legal workers can make a significant contribution to establishing a body of evidence. This kind of work is particularly suited to students, including of disciplines such as politics, human rights, geography, international relations, as well as law. Activists, retired lawyers, and people with refugee status are also common pools of volunteers for this kind of work, and have a great deal to offer. A 'legal buddy' can also offer an opportunity for the asylum seeker to be more involved in preparing their case since the legal buddy and asylum seeker can work together. Legal buddies do not give immigration advice. The essential characteristic of the legal buddy model as identified here is that the ground work described above is done by an unqualified person. Beyond this, the role may expand into a broader support function, for instance attending an appointment with a solicitor, resolving practical issues, and can help the asylum seeker to stay in the process and gain access to other resources. The model established in a collaboration between Justice First and Newcastle Law Centre (JF/NLC collaboration) is the paradigmatic example of this role in action, and the terminology 'legal buddy' is borrowed from that scheme. A fuller description of the scheme is in appendix 3

JF/NLC collaboration

Justice First (JF) is a small NGO in the Tees Valley whose purpose is to help refused asylum seekers re-engage with the legal system and to give humanitarian support while they are destitute.

Newcastle Law Centre (NLC) provides immigration and asylum advice without legal aid, and its constitutional remit includes advice across the north east of England. They initiated a collaboration with JF in order to:

- fill a gap in representation for asylum seekers where the merit of their cases (fresh claims or appeals) was assessed as 50/50. These cases do not qualify for legal aid.
- try a scheme which involved a different way of providing legal help, not funding the replacement of legal aid.

Each asylum seeker client is allocated a volunteer legal buddy (LB) who is trained and inducted by JF and NLC. A particular feature is that the legal buddy works alongside the asylum seeker, and the asylum seeker's knowledge can contribute to the claim.

Volunteers have become skilled in the legal buddy role and have enabled a depth and quality of assistance that would not otherwise be possible and had not previously been

achieved by JF.

Close partnership with NLC has enabled a smoother referral route for JF clients who need legal work that is outside JF remit, for instance appeals.

Immigration issues or potential judicial reviews can be referred to NLC. Through this partnership, JF has become a doorway to quality advice and representation on a wide range of issues, including Care Act and Children Act support.

Referrals are through advice appointments at JF office, Surgeries held by JF at Open Door Middlesbrough and at NERS (North of England Refugee Service) and external agencies such as Action Foundation, Children's Society, Local Social Services, Victim Support and Freedom From Torture.

NLC or JF prepares the fresh claim using material produced by the legal buddy and asylum seeker.

One of the benefits of JF being accredited at OISC Level 2 in its own right is that JF can also do Article 8-based applications which come from an asylum context.

In many fresh claims schemes using a variant of the legal buddy role, the role is filled by a volunteer. However, in essence it need not be. GMIAU is keen to experiment with different ways of supporting fresh claims, and has entered into a partnership with Refugee Action, which entails an experienced Refugee Action caseworker coming to the GMIAU drop-in once a week. She is not a legally qualified caseworker, but has a lot of experience and knowledge about the asylum system.

GMIAU and Refugee Action

The Refugee Action worker helps people to gather the documents they will need for a fresh claim including previous decisions and new evidence, doing a SAR if necessary. She will take a view as to whether she thinks it might have merit and whether she thinks she can get any further evidence. She will then pass it to the caseworkers who will either confirm that there's insufficient merit, or there's enough to take it forward using legal aid. GMIAU may use legal aid at this stage to get expert medical reports. The Refugee Action worker's involvement expands GMIAU's capacity to do the legal work on fresh claims by doing the ground work first, leaving the final legal advice and action with GMIAU.

Fresh claims groups

These are groups resulting from local initiatives, often volunteer-based, set up with the aim of helping refused asylum seekers to submit fresh claims.

In the words of RALR:

Typically, projects use non-specialist volunteers, supervised pro bono, by immigration lawyers to take a witness statement, and gather sufficient other evidence to overturn a negative merits test decision, or to establish grounds for a fresh claim. If they can establish merits, they will seek to refer the case to a legal aid lawyer, thus bringing it back into the legal aid system.

In RALR, these are referred to as 'Manuel Bravo projects' after a project which began along comparable lines in Leeds. That terminology would now be misleading since the Manuel Bravo Project has developed into a NFP casework organisation employing advisers.

A conference in 2012 brought together members of six groups working on fresh claims, including the Manuel Bravo Project, with representatives from Refugee Council, Refugee Action, Northern Refugee Centre, Red Cross and campaigning organisations. Variants of the 'legal buddy' or 'unqualified support' role were in use in four of the six organisations represented at the conference. Four projects relied on volunteers. All are still working, though one has changed its structure: Asylum Justice in Wales was purely volunteer-based though with no legal buddy role. A retired barrister, working pro bono, did all the project's considerable volume of casework (3,000 cases over nine years). When the pro bono barrister could no longer continue, AJ closed temporarily, then reopened with a paid caseworker.

Of the four which were using variants of the legal buddy role, developments in two show the potential and the limitations of these groups. A summary of their operation is in the text boxes.

NEST (New Evidence Search Team) is a group of volunteers within the City of Sanctuary movement in Leicester. They research and find new evidence for fresh claims. The group meets monthly when all cases are reviewed and discussed. Volunteers work in pairs, and progress cases in the intervening time. They are supervised and supported by an experienced OISC-accredited Red Cross worker. NEST began in 2012, and has worked on 125 cases.

Many NEST volunteers are law students, and both universities in Leicester actively recruit for NEST as a high quality practical experience for law students. NEST also attracts retired solicitors as volunteers.

Since 2012 NEST has developed an arrangement with a solicitors firm which holds a monthly session at the Red Cross office. Once a bundle of evidence is complete, NEST makes an appointment for the client. The solicitor takes on all cases where there is any substance, and this includes NEST's cases. Of known outcomes for cases they have worked on, NEST estimate 30% have resulted in leave to remain.

All referrals are made through the Red Cross. Red Cross workers screen the applications and prepare the legal documents for NEST.

NEST relies on both volunteer time and on the professional containment provided by Red Cross. NEST is coordinated by a volunteer and this is a key role. Volunteers working with NEST must commit to the regular case meetings. Through the collaboration with Red Cross, NEST can keep awareness of the asylum seeker's destitution/support status. Although they do not help with s.4 applications, Red Cross advises people who are refused s.4 and helps with appeals and with more complex questions. Red Cross refer clients with potential community care needs to social services, and have a good relationship with a solicitor who can challenge refusals of community care support. Red Cross' holistic approach and capacity to engage with other organisations is clearly an asset to NEST, and its professionalism and capacity to negotiate and set the referral routes in and out protects the NEST volunteers and sets a clear boundary round their role.

South Yorkshire Refugee Law and Justice

SYRLJ is based in Northern Refugee Centre (NRC) in Sheffield. Describing itself as 'more like an Innocence or Justice project than a firm of solicitors', it concentrates on fresh claims where asylum seekers are unable to get legal representation. Trained volunteers do SARs, collect and order papers, create case records, and compile evidence including country of origin research. Supervision and training are carried out internally by two volunteers who are accredited at OISC level 2 and 3 respectively. There is a paid coordinator, and thus an office presence two full days a week.

SYRLJ refers a completed bundle to solicitors when the preparation is done, or sometimes submits its own fresh claims. Cases referred to a solicitor with SYRLJ's preparation have all been taken on, though there are no formal links. There is an informal relationship with NRC on issues such as statutory support, health, AVR, etc. NRC refers to SYRLJ.

SYRLJ works very closely with ASSIST Sheffield, the local NACCOM member. Most ASSIST clients who do not have a solicitor are referred to SYRLJ. There is mutual help and sharing of information, but not a formal data-sharing agreement, and some confidentiality is preserved between the two organisations.

It is standard practice to do a thorough and detailed review of the case history, and, like Justice First, SYRLJ will take on a case if there is something that can be worked on.

Informal links with local universities generate significant support from students, both as volunteers and by raising awareness and funds.

Beacon Bradford's McKenzie friend scheme is the third organisation from the 2012 conference which also prepares evidence to help asylum seekers mount fresh claims. Beacon's McKenzie friend scheme takes advantage of the unusual opportunity, being in the same city as an Immigration and Asylum Tribunal, to befriend and support unrepresented people attending the tribunal. This is a valued service, in addition to research for fresh claims, and Beacon has chosen this rather than the McKenzie friend route. OISC rules do not permit both.

Strengths and challenges of fresh claims groups

All three projects (NEST, SYRLJ and Beacon) have a solid success rate in preparing bundles of evidence which enable an asylum seeker who has been rejected from the legal aid scheme to get representation once again.

The fresh claims groups were all community initiatives. As such, NEST and SYRLJ have needed to establish their ethos and practice of advice-giving including supervision. They have also needed to establish routes and criteria for referral in and referral on.

Both NEST and SYRLJ have relied on consistent input from an experienced adviser – NEST from the Red Cross, SYRLJ from a founding volunteer who is a specialist adviser with the CAB and the OISC level 3 adviser in the project. This input is essential to enable the project to identify appropriate routes for potential clients, associated legal issues, and set an agenda for research and for volunteer training.

SYRLJ's OISC registered volunteers are a resource which enables it to be flexible in its response to individual clients, occasionally, for instance, filling one of the most problematic gaps in free representation by doing an asylum-related Article 8 claim, but as the project is small this also creates a challenge for it to avoid being stretched beyond its capacity.

Summarising the legal buddy model – strengths, challenges and opportunities

All these projects target and fill a gap in legal aid provision, namely the groundwork and research to establish new evidence for a fresh claim.³² They do this effectively at low cost. It appears that the legal buddy model works well as part of a wider ecosystem. In the JF/NLC collaboration, and Refugee Action's work with GMIAU, the legal buddy is an element in a wider advice resource. The fresh claims groups are based on the legal buddy role as the main substance of their work. This has the advantage of specialism, building expertise and interest within a volunteer body, and offers capacity to work on preparation for more cases. However, where a case is not suitable for research and yet has some merit to continue, fresh claims groups need either a route to refer on if they are to support the legal buddy model fully, or to increase their resources with the view to branch out into asylum advice and Article 8 claims. Given the shortage of quality asylum advice, the risk is of stretching the resources of small projects.

Informal feedback from all legal buddy projects is that clients greatly appreciate that volunteers take the time to understand their case. It is clear that, on the individual level, legal buddy schemes can provide an important resource at very low cost. They also have the potential to make an important contribution to policy work, since, as RALR says of these projects:

They operate at the fault line of an unsafe process, dealing with the consequences of fixed fee funding, poor asylum decision-making, the low quality threshold for representation and poor merits test decisions.

Their experience highlights failings in the decision-making and legal aid systems. There is presently little or no mechanism for this experience to be fed into policy-making or critique, but to create this could be extremely valuable.

As Asylum Justice's experience shows, where key roles are held by volunteers (adviser/supervisor in SYRLJ and coordinator in NEST) they need to work on sustainability, either through developing external support structures or growing internal capacity or a combination of both, to ensure these roles can continue to be filled.

3. Model three: Partnerships between NACCOM organisations and legal advisers

Throughout this study it is clear that partnerships have a lot to offer in terms of making best use of scarce resources.

Destitution support organisations providing accommodation, who see the asylum seeker regularly – every week or even every day – may be in a strong position to support the asylum seeker to engage in the asylum process. The appropriate level of this depends on the training, experience and availability of workers (whether volunteers or paid), the ethos of the project, the other resources available locally and the needs and vulnerabilities of the individual. It is not automatic that all destitution organisations can engage more directly or actively with the legal process and legal advisers. Destitution organisations have often grown from a local support or campaigning base, and may have the nature of a network as much as of an organisation. There may be a different approach to confidentiality from that used by legal advisers. Some individuals, whose claims are based on issues that result in their feeling vulnerable, even within groups of asylum seekers, may not want to disclose the

³² See 'Making fresh claims and the obstacles', section 2.3

basis of their claim to their accommodation provider. Depending on how collaboration is done, partnerships between organisations may increase or reduce control of their situation by the asylum seeker.

There follow three case examples of how a destitution organisation has sought to increase access to legal advice, with different degrees of integration in the partnership.

Bristol Hospitality Network

Bristol's NACCOM member, the Bristol Hospitality Network (BHN), is actively thinking about and working to achieve access for its clients to legal advice. They have developed a relationship with a trusted NFP legal advice organisation: the Migrant Legal Project (MLP), and a support and solidarity organisation – Bristol Refugee Rights (BRR). Bristol was one of many cities hit by the closure of the Immigration Advisory Service in 2010, and MLP grew out of its ashes. It has a legal aid contract, two qualified advisers in Bristol. BRR run a drop-in which is open three days a week offering a social space, friendship and conversation, access to English classes, an Advocacy and Information Desk (AID), volunteering opportunities and other activities and services for refugees and asylum seekers. The advocacy and information desk offers help with issues such as access to health care, accommodation problems, etc. The drop-in is the only place that destitute refused asylum seekers can go to get help with these kinds of issues.

Accommodation in BHN consists of hosting and a large shared men's house. The nature of the network means that the asylum seekers they attract include a significant number of Christian converts. Some members of BHN are equipped to support people's growth in faith. In this situation there is a natural continuum between the personal, accommodation context and the legal claim. BHN refer clients to MLP for legal advice about fresh claims and where relevant or appropriate MLP may request evidence that BHN is able to give.

BHN also have a close working relationship with BRR in relation to individual clients. BRR has obtained Big Lottery funding for an advocacy worker five days a week, which is to enable an audit of all ongoing cases at the drop-in, with OISC level 3 oversight.

BHN volunteers are not OISC registered and are not able to say whether a case has merit to continue or not.

From a position of a number of asylum seekers being stuck in limbo, BHN have moved towards an active collaboration with MLP and BRR and an aim to help asylum seekers move on. The increase in capacity at BRR by the funding for an OISC level 3 post is significant, since it may help to stop asylum seekers who come to the drop-in from falling through the net. BHN has increased its engagement and effectiveness with asylum seekers' resolving their status, and is working on the challenges of delivering effective support through volunteers, in terms of knowledge, confidence, role conflict and consistency. This is a challenge for other NACCOM organisations too, where the friendship or solidarity relationship sits uneasily with getting involved in the legal process, which is felt to be fraught with danger and officialdom. BHN is dealing with the challenge of being an organisation based on solidarity and community, which wants to increase the help that it offers to asylum seekers to engage with the legal system. BHN has already done some work on the boundaries of the roles in their network, observing that it is destructive for hosts and others to try to cope when individuals' care needs are substantial, and in this case they have approached Social Services directly to try to get support under the former National Assistance Act (now Care Act).

In May 2015, later than the original conversation for this research, BHN opened its own drop-in each week for destitute asylum seekers with a dedicated (non OISC registered) advocacy team (plus ESOL classes and a hot meal). This team can do preparatory work on closed/stuck cases, to enable these to move on or make the difficult decision to take Assisted Voluntary Return. The Hope Projects in Birmingham offer a very different model from any other seen in this study.

Hope Projects

Hope Housing, a NACCOM member organisation, provides accommodation for destitute refused asylum seekers in nine houses. These are provided and financed through a mixture of collaboration with non-statutory bodies and grant funding.³³ Partner organisations refer destitute asylum seekers to Hope Housing, and the vast majority of those accommodated come through these referrals. Partners include local legal advice organisations, local support organisations for refugees and asylum seekers, and the Red Cross. The Hope model of advice has the following distinctive features.

- The *basis* is partnership, not one organisation recruiting others to work with it.
- The referring organisation keeps responsibility to ensure that people's cases move on.
- The main purpose is to achieve a breathing space to enable work on status.
- Accommodation is for a limited period (six months) for this purpose. This is transparent from the outset.
- Accommodation in Hope Housing is supported by two part-time paid workers who are very knowledgeable about legal routes out of destitution, both with regard to status and statutory support. In house meetings the progress and content of the case is discussed. The accommodation workers are aware of the health needs and personal and legal situation of each resident.
- There is a routine review structure. Every six weeks the referring organisation reports on progress at the Hope housing panel, and tactical or welfare issues are discussed between referrers and accommodation provider.
- Accommodation workers are able to process asylum support applications, and give active help where other statutory support applications are made by a legal representative.

The Hope model gives a high level of collaboration between the accommodation provider and legal adviser. The panel is an important opportunity for pooling knowledge about developments affecting clients, e.g. in Home Office practice

There is a Hope Special Fund from which funding for travel to legal and fresh claims appointments is considered case by case.

Hope Destitution Fund is provided mainly by local family trusts. It gives £20 per week to each Hope resident, paid fortnightly through the referring organisation.

There is a strong emphasis at Hope on obtaining statutory support, even as a short term route out of destitution. This is in a context where other partners also place emphasis on this and local expertise has developed. For instance ASIRT (Asylum Support and Immigration Resource Team – a not-for-profit OISC – registered advocacy organisation) specialises in Children Act applications in collaboration with Birmingham Law Centre.

³³ See *Models of accommodation and support for migrants with no recourse to public funds (NRPF)* for discussion of the accommodation model.

While the content of the roles of the Hope accommodation workers and legal buddies is in many ways different, most obviously since the Hope workers have more wide-ranging responsibilities, Hope workers also do significant groundwork supporting the legal case in collaboration with legal advisers. The Hope workers are not OISC-accredited, and this helps to maintain the distinction between their role and that of the legal representatives. Their role appears to be a valuable mix of distance from the legal system, the warmth of daily relationship, and knowledgeable advice and support.

The support of the Hope Partnership is relatively intense and short-term. Hope workers emphasise the importance of not undermining asylum seekers' own resources.³⁴ They make strenuous efforts to obtain statutory support for residents, but where this does not succeed, if the referrer feels no more can be done, the accommodation is still ended. The close partnership between Hope Housing and the referring organisations and advisers is based on the focused aim of Hope to find alternatives to destitution for those it supports.

Boaz was one of the first organisations to provide accommodation for destitute refused asylum seekers, and provided the impetus for the NACCOM network. Boaz' founder, Dave Smith, has a leading role in NACCOM. Boaz also have a unique model of partnership between accommodation provider and legal adviser, moving close to integration between the two.

Boaz Trust Manchester

Initially through a private donation, and then through charitable trusts, Boaz obtained funds to engage a lawyer. An individual (a solicitor and non-practising barrister) was recruited through networks to work one day a week at Boaz and up to a further day a week when needed. He is paid a minimal fixed fee, and works for the remainder of the week in private practice in a firm which does not do immigration and asylum work. He remains employed by the firm while working at Boaz and is covered by the firm's professional indemnity insurance.

All Boaz clients have the opportunity to consult the lawyer, who drafts fresh claims where possible. Groundwork such as COI research, SARs, getting letters, documents, collecting papers, where this is done, may be done by the lawyer or Boaz caseworkers, though there is no an established practice, nor any expectation that this level of ground work will be done in every case. Boaz clients' fresh claims are very often based on religious or political activities in the UK. This creates a level of expertise and of routinizing of work.

Boaz has charitable funds for expenses incidental to the legal claim, such as phone cards to contact families, fares and translations.³⁵ Charitable funding has been obtained for a few expert reports.

Boaz does not do asylum support work. ASHA, an independent NGO,³⁶ does all s.4 applications for Boaz clients. In the case of appeals, Boaz refers to the Refugee Action Preventing Asylum Homelessness Project. Boaz also does not lead on other applications for statutory support (Children Act or Care Act). There are other organisations locally that will do so (Revive Manchester and Rainbow Haven, which has a drop-in).

Like the other examples given in this section, Boaz is a destitution organisation taking an initiative to increase legal advice resources for the destitute asylum seekers it supports. The

³⁴ See *Destitution and asylum-seeking women in the West Midlands: immigration issues and charity support related to housing and subsidy*, Hope Projects Special Report, 2015, Sarah Taal

³⁵ Translations for men's cases are funded by the Big Lottery and for women's by Comic Relief.

³⁶ ASHA since 2004 was a key resource for making asylum support applications in Manchester.

<https://ashamanchester.wordpress.com/>. It remains so, though its management has been taken over by GMIAU in 2015 to ensure its survival.

solution uniquely combines the advantages of an 'in-house' lawyer with the limited responsibility of an access arrangement with an external lawyer. This requires a steady level of resources. It does not carry the advantage of the legal adviser providing an access point to an experienced NFP legal network, but it crosses some of the key obstacles to access – trust and physical access including travel costs. Boaz workers continue to provide the access and referral point to other resources such as ASHA and Revive. This also illustrates the ad hoc and local nature of advice on sources of financial support.

Accommodation/destitution support organisations and legal advice

These three models show that there are different ways to meet the requirements for effective legal support. There is no blueprint, and much depends on local conditions. BHN does not have an office base to host a lawyer, while Boaz does. The rich volunteer base of BHN enables the layered approach that is developing there. The Hope model relies on the existence of partners who can provide advice and representation about legal status and statutory support. In both Boaz and Hope, the Christian church provides a background to the maintenance and creation of its network. Although not all partners have a Christian affiliation, the destitution organisations benefit from loyalty, resources and goodwill which come from that common ground.

All three models show that creative ways to meet legal need can be devised at the instigation of destitution projects.

The move towards including legal advice in the mix of support brings challenges. Most organisations in the NACCOM network and other informal hosting networks are founded on a simple humanitarian principle: that people should not be left destitute. This often has an underlying religious or moral impetus, which translates into unconditional support and welcome: asylum seekers are people first, and only secondly have a complicated legal situation. From this perspective, some people may feel that to bring legal advice into a project undermines the unconditional humanitarian basis upon which it is founded, especially if periods of support are made conditional on progress in a legal claim.

Another view is to see offering legal resources as helping the asylum seeker to regain control. BHN illustrates the development, as they grapple with how a volunteer relationship based on friendship or solidarity can also support people in the legal process. The difference between host and caseworker was also a concern for supporters of destitute people brought together by Housing Justice³⁷.

The final section of this report considers the question of destitution support organisations employing legal advisers.

4. Model four: Education/self help

RALR indicates the potential of self-help, particularly for 'cases at the end of the decision-making process', and a small number of projects are interested or engaged in this.

Funded by Lankelly Chase, **GMIAU** has run a project helping people to understand what a fresh claim is and what they have to do to make one. This included running workshops for asylum seekers and their supporters from e.g. a local HIV support organisation, WAST Manchester (Women Asylum Seekers Together), and interested friends. GMIAU produced a manual as well as running the workshops. Once people have done as much as they can to prepare their fresh claim they may come back to GMIAU for advice.

Workshops in what is entailed in a fresh claim form part of the partnership between **Justice First and Newcastle Law Centre**. At an initial appointment, a decision is made as to whether

³⁷ Housing Justice report about the Open Space Conference held at Praxis, Bethnal Green, on 20th September 2014

the case and the person is suitable for the workshop or whether, due to e.g. vulnerability or language difficulties, one-to-one assistance is more appropriate. Justice First has found that most asylum seekers do not want to work alone after the workshop but want to work with a legal buddy. Given all that is said in this report about the value of team working, the demanding nature of fresh claims work and the need for support, this is unsurprising. The workshop may equip asylum seekers to be effective, confident and well-informed collaborators working on their own case.

Praxis in East London has found self-advocacy and peer working to be effective in working on applications based on years of residence in the UK. Evidencing the period of residence is an essential requirement for some claims. Praxis has run groups where people have shared ideas about what kind of evidence they may be able to obtain. Praxis produce a template that migrants and refused asylum seekers can show to friends and colleagues to help gather the necessary evidence.

The **Migrants Union** in Birmingham is a mutual self-help group in which migrants inform and support each other in dealing with the many challenging situations thrown up by the asylum system. Practical experience can be a huge resource, for instance knowing how to deal with unauthorised demands by Home Office officials in a reporting centre. Where there is the powerful combination of personal experience and knowledge of legal rights and remedies, self-help groups offer a potent resource and could be used as a form of peer education for preparation for fresh claims.

5. Model five: Outreach

Drop-ins are consistently used by destitute migrants across the country, and are one of the few accessible ways for them to gain access to legal advice. Sometimes (as in Sunderland) a drop-in is the first thing to happen in an area which is available to destitute migrants, and becomes the hub for developments.

Drop-ins, whether run by migrants, host population or mixed groups, are generally well suited to creating trust. People can meet and mingle and exchange experiences without scrutiny or appointments, and sometimes eat familiar food (a key feature of e.g. Hackney Migrant Centre). Though not without difficulties (of confidentiality, role conflict and role confusion), informal interpretation is often on hand. Drop-ins are often well-networked. These are good conditions for access to initial legal advice, but it is clear that without resourcing that advice there is soon a bottleneck. They suffer from overload – a number are currently closed to new callers. Legal aid contracts can permit lawyers to begin a legally aided case at a drop-in if this is specifically authorised.³⁸

Asylum Aid has consistently found that 50% of refused asylum seekers they advise at the drop-ins they attend for destitute migrants³⁹ have good grounds to access legal aid to reopen their cases. In addition, drop-ins are one of the few ways that destitute migrants can access advice about non-legally aidable issues such as family life applications and lifting conditions of no recourse to public funds. This can be made possible where private firms or NGOs give pro bono staff time to attend drop-ins to give advice that is not covered by legal aid.

In addition to refugee and migrant drop-ins, some London law centres are extending outreach by attending day centres for the homeless.⁴⁰ Identifying asylum cases and potential for legal intervention requires a high degree of skill and it is important that an experienced worker is resourced to attend.

³⁸ 2013 Standard Civil Contract Specification paras 2.39 – 2.41

³⁹ Through partnership with Notre Dame Refugee Centre and the Red Cross. See *Asylum Aid's submission to Transforming Legal Aid (Ministry of Justice)* 4 June 2013

⁴⁰ E.g. Lambeth Law Centre in an initiative funded by the London Housing Foundation

In addition to pro bono clinic-type attendance by private and NFP advisers, drop-ins may function as an access point for NFP advisers. Many new clients come to the Manuel Bravo Project (MBP) in Leeds in this way. MBP have expanded to also provide an adviser at the Red Cross drop-in in Wakefield. Alternatively the drop-in organiser may recruit its own legal adviser, as for instance the OISC level 3 post secured for Bristol Refugee Rights. In terms of getting out of destitution, an experienced adviser can offer a great deal to a drop-in, even without substantive advice on status. An OISC level 1 advice worker employed by Northern Refugee Centre advises at Doncaster Conversation Club on routes out of destitution, and gives triage advice on the availability of a fresh claim, other legal routes such as Article 8 claims, and the option of AVR. Doncaster Conversation Club is included as a case study in appendix 5.

Limitations on outreach at drop-ins include limited time, overload and sometimes lack of confidential space. There may be very limited capacity to take casework away. Some drop-ins serve an enormous area, and for many the demand is overwhelming, particularly in London.

Drop-ins may appear unexciting as they are not new. However, they are a fertile place for partnership working, a unique resource for non-legally aidable advice, and a low cost way of providing trusted access to advice. NACCOM members and other destitution organisations often have a close relationship with drop-ins. The Red Cross is often the sponsoring body or a participant. In the Bristol example, the drop-in facilitates progress with legal issues for asylum seekers who are supported by the NACCOM organisation (BHN). In Sheffield, the NACCOM member, ASSIST, runs a Helpdesk at the drop-in which is the access point for its support.

Street Legal

Street Legal is a partnership between Praxis, St Mungo's and Refugee Action. At Street Legal East, the Homelessness Transition Fund funded two immigration advice workers supervised at Praxis, as well as a housing coordinator based at St Mungo's. Rough sleeping organisations and selected advice centres can refer people who are sleeping on the street, and Street Legal gives immigration advice in individual cases, training to those hubs and the advisers go to the hubs when needed.

The responsiveness and expertise of the immigration advisers constitute a resource which is generally not available to destitute people. The interim evaluation of Street Legal East showed that it had enabled people to replace lost papers showing their status and entitlements, make applications to stay in the UK, including asylum claims, as well as advise on benefits, housing and health care entitlements.

Street Legal strikingly demonstrates the impact of creating trusted and accessible ways of getting legal advice. For detail of Street legal see the case study in Petch, Perry and Lukes.

6. Model six: Maximising the impact of legal expertise

Legal aid cuts have created an absolute loss of expertise from the immigration and asylum legal sector. As Deri Hughes-Roberts laid out in RALR, it is vital to prevent more drain of expertise, and to make best possible use of that which remains.

This means also transmitting experience within the refugee sector and developing new expertise within overstretched organisations. This is difficult to do on limited resources, and the organisation can remain stuck at its existing capacity if it cannot fund a new post. By way of example, Praxis, an organisation with enormous demand for its work, has three advisers qualified at OISC Level 2, but needs to increase its capacity to deal with more complex issues. In order to get capacity up to level 3, they are interested in secondment arrangements with Law Centres. The seconded person, paid by Praxis for the two days, would supervise casework to a higher level. This would increase the capacity by more than simply referring a client on, as the Praxis advisers start to work towards level 3. This can only be done under supervision. One advantage of a part-time embedded supervisor who is working also at a Law Centre is that the experience also carries over, and it opens a regular channel for cross-referral and exchange of information. This is potentially a highly effective way of working, as each organisation becomes an access point for wider resources.

As Justice First found in their collaboration with Newcastle Law Centre, the contact with an experienced person accelerates learning and lifts the quality of the work.

Sharing personnel in this way is potentially highly effective, although it can raise some complex questions of the operation of the regulatory system, since OISC advisers and solicitors are subject to different regimes. The Immigration Law Practitioners Association is currently trying to resolve contradictions, and are seeking a way forward, where the conflict between regimes may inhibit pro bono developments.

Another way of maximising legal expertise with particular value for destitute migrants is training other groups and professionals.

Hughes-Roberts says:

Within appropriate constraints, all professionals should be empowered to assist the client group, particularly clients without competent representation.⁴¹

For example, Southwark Law Centre has trained health workers in basic immigration law relevant to homeless migrants.⁴² This enables those workers to identify potential needs for advice, to refer and signpost appropriately, and to support referrals effectively. The training helps hospital admission teams to better manage homeless migrants, and they are more likely to contact the Law Centre for help and advice.

As government policy changes quickly and there are more hurdles for migrants and asylum seekers to overcome, training for other agencies becomes more urgent and important. Recent changes include the introduction of fees for renewing discretionary leave to remain, immigration health charges and the imposition of conditions on leave to remain of no recourse to public funds. These measures carry a risk that asylum seekers who had moved out of destitution will return to it, with a huge impact in the case of families on local authority finances. Health and Social Care workers being aware of these provisions and their impact could prevent people from returning to destitution and falling back on the safety net of the local authority.

⁴¹ RALR p.21

⁴² Funded by London Housing Foundation

5. What helps and how does it help?

Three key messages can be drawn from the material collected during this research:

1. Quality legal work can make a difference in ending destitution.
2. Unqualified but trained people can contribute to this.
3. Local embedding is essential to create access, contact points and trust.

1. Quality legal work makes a difference in ending destitution

The difference it makes

The main outcome that asylum seekers hope for is success in their application. In terms of fresh claims, about 14% nationally gain leave to remain directly from their fresh claim. Most striking in this study are the results of the enhanced casework model used for women who have experienced gender-based violence which had a near 100% success rate.

All projects working on fresh claims reported they had successes. NEST's estimate of a 30% success rate is significant.

There are complex issues in evaluating the success of fresh claims work. As made clear at the beginning of this report, not all meritorious asylum claims succeed as a fresh claim.

Additionally the threshold criteria for taking on a case vary between projects.

Often projects have limited data on outcomes for fresh claims, since asylum seekers move on, and Home Office decisions are delayed, though Boaz and BHN saw enough successes to feel that their model and their efforts bore fruit.

Another measure of success for fresh claims groups is that the case is taken up by a legal aid solicitor, and on this measure the groups were highly successful.

The sense of having been heard, understood and treated fairly was frequent feedback to the legal buddy projects, and a common factor cited by fresh claims groups, advisers and destitution organisations as an indicator of the project achieving a legitimate aim. This was particularly so when time had been taken with the asylum seeker face to face.

The evaluation of Refugee Action's Access to Justice (ATJ) project reported that, even when asylum seekers lost their case, if they understood the reasons for the refusal and felt that their claim had been fully understood and heard, they were less distressed and more ready to accept the outcome. Refugee Action thought that in this situation people would be more ready to discuss AVR, although this will be less relevant after November 2015.

Elements present in quality legal work

It is apparent that there are different models which can work well to give appropriate legal support to destitute refused asylum seekers. However, the legal work which appears to offer the best prospect of long term resolution to destitution, and/or to give asylum seekers a sense of justice, contains the elements set out in this section. Before this, it is worth reiterating the need for **access, contact and trust**. Without these, the rest does not happen.

Suggested elements of quality work are:

- Quality and experienced advice on legal options and representation to carry them through, including any challenges
- Painstaking groundwork, including taking statements and collecting evidence, especially for fresh claims
- A holistic approach, often entailing team work
- Access to advice on statutory support
- Triage/initial advice

Not all these elements will be present in one person or organisation, but they need to be available and joined up.

Quality legal representation This report does not define quality advice. This is the subject of work elsewhere. Within the context of this report, only a few comments are needed. There is no substitute for experienced advisers. People wanted lawyers who could ‘think outside the box’, and with a breadth of experience. An experienced adviser will review routes to status and other remedies where appropriate, e.g. civil actions for damages and applications to the Criminal Cases Review Commission (numerous asylum seekers have been wrongly prosecuted for passport offences, which then jeopardises their chances of regularising their status).

Lawyers also commented on the benefits of working in a team, of sharing ideas, as well as doing cross-disciplinary work, all evidently bearing fruit.

If a good legal representative is not available locally, experience from a range of projects suggests that it is worthwhile to develop links with a quality representative who may be further away rather than make do with less satisfactory local advisers. This can be done with outreach sessions, supervision, or second tier advice, subject to any constraints because of legal aid contracting regions. Part of the learning from this study is that an experienced lawyer needs to be part of the team, but need not be on hand at all times. For instance, an OISC level 2 adviser can establish merits, advise, work with legal buddy volunteers and do all that is necessary to submit a fresh claim. However, Justice First, who were in this position, have increased the quality of their work through their partnership with Newcastle Law Centre, 40 miles away.

Another clear advantage that emerged from the involvement of established reputable legal advice providers is the confidence they have to seek creative solutions.

Groundwork This was an essential component in most of the effective work. It is the key purpose of the legal buddy model. To be most effective it needs to be done under supervision of someone qualified to determine the legal issues in the case and set the research agenda. In the Comic Relief-funded enhanced casework, the groundwork was done in-house by the legal team.

Holistic approach In thinking about a holistic approach, the asylum seeker is at the centre. ‘Holistic’ is an overstatement, but it is used to describe meeting different needs and aspects of the asylum seeker as a person. An example is accompanying to legal appointments, which can be invaluable to check for understanding, for moral support, to talk again afterwards about what happened, and to help in practical ways. Some NACCOM organisations do this. A holistic approach does not mean that one organisation provides everything. The example of accompanying makes that clear. The asylum seeker positively benefits from the distinctive support of a trained lay person. Lawyers confirm the benefit of collaborating with

skilled support workers, and the enhancement that this can give to the quality of legal work.⁴³

'Holistic approach' is also used to refer to the different resources that the asylum seeker needs, and the crucial thing which makes the support 'holistic' and effective is the communication between them (see the example of the network in the North East below). A 'holistic' approach in both these senses is not only good practice and a better experience, it is likely to lead to better results because it may more accurately address the problem. The strongest example is that difficulties in disclosing sexual violence or torture, and absence of expert evidence on these issues may lead to valid asylum claims being refused, and genuine refugees becoming destitute.⁴⁴ At the stage of destitution and trying to mount a fresh claim, it is difficult to get access to specialist help, which may involve high fees and travel. However, a holistic approach at local level may still address this. A new partnership in Hull between ARKH/NRC and Haven Project offers therapeutic casework. ARKH/NRC and Haven have moved to share premises, and their partnership offers a safe space for refugee women to explore the losses they have suffered, with access to OISC level 2 advice and psychotherapy. Both ARKH (now merged with Northern Refugee Centre) and Haven have a long presence in the area. Development in Hull has been gradual and user-led and there has been a long-term shortage (often complete absence) of legal advice. This collaboration lays the groundwork for a holistic approach, including to fresh claims.

The need to provide continuity between different aspects of advice and support has long been recognised.⁴⁵ A holistic approach, both in terms of meeting the diverse needs of the women and in terms of engaging with a range of agencies, was a key element in the success of the Comic Relief-funded work with women who had experienced gender-based violence. The case study in appendix 4 provides a fuller account of a developed holistic service run by Praxis in East London. They offer a range of activities, including groups for women who have been trafficked or experienced domestic violence, art therapy, body-mapping, print-making. The Advice Project Lead says that this supports the advice work. It builds trust and familiarity, and people come back over time for different issues.

Advice on statutory support This means advice on applying for immediate money (or s.4 Azure card) to live on and accommodation. As mentioned at the beginning of this report, expertise in these areas may be spread between different organisations. Communication between these advisers and the legal representative is important. Decisions as to a legal route to take may be influenced by support considerations, and entitlement to support may be affected by advice on legal status.

Triage/initial advice It is easy for the triage stage to be missed, and one of the findings of this research is that attention needs to be paid to ensuring that this initial advice on ways forward is available.⁴⁶ This is particularly important as there has been no legal aid for this advice since April 2013.

A case study in the report by Petch, Perry and Lukes - Refugee Survival Trust and the DASS (Destitute Asylum Seeker Service) Project – is of a new project, in which initial advice on the asylum seeker's legal situation is the gateway to a destitution project, with a full review of the merits of a legal case before full support is given. Many projects give limited accommodation time and link it to progress on resolving status.⁴⁷

⁴³ Interview with legal aid solicitor for this research, and see *ILPA Evidence to the National Audit Office: Legal Aid Immigration Law Practitioners Association* 19 July 2014

⁴⁴ The Comic Relief funded work topping up legal aid for women who had suffered violence demonstrated this.

⁴⁵ The Refugee Council operated an integrated casework model, which enabled the client to have access to basic advice, specialist legal advice, simple counselling or more intensive therapy. Within this model, workers still specialised, and the refugee could have access to the best service without having to go from one organisation to another.

⁴⁶ Asylum Aid recognises the importance of this stage by employing a legal triage worker

⁴⁷ e.g. Fresh Start in Leicester (now closed), Hope Housing in Birmingham

Triage can be seen as handing control back to the asylum seeker to make decisions about their life. At the same time it throws into sharper focus the challenge to destitution organisations of how to respond when there is no way forward for the asylum claim.

Access to expert reports While these are not essential in all cases, where they are needed, funding is a problem unless there is legal aid. In the enhanced casework model, some expert reports were funded by Comic Relief and some by legal aid. The only non-legal aid organisation encountered in this study which had any resource for expert reports was Boaz Trust. Boaz had raised small charitable funds for this purpose, one for men and one for women.

2. Unqualified people can make a difference

This emerges clearly from many locations where signposting, support, information and encouragement are given effectively by trained and unqualified people, often volunteers. It is a premise of the fresh claims groups, where an added benefit is that the involvement of citizens in asylum work can raise awareness and create solidarity. The impetus for the greater engagement of asylum seekers in their own cases has the potential to counteract some of the disabling and disempowering effects of the asylum system. Since many unqualified people involved in this work are volunteers, their work is less costly head for head, but it is not free. Supervision needs of volunteers are usually higher than for paid workers. The experience of NLC/JF, and of NEST, shows that with the right structure good supervision of volunteers is possible. Both these schemes rely on paid supervision from an established organisation.

Unqualified people have made a valuable contribution in fresh claims work, but this remains largely untested in relation to other applications, with the exception of Praxis' self-help for evidence of long residence. By and large, other applications are more narrowly based on legal rules and lack the non-legal research component in fresh claims. However, there may be scope where for instance an adviser sets out a template that can be worked to as Praxis has done with long residence evidence. GMIAU has produced self-help sheets for a range of issues.

3. Organic, locally grown - access, contact and trust

Most of the topics discussed in this report have a bearing on the need for trusted and accessible contact points to qualified and experienced legal representatives. Outreach, the legal buddy role, local partnerships, holistic working – all are relevant to creating access, contact, trust and information. The education of other workers, self-help for asylum seekers, accompanying and practical support all help to create access routes, contact points, trust and information.

In confirmation of this, an evaluation of Refugee Action's Access to Justice Project (ATJ) identified the importance of consultation with local groups about the design of new legal advice work. The project sought to identify asylum seekers who had been refused legal aid prior to appeal, and to challenge the legal aid refusal. It aimed to build on the Devon Law Centre project which had had a 79% success rate. But in Devon and Cornwall:

*'the refugee community is much closer knit – there are huge numbers of Iraqis there from dispersal, so word of mouth helps spread the word about the project a lot more easily, with people getting to know about you through tight networks'*⁴⁸

⁴⁸ An evaluation of the Access to Justice Project and review of potential next steps for Refugee Action, Ceri Hutton and Sue Lukes, June 2013 p.13

A challenge for the ATJ project was to make contact with clients in the short window of time when challenging legal aid refusal is possible. A reasonable number of clients were identified in the North West and South West, but only two in London. This stark non-take up of an important service was attributed in part to the project's not identifying at the outset where clients were already going for advice and support when refused asylum and legal aid.⁴⁹ The experience suggests that design of a service needs to be based on knowledge of existing patterns. Effective work addressing the legal needs of destitute asylum seekers needs first to ask the question, 'where do people currently go for help?' in any locality where work is proposed.

Local embedding creating resilient networks There also appeared to be increased flexibility and resilience where development happened organically out of existing relationships. Additionally, this created access points to a network and a range of expertise, which greatly increased the value of the contact to the client. Multiple access points also provide a safety net, since the various obstacles to access mean that some contacts will fail. As a conference participant said in the course of this research: 'clients need many nets'.

This was demonstrated in Bristol and Hull, as well as in a collaboration in the North East of England between a NACCOM agency (Open Door North East), the Red Cross and Justice First. Open Door was one of the first organisations in the UK to support destitute asylum seekers, and has an established accommodation project based in Middlesbrough. The Red Cross has a long history in the area. Its humanitarian action includes support of vulnerable families. The Red Cross' international presence means that it tends to be a known name among refugees and asylum seekers, and this can create initial trust. Justice First has already been mentioned in the context of its work with Newcastle Law Centre.

The three organisations work from each other's offices on a regular basis. This creates ease of communication, and gives access to all the organisations to destitute asylum seekers who do not have fares to travel to them. Red Cross works from Justice First offices one day per week and one day per week at Open Door. Justice First runs a clinic at Open Door. Each organisation provides different but overlapping resources.

Open Door Accommodation; general advice including about re-engaging with the asylum system; food parcels; drop-in and social space; support with transition when leave to remain is given. Individual workers are very experienced in what is needed for a fresh claim and support asylum seekers to stay in the process.

Justice First Working on fresh claims, including evidence gathering and OISC level 2 advice (see description above of the NLC/Justice First partnership); cash support during fresh claim preparation administered by JF from Mary Thompson Fund.

Red Cross Fund travel to submit fresh claim; immediate crisis cash support; support to families; family tracing; independent, humanitarian listening ear; triage – what is way forward, including talking about return. Links with countries of origin.

Newcastle Law Centre is a trusted adviser. Other organisations can be confident that the client will be seen, treated with respect, and good advice be given, even if obtaining leave to remain is not possible. The law centre provides a link into specialist advice and higher level representation.

Local organisations connected nationally Where local growth can tap into national level networks this is an asset. In the Comic Relief-funded project enhancing advice for women,⁵⁰ two of the legal advice organisations, GMIAU and Southwark Law Centre, were locally based and nationally networked. Asylum Aid, whose catchment area is the whole of London, is not

⁴⁹ As note 17, p.12

⁵⁰ Cross ref

a locally based provider in the usual sense. However, the focus of its casework on particularly vulnerable groups and its engagement with grassroots groups through outreach and policy work, builds trust and accessibility, as well as expertise, in a way comparable to law centres with a smaller catchment area. At the same time, Asylum Aid has a national level voice in policy-making.

The involvement of Red Cross at a local level is an interesting feature of this study. At a time of general constriction, the Red Cross anti-destitution programme has expanded. It offers material resources as a large organisation, a holistic approach, and the experience of some Red Cross workers who have knowledge of the legal process without being part of it. In some places, the Red Cross is stepping into gaps left by the closure and cuts of the national and regional refugee support organisations. This development needs specific study and it is both too soon and beyond the remit of this work to comment on how it is progressing or could progress. But the Red Cross as a partner is clearly on the map in many locations.

Case example

A young Afghan man came to Red Cross for family tracing so got to know them. Social services placed him with foster carers who knew little about the situation of an unaccompanied asylum seeking minor. They needed support and information, so the young man suggested they come to Red Cross.

UK mainstream statutory and voluntary services often do not know about the asylum system. Red Cross was well placed to help.

Why this might matter for legal status and avoiding destitution

It is common for people who come to the UK as unaccompanied minors not to appeal their asylum refusal and not to be aware of the consequences of not doing so. The grant they receive of limited leave until they are 17.5 years can give a false sense of security. In later years, as refused destitute adult asylum seekers, they may find it impossible to re-open issues that were not appealed. Early advice has the potential to avoid this problem. Even with a good legal representative, a young person may need advice from other, knowledgeable and trusted sources, to help them decide what to do.

Local conditions There are many local conditions which are relevant to developing advice provision. These include the existence of a barrister's chambers with immigration and asylum expertise (few of these around the country); universities, especially with a STAR group (Student Action for Refugees) or a law clinic; campaigning and activist groups; religious networks.

The numbers, and to a lesser extent the nationalities of refused destitute asylum seekers, present in a region is an important local condition, and is largely determined by where they were housed by the Home Office during their asylum claim. Refused asylum seekers tend to stay in the same place after refusal; alternatively, they move to larger cities in the region where they are made destitute.⁵¹ A minority seek support further afield.

Figures are published by local authority area in the Home Office quarterly immigration statistics and are publicly available.

The nature and existence of communities of origin, especially migrant and asylum seeker networks, are critical to the development of, and access to, advice provision. This is especially because word of mouth recommendations from friends and family, religious and community networks, and in particular church networks, are the main way in which migrants find advice organisations.⁵²

⁵¹ Interview with Red Cross regional service manager

⁵² *Advice and Support Provision for Migrants in London: a view from the field*, Migrant Rights Network 2011

Some groups have more ready access to the host population or established community associations or to political or religious groups from their home country and are more likely to be able to find shelter when destitute. Minority nationalities may become very isolated. Migrant and refugee community organisations (MRCOs) – i.e. community groups run by and for refugees and migrants – are an important resource. In some parts of the country they are strong. In some areas they are absent or almost absent. MRN says:

MRCOs provide varying levels of advice themselves, as well as acting as links between migrants and the mainstream advice sector. Through running advice services in parallel with a drop-in centre, they also provide more personal contact and emotional support than can be offered by more formal advice agencies. Lack of knowledge of the British system, difficulties speaking English and immigration restrictions make MRCOs important links between migrants and more mainstream services.⁵³

London has a different pattern of asylum dispersal from the rest of the UK, because of the stronger presence of communities of origin. Asylum seekers in London more often have the support of friends, relatives and community and choose to receive a weekly payment ('subsistence only') from the Home Office, not accommodation. In 2014 in London between 65 and 70% of asylum seekers on s.95 support were on subsistence only. This compared with 11-12% in the country as a whole, including London. To put it the other way round, about 10% of asylum seekers on s.95 are in London, but around 57% of those on subsistence only are in London.

The experience of asylum refusal and the end of asylum support is likely to have different effects in London from the rest of the country, and this has consequences for access to advice.

The other local resource which is important to mention in this study is the NACCOM network. Its members are small voluntary organisations, set up to respond to destitution among asylum seekers and other migrants. Most provide some accommodation for destitute refused asylum seekers; the models in operation are discussed in *Models of accommodation and support for migrants with no recourse to public funds (NRPF) A resource for practitioners and groups who want to get involved* 2015.

The location of NACCOM members roughly corresponds with asylum dispersal areas. In 2014, of the 522 people accommodated in NACCOM projects, only 30 had not sought asylum.⁵⁴ While NACCOM organisations are stretched, they can attract a lot of local support and goodwill. Most have grown out of other networks in their area, often churches. This association gives strength, as well as a link into broad resources in the community.

⁵³ *Advice and Support Provision for Migrants in London: a view from the field*, Migrant Rights Network 2011

⁵⁴ NACCOM Operational Report 2014

6. Ways forward

There is still, sometimes, an invisible line between legal and other services. The new step in thinking may be to cross that line. Interestingly, in their evaluation of Refugee Action's Access to Justice Project, Hutton and Lukes suggested that the project's 'legal-ness' generated a reluctance to question on the part of other stakeholders. Professional rules and the complexity of the law tend to create a distancing between legal and other work, but this study suggests that such distance does not serve destitute asylum seekers. Legal advice and representation need to be seen as a normal part of the mix of support which is needed to bring destitution to an end. This final section draws together from the studied material some ways that this can be done.

Legal workers in accommodation/support projects?

The inclusion of legal advice as a part of support naturally brings up the question of whether destitution organisations, including NACCOM members, could or should employ their own OISC adviser (at least level 2 to give advice on immigration status).

Asylum Link Merseyside, a NACCOM member, has experience of this. Much of their advocacy work is for asylum seekers who are on asylum support and have problems with poor housing or missing payments. They have huge demand for their services, seeing around 3000 people per year, of whom over 200 are destitute. They have attempted to offer legal advice at OISC level 3 to help asylum seekers resolve their legal status, but find that they cannot sustain this. They cite expense, complexity, the high stakes, and fees now required for applications as obstacles to maintaining an advice post of this kind. They endorse the comments of a lawyer in a South Yorkshire project, who observed that where asylum support and asylum status issues are dealt with in one organisation, the immediate and urgent needs will tend to overwhelm longer term work, unless there is internal separation of roles. Asylum Link employs a social worker and specialises in getting access to accommodation (Home Office or local authority), including for families. They work closely with GMIAU. They say:

There has been a conscious move towards partnering agencies who specialise in immigration advice or work with job centres, but crucially, housing them within the same building. This provides a one-stop approach to the client, but also shares knowledge and expertise...The key thing is that the organisations work together with each one understanding and complementing the other.

This experience can be compared with other examples encountered in this study. The Boaz Trust shows that an adviser (albeit a lawyer) can successfully work within a NACCOM project with benefit to clients and without damaging the ethos. A key characteristic though, is that the lawyer is employed by a third party. Boaz, as a charity, does not take on the regulatory and financial burden of employing a solicitor. The legal advice given is not given by the charity. The kind of advice given is clearly circumscribed.

In the Refugee Survival Trust Destitution Asylum Seeker Service, as in Hope Housing, the basis is partnership. The OISC level 2 staff who give an initial view on the asylum seeker's legal claim are not based in accommodation projects. One is in the Scottish Refugee Council and one at Strathclyde Law Clinic.

This is not to say that the possibility of employing an OISC adviser could not be explored. Organisations working in the domestic violence field have employed immigration advisers to give a more holistic service (e.g. Solace Women's Aid in London), and could be consulted on their experience. Organisations employing an OISC adviser need to register with the OISC and take on the regulatory and monitoring obligations that accompany this. They would need to consider how an adviser in an accommodation project would be networked with

other advisers and supported.⁵⁵ This could involve a link with a legal advice organisation, as in the NLC/JF partnership, or with private practitioners, if there is a suitable firm locally. Nevertheless, experience so far suggests that separate accountability with close collaboration may be the best way to integrate legal advice into the mixture of support, as described by Asylum Link in the quotation above. In a large enough organisation this separation may be achievable within one organisation.

Accommodation/support projects contracting legal work

An alternative to employing a legal adviser is to contract with an existing provider for legal work for the benefit of clients of the project. This is done by the Cardinal Hume Centre in Westminster. The centre gives immigration advice and representation as part of its mission of enabling people to move out of poverty and into well-being. One way that the centre gains access to people who need its work and raises essential funding, is by entering into an agreement with local organisations to deliver a number of hours advice for a fixed fee. The contracting organisation raises charitable funds for this purpose, and the agreement is with them, not with the individuals receiving advice. This guarantees the users/residents access to advice from a trusted source (but with no obligation to use it) and gives the CHC a source of funding. This in turn helps to ensure its survival, which is in the interest of contracting organisations and their clients. Accommodation providers in close enough proximity to a trusted legal adviser could consider this kind of arrangement. RALR suggested that this could be tried with private practitioners, guaranteeing a number of hours advice.

Low cost ideas for destitution/accommodation organisations

The emphasis throughout is on partnership. The ideas here are drawn from the projects described above, and should all be seen as elements in creating stronger partnerships, not as new ways to go it alone. Depending on local resources and opportunities, accommodation providers could:

- Train volunteers and paid staff to refer, signpost and liaise effectively. Where there is no specialist refugee support or advice agency locally, sourcing training can be a step in building an ongoing relationship with an organisation that is further away.
- Strengthen links with local services, including advice agencies, health services, the Red Cross, mental health services, Migrant and Refugee Community Organisations by holding outreach sessions in each other's premises (as in the North East of England). This is a low cost way of building a network and increasing asylum seeker's access to a range of support.
- Host fresh claims information sessions for current clients, given by an experienced legal adviser. If there is no local adviser who can deliver this, it is an opportunity to build links. Peer support and referral routes could develop from this.
- Talk with local solicitors/advice organisations and university or City of Sanctuary or campaign groups about getting a fresh claims group going.

Enhanced casework model (topping up legal aid)

This model could be repeated with a different client group. Hutton and Lukes suggested 'single men with mental health issues, often destitute, often having experienced torture and persecution, who now find themselves ARE with no solicitor who will take them on apart from those requiring payment they simply cannot find.'

A three-way partnership between a NACCOM project, a therapeutic organisation and a quality adviser would offer a strong basis for such a project, but other combinations, perhaps including a local authority or health authority, are possible.

⁵⁵ Formal supervision is not an issue if the organisation operates at the level of qualification of the adviser, but informally, and in terms of good practice and all the benefits of team work and networking noted in this report, a link with an external organisation would be beneficial.

Fresh claims groups and legal buddy development

A great deal more remains to be discovered about the potential and effects of groundwork done for fresh claims. Work is needed in which an evaluation process is established at the outset so that the impact of the work can be examined. The fact that fresh claims work is often dealing with cases which have already experienced multiple refusals needs to be factored into an understanding of success.

In parallel, information could be collected about earlier failings in decision-making or representation. Collecting this information could be made easier and effective if a lead is taken by an umbrella/national organisation experienced in asylum law, policy and practice. Investment in design could take work away from the hard-pressed front line and make it usable by legal buddy projects.

Good practice developed at a national level should guide the development of fresh claims groups in their local context. This could include increasing partnerships with specialist advisers and developing strong referral routes.

Existing networks could be built upon to share learning about good practice in fresh claims work, involving both fresh claims groups and legal representatives, and integrating any learning from the evaluation of the NLC/JF partnership.

With enough resource, networks such as STAR, City of Sanctuary, Red Cross and NACCOM could provide channels for facilitating the development of the legal buddy model but the emphasis should remain upon quality work and solid partnerships rather than achieving geographical spread.

Outreach and drop-ins

Resourcing legal advice time in drop-ins, whether through direct funding of posts to the drop-in organising body or through support of pro bono time from practitioners, is a low cost way to increase access to legal advice for destitute refused asylum seekers.

Pro bono

It was a choice not to emphasise pro bono work in this study. Solicitors and barristers are already giving significant free time in pro bono schemes, in working beyond their paid hours on legal aid contracts, and in drop-ins. While specific projects are successful, for instance the Asylum Support Appeals Project which relies on volunteer lawyers for much of its advocacy, there does not seem to be much appetite for setting up new schemes relying on pro bono work. There are significant overheads and administration in doing so.

Projects also need to be vigilant not to replicate work that could be funded by legal aid.

None of the projects described in this report are doing this. They meet gaps in the legal aid scheme.

Conclusion

Partnership, holistic working, drawing and sharing expertise from centres of excellence are all accepted good practice in the asylum field. The challenge is to apply this in a time of fewer resources to the under-resourced area of working with destitute asylum seekers, and to include quality legal advice routinely in a network of support.

A selection of relevant publications

Two reports of special interest are summarised, below:

Hutton, Ceri and Lukes, Sue, *Models of accommodation for people with no recourse to public funds*. London: Praxis, Housing Justice and NACCOM (2015)

Building on existing research and experience which shows that people with NRPF cannot access 'mainstream' accommodation services and rely mainly on informal networks to survive, this report to move forward the debate by:

- providing an overview of the different accommodation and support models used;
- identifying best practice in providing accommodation and support for non-EU homeless migrants with NRPF;
- getting an initial insight into how such projects are resourced and operate.

Targeted at current and prospective providers, funders and commissioners, the report explains the context in which these projects were set up and the key issues raised. It sets out a typology of accommodation and support models. It also explores potential for new ways of providing accommodation to this group, with a special focus on sustainability.

Petch, Heather, Perry, John and Lukes, Sue, *How to Improve Support and Services for Destitute Migrants*, Joseph Rowntree Foundation, July 2015

Drawing on JRF's scoping and development work to support housing and routes out of destitution for non-EU migrants this report is designed to inform and equip funders, investors and other supporters to act confidently and lawfully. Targeted at charitable trusts and foundations, housing associations, social investors, individual philanthropists and faith and community groups, it provides an understanding of:

- who we are talking about; how migrants become "undocumented" and how this might lead to destitution and homelessness, including 14 case histories;
- what experiencing destitution means to those affected, where help is available and constraints on that help;
- interventions needed to tackle destitution and some of the existing services and initiatives which are addressing these and need support;
- the legal framework for bodies interested in providing or supporting services.

JRF and the Joseph Rowntree Housing Trust joined with the Association of Charitable Foundations (ACF) to secure Counsel's opinion on the legal issues. Adrian Berry of Garden Court Chambers with input from Rosamund McCarthy, senior partner and Keith Jenkins, senior associate of BWB LLP and Devonshires Solicitors respectively provided legal opinion. Overall, they concluded that there is no impediment to funding and supporting projects that are helping non-EU migrants as long as this is in good faith, for humanitarian purposes, in line with charitable objects and compliant with the latest legislation which has not yet rolled out (nationwide) beyond the West Midlands.

Allsopp, Jennifer, Sigona, Nando and Phillimore, Jenny, *Poverty among refugees and asylum seekers in the UK: An evidence and policy review*, IRIS working paper series, No. 1/2014, University of Birmingham.

Baksi, Catherine, *Law centres: Picking up the pieces*, Law Society Gazette, 1 September 2014
Haven Project: Working with Refugee Families and Individuals 2002 -2012

Hughes-Roberts, Deri *Rethinking Asylum Legal Representation: Promoting quality and innovation at a time of austerity*, Asylum Aid: January 2013 (referred to as RALR in this report)

Hutton, Ceri and Harris, Jane, *A Fighting Chance: Enhancing legal services to asylum seekers: achievements and lessons. A study of funder enhancement to three legal advice and representation services for asylum seekers in England: Asylum Aid, Greater Manchester Immigration Aid Unit (GMIAU) and Southwark Law Centre*, On the Tin Ltd October 2014

Hutton, Ceri and Lukes, Sue, *Access to Justice Project: An evaluation of the Access to Justice project and a review of potential next steps for Refugee Action*, June 2013

ILPA Evidence to the National Audit Office: Legal Aid Immigration Law Practitioners Association 19 July 2014

London Hosting, *Destitute Migrants and Refugees - What can I do? A Housing Justice report about the Open Space Conference held at Praxis, Bethnal Green, on 20th September 2014*

Louveaux, Jean-Benoit, *Asylum Appellate Project, Final Report*, Devon Law Centre, March 2010

Migrants' Rights Network, *Advice and Support Provision for Migrants in London: a view from the field* October 2011

Powell, Helen, Sefton, Mark, Smith, Marisol and Randall, Amy, *The impact on children of Legal Aid changes since April 2013: Desk-based research*. Perpetuity Research and Consultancy International Ltd, Office of the Children's Commissioner 2014.

Price, Jonathan and Spencer, Sarah, *Safeguarding children from destitution: local authority responses to families with 'no recourse to public funds'*, COMPAS, University of Oxford, June 2015

A selection of published reports about asylum seeker destitution

British Red Cross and Boaz Trust, *A Decade of Destitution: Time to Make a Change* Manchester, October 2013

Brown, Dave, *More Destitution in Leeds: Repeat survey of destitute asylum seekers and refugees approaching local agencies for support*, 2008 Joseph Rowntree Charitable Trust Community InfoSource, *Preventing Destitute Homelessness Report*, Refugee Survival Trust, June 2013

Crawley, Heaven, Hemmings, Joanne and Price, Neil, *Coping with Destitution Survival and livelihood strategies of refused asylum seekers living in the UK*, Oxfam and Centre for Migration Policy Research, Swansea University February 2011

Destitution Concern, Bradford *No Return, No Asylum: Destitution as a way of life? The extent and impact of destitution amongst asylum seekers in Bradford*, September 2012

Gillespie, Morag, *Trapped: Destitution and Asylum in Scotland*, Glasgow Caledonian University, Glasgow, September 2012

Lewis, Hannah, *Destitution in Leeds: the experiences of people seeking asylum and supporting agencies*, 2007, Joseph Rowntree Charitable Trust

Lewis, Hannah, *Still Destitute: A worsening problem for refused asylum seekers*, 2009, Joseph Rowntree Charitable Foundation

Smart, Kate, *The Second Destitution Tally, An indication of the extent of destitution among asylum seekers, refused asylum seekers and refugees*, January 2009, Asylum Support Partnership

Terminology used in this report

ARE	Appeal rights exhausted. Refers to an asylum seeker who has come to the end of the asylum appeal process and has no further appeal that they can exercise
Article 8	Article 8 of the European Convention on Human Rights which says that everyone has the right to respect for their private and family life, and that this can only be interfered with by the state if it is necessary in a democratic society and for specified reasons
Asylum claim	An application made to the Home Office that it would breach the Refugee Convention 1951 for the applicant to be sent to their home country
Asylum seeker	Someone who has made a claim to the Home Office for protection against persecution under the Refugee Convention 1951, and whose claim has not yet been finally decided
Asylum support	The accommodation and either cash or Azure card for living expenses which is provided by the Home Office during a person's asylum claim. It ends when their appeal rights come to an end
Azure card	The card issued to refused asylum seekers who are on s.4. It is credited each week with £39.95 per person and can be used at designated supermarkets only.
Country of origin research	Research, often desk-based, into political, social and other relevant conditions in an asylum seeker's country of origin, which is relevant to their asylum claim
Destitute	having no accommodation or means of obtaining it or else having accommodation but no means of meeting essential living needs.
Escape fee	the basis of payment of a legally aided case where the adviser has done at least three times the normal amount of work which would be expected for a fixed fee, and which is therefore treated as warranting payment at an hourly rate
Fresh claim	An asylum or human rights claim made by someone who has previously been refused asylum, based on new evidence or a change of circumstances, and which would have a realistic chance of success before an immigration judge. Often used loosely to refer to further submissions.
Further submissions	An argument and evidence put forward by a refused asylum seeker that the material they have a fresh claim for asylum or human rights protection. This must be submitted in person in Liverpool
Human rights claim	A claim that it would breach the applicant's rights under the European Convention on Human Rights to return them to their home country
LASPO	The Legal Aid Sentencing and Punishment of Offenders Act 2012. This came into effect in April 2013 and ended legal aid for immigration advice.
Leave to remain	Permission to live in the UK, either for a limited or indefinite period.

	Limited leave may be subject to conditions.
Legal aid	Public funding, allocated by the Legal Aid Agency to legal representatives (often solicitors firms) which hold contracts for particular areas of legal work. This funds the cases of individual clients, based on means-testing the client, and on the likelihood of the case succeeding ('merits test').
Mckenzie friend	A non-legally qualified person who attends a court or tribunal to help and support an appellant or defendant. They are not advocates and are not permitted to represent the person they are supporting, but when there is an established relationship of trust with the court or tribunal they may be permitted to speak informally at the request or with the permission of the judge.
Merits	The legal merits of a case are the question of how successful the legal argument is likely to be, given the state of the law and the evidence. It is not a value judgment or a moral judgment.
NFP	Not for Profit. Refers to organisations which are run on a financial basis which does not entail income from the work going to owners or managers of the organisation. Income goes back into funding the work.
OISC	Office of the Immigration Services Commissioner. The regulatory body for immigration advisers.
Refugee	In the UK usually used to refer to someone whose asylum claim has succeeded, and has been granted refugee status but it can also include asylum seekers.
Refused asylum seeker	Someone whose asylum claim has been refused
SAR	Subject Access Request – an application to obtain all records an authority holds about a person. Asylum seekers and migrants have a right to obtain their records from the Home Office.
Section 4	Asylum support given to a destitute refused asylum seeker who meets one of the qualifying conditions. These include that it would breach their human rights to refuse accommodation because they have outstanding further submissions. It is not available for refused asylum seekers in general. S.4 support consists of accommodation (usually a room in a shared house) and as Azure card
Section 95	Asylum support given to a destitute asylum seeker during their asylum claim. It consists of accommodation and weekly cash of £36.95 per person.
Statelessness claim	A claim that the applicant is not recognised in law as a citizen of any country. This can be a basis for permission to live in the UK.

Appendix 1

Applications to obtain leave to remain in UK - who can advise and how is it funded

Type of application	Who can advise?	Legal Aid?	Challenging refusal
Claim for asylum or human rights protection	OISC level 2 or above, or solicitor or barrister	Yes, though fixed fee does not permit extensive work and Legal Aid Agency less likely to fund evidence at this stage	Appeal to Tribunal. Legally aided if 50%+ merits.
Fresh claim for asylum or human rights protection	OISC level 2 or above, or solicitor or barrister	Yes, though the fixed fee does not cover groundwork which is usually needed.	No appeal usually. Judicial review only if stringent tests met both for application and for legal aid.
EU law	OISC level 2 or above, or solicitor or barrister	Not unless case is exceptional – decided by the Legal Aid Agency. V.few obtain exceptional funding.	There is usually a right to appeal.
Private or family life	OISC level 2 or above, or solicitor or barrister	Not unless case is exceptional – decided by the Legal Aid Agency. V.few cases obtain exceptional funding.	Only if accepted to be human rights claim – currently debated after Immigration Act 2014.
Statelessness	OISC level 2 or above, or solicitor or barrister	Not unless case is exceptional – decided by the Legal Aid Agency. V.few cases obtain exceptional funding.	Only if accepted to be human rights claim. Circumstances now debated after Immigration Act 2014.
Other immigration	OISC level 2 or above, or solicitor or barrister	Not unless case is exceptional – decided by the Legal Aid Agency. V.few cases obtain exceptional funding.	Only if accepted to be human rights claim. Circumstances now debated after Immigration Act 2014.
Assisted Voluntary Return	No statutory restriction, though advice on re-entry ban is an OISC level 2 issue. Independent AVR scheme ends 30 th November 2015.	No	No.

In addition to excluding immigration advice from the scope of legal aid, the coalition government introduced numerous regulations further restricting access to legal aid. In a series of legal challenges a number of these have been found unlawful.⁵⁶

⁵⁶ *The Queen on the application of: (1) Ben Hoare Bell Solicitors (2) Deighton Pierce Glynn Solicitors (3) Mackintosh Law (4) Public Law Solicitors (5) Shelter - and - The Lord Chancellor* [2015] EWHC 523 (Admin): regulation that legal aid not available for judicial review unless permission granted by court found unlawful.

In July 2014 in *The Queen on the Application of the Public Law Project - and - The Secretary of State for Justice Defendant The Office of the Children's Commissioner*, [2014] EWHC 2365 (Admin) the proposed residence test for legal aid was found

The legal aid regulations are very complex, and have become an area of specialist knowledge in themselves. It is a skill to utilise them to the maximum, and both solicitors and their clients may find it difficult to determine whether the case can be funded. The Public Law Project runs a scheme to help people to obtain exceptional case funding.

Projects run in the NFP sector have also shown that many asylum seekers are wrongly refused public funding to pursue their appeals. (The Asylum Appellate Project run in Devon and Cornwall by Devon Law Centre between 2007 and 2010 and the Access to Justice Project, run by Refugee Action in London, the North West, and Bristol between 2012 and 2013).

Appendix 2

Possible sources of statutory support for refused destitute asylum seekers

Source	who	What	Gov't funded advice?	Who can advise?
s.4(2) Immigration and Asylum Act 1999	Refused asylum seekers who can prove they are destitute AND either not fit to fly, have outstanding judicial review, no safe route of return, trying to return or outstanding fresh claim ⁵⁷	No-choice accommodation + azure card. No cash	Until April 2014 advice and advocacy was funded in contracts to vol orgs who delivered basic asylum advice. From April 2014 contract was awarded to one organisation for whole country and does not include advice and advocacy. There is no legal aid for representation at appeals.	No statutory restriction but erosion of NFP advice sector following 62% cuts in 2011 and loss of contracts by most large providers in 2014. Asylum Support Appeals Project based at Asylum Support Tribunal represents in appeals
s.17 Children Act 1989	Children in need, no matter what their immigration status. Local authority will only recognise need if there is no alternative.	Local authority must provide for children. Where it is in their best interests this includes accommodation for the family and minimal cash. Many authorities are not aware of the extent of the duty and their powers under it.	Legal aid available for advice and advocacy where solicitor has community care or housing contract. Only challenge is by judicial review and legal aid for representation in this is subject to stringent tests.	No statutory restriction but application of the duty to support families without leave to remain is not widely known and expertise often not available. Legal aid only available with a housing or community care contract
Care Act 2014 and Care and Support (Eligibility Criteria) Regulations SI 2015/313	An adult who needs care and support to secure their basic wellbeing because of physical or mental impairment or illness for reasons that do not solely	Accommodation and a small cash allowance. Some local authorities unaware of this power and not accustomed to using it.	Legal aid available for advice and advocacy, with community care contract. Only challenge is by judicial review and legal aid for representation in this this is subject	No statutory restriction but not widely known and expertise often not available. Legal aid contract is for community care, not immigration

⁵⁷ The ground here is that it would be a breach of human rights to refuse accommodation. In principle this is broader than having a fresh claim outstanding, but the reason that this is the usual basis is that otherwise it can be said that the asylum seeker can avoid a breach of human rights by returning to their home country. Where they have a fresh claim outstanding they cannot be expected to do that.

arise from
destitution.
Needs assessment
is based on the
ability to do listed
activities. A high
threshold often
applied.

to v.stringent tests. and asylum

Appendix 3

Newcastle Law Centre/Justice First collaboration

Paradigmatic example of legal buddy rule, range of support from destitution support through to legal representation on complex issues. Benefits of partnership exceeded original purpose of scheme

NLC was approached by Northern Rock who wanted to help fund a project that directly helped asylum seekers and refugees in a way that was different from traditional legal practice/legal aid and did not fund the replacement of legal aid.

NLC had an idea of a different way of funding legal advice - Legal buddy scheme. It would include workshops for asylum seekers on fresh claims, appeals and refugee family reunion applications. NLC were conscious of the gap in representation for 50/50 merits cases.

These cases fall outside legal aid.

NLC say, consistently with the national picture, that the key issue in asylum refusal is usually credibility. In their locality, solicitors will usually assess the merits of the case as below 50% if the asylum seeker (AS) was found not credible.

NLC say that key to success in the project was to make it region-wide. NLC's constitution allows advice over the whole of NE England.

NLC approached Justice First (JF) as a potential partner. JF has been working for nine years and has an established profile, including for its work on unsafe returns to the Democratic Republic of Congo.

Aims of JF from their website:

***We help people in the Tees Valley, who are seeking asylum in the United Kingdom and whose appeals have been rejected, to re-engage with the legal system.
We provide humanitarian aid for those who do not, at present, qualify for support from the State.***

Humanitarian aid is mainly in the form of food and small cash grants. These are funded by another charity – the Mary Thompson Fund. JF provide staple food both from donations and purchasing. They are not a NACCOM member as they do not provide accommodation. JF comment that in the early days the MT fund could be used for items like books for college and travel to visit close friends and family. Now times are harsher and cash support has become a regular £5 per week for basics essential to survival.

JF's aim is to stop asylum seekers falling into or remaining in destitution not by applying for statutory support but by putting them in a position where they are entitled to get support. Thus they have been specialising in fresh claims work for several years.

JF were keen to engage in partnership with NLC. They already had an OISC level 2 adviser. Starting the partnership entailed a significant overhaul of systems for JF. They moved from paper to an electronic case recording system. Supervision of JF advisers by NLC solicitor (IAAS level 2 which is equivalent to OISC Level 3) resulted in significant enhancements for JF. They felt the quality of their advice, knowledge of options, and quality of client process improved dramatically.

Legal buddy scheme

Each client is allocated a volunteer legal buddy. This is a support role. Legal buddies are trained and inducted by JF and NLC at their respective locations. The legal buddy works alongside the asylum seeker one day a week at JF offices. They can:

- put papers in order
- translate some terminology into plain English
- do Subject Access Requests to Home Office.
- COI general research.

The research agenda for the asylum seeker and volunteer is set by a JF level 2 adviser. Support given by the LB is multi-faceted, even though the role is clearly defined. Their support helps the client to stay in the process. NLC comments that asylum seekers may find that difficult or impossible because of the effects of previous trauma or because the process is frightening. It is often difficult for asylum seekers to contribute effectively to their own case. The LB and AS together may get a fresh claim ready for submission in four to six weeks. A LB supports one client at a time. The volunteers do not give any legal advice.

Referral is from external agencies and through advice appointments. These may be:

Advice appointments at JF office as part of their mainstream work

Surgeries held by JF at Open Doors Middlesbrough and at NERS (North of England Refugee Service).

NLC refers to the LB scheme and referrals have been received from Action Foundation, Children's Society, Social Services, Victim Support and Freedom From Torture.

At advice appointments or at a surgery JF identify issues in the claim and make an initial assessment of whether they can help. There is an element of merits assessment, though much lower than for legal aid. For a client to be taken on either for JF core work or the LB scheme there needs to be some element in the claim that can be worked on. For instance, a flawed decision and potential for research.

At NLC, an initial appointment is given in the areas of fresh claims, asylum appeals and family reunion and a decision made as to whether their case is suitable for the workshop or whether, due to the particular circumstances (vulnerability or language difficulties), one to one assistance is more appropriate.

Asylum seekers who speak enough English and are interested can be referred to a workshop run by JF and NLC on what is needed for a fresh claim (NLC also cover appeals and family reunion). An asylum seeker would not be excluded from the workshop simply through lack of English if a good interpreter was available. An initial idea of the project was that the workshops would enable some asylum seekers to work independently on their claim. So far, asylum seekers who have attended the workshops have preferred to work with a LB afterwards rather than independently at JF but there has been a mixture at NLC.

Interpreters

The project has a limited budget for interpreters. JF and NLC do not have a ready pool of volunteer interpreters. Asylum seekers are usually advised to bring a friend who can interpret for them for an initial appointment but any complex information or statement taking is done with interpreters.

Legal buddies

Volunteers working as legal buddies have become very skilled in the role. They carry out general research alongside the asylum seeker. Asylum seekers need not be able to navigate the web, though most can, and their knowledge of the situation in their home country and of possible sources is very valuable.

Several trained legal buddies have remained with the project at both JF and NLC. At JF, they have taken their role wider than that in the project, sometimes for instance introducing the

asylum seeker they have been working with to other social networks, inviting them to JF events. At NLC, the main volunteers on the project are law students, which entails a slightly different approach.

The legal buddies have enabled a depth and quality of assistance that would not otherwise be possible and had not previously been achieved by JF. There may be a short wait to be taken on, but waiting time is not really an issue and there is not a long waiting list.

Referring on

JF normally prepare a fresh claim for submission to the Home Office rather than referring it on, though if the client prefers to take the work to a solicitor, they can do so. Individual experience has sometimes been that even after JF's work a solicitor will turn down the case for legal aid.

Close partnership with NLC has enabled a smoother referral route for JF clients who need legal work that is outside JF remit. NLC do not have capacity to take on all tribunal appeals referred to them but in some cases may refer to a pro bono barrister.

Immigration issues or potential judicial reviews can be referred to NLC. Through partnership, JF has become a doorway to quality advice and representation on wide range of issues, including National Assistance now Care Act and Children Act support.

JF does Article 8 based applications which come from an asylum context.

North of England Refugee Service used to do asylum support appeals, but since its radical reduction of service there is an unmet need in the area for asylum support assistance, advocacy and advice and representation at appeals.

Expert reports

The project cannot fund expert reports.

Outcomes

Asylum seekers feeling supported through the process and having a better experience of the asylum system, not feeling alone and being able to participate – all these are outcomes that JF and NLC feel are a success of the project. An evaluation has begun and a full report will be issued in due course.

Legal status outcomes: In this field final outcomes are greatly influenced by Home Office practice. NLC's observation is that the quality of Home Office decisions has dropped again, having improved marginally previously. The hostile environment has intensified with the Immigration Act 2014 creating a focus on 'remove now, ask questions later'. For the LB scheme at JF there are no outcomes as yet since all fresh claims submitted were awaiting a decision at the time of the conversations for this research. At NLC, the main successes have been family reunion cases which are often quicker to resolve.

Appendix 4

Praxis – East London

Partnerships of many kinds, locally embedded, holistic working, maximising potential of OISC levels and of peer support and self-advocacy, trying through partnerships to create a pathway whereby all necessary levels of work are available to client - groundwork through to Home Office initial decision

Praxis in East London is known as a safe, local, migrant-focused organisation and has a high profile in the local area. Praxis does not advertise beyond its website, and yet has huge demand for its work. Its reputation spreads by word of mouth and through professional networks. Many people come to Praxis having heard about them at a drop-in. These include Hackney Migrant Centre, Haringey Migrant Support Centre, Greenwich Destitution Hub, Notre Dame Refugee Centre, Lewisham Refugee and Migrant Network, New North London Synagogue, Cardinal Hume Centre and West London Churches Homeless Concern. The aims of Praxis are core to the theme of this research. Under one roof Praxis encompasses arts, language learning, immigration advice, housing advice, and numerous initiatives to enable refugee and migrant voices to be heard and 'to counter the simplistic narratives peddled by politicians and the media which do not reflect the lived experience of those that come to us'.⁵⁸

In 2013/14 the title of Praxis' annual review was *Creating Pathways out of Destitution*, because of the increasing prevalence of destitution and its dominance in their work. Praxis offers open, direct access to those who need its help, but this does not mean that it is able to meet all the need. Praxis used to run an open advice surgery all day every day about any issue. This was not sustainable nor an effective way to give advice, and they now run clinics for different legal areas (e.g. housing, immigration) on different days.

Unlike many of the destitution organisations contacted in this study, Praxis exists for all migrants and asylum seekers, and much of its destitution work is with people who are undocumented or have an uncertain or unresolved immigration status.

Doctors of the World run a clinic on 3 days a week at Praxis. They give emergency health care and can help people register with a GP. Praxis refers to the Mary Ward legal centre to negotiate NHS debts – one of the issues that destitute migrants and asylum seekers often bring to drop-ins across the country.

Group work and social contact are important at Praxis, and have been used also as a basis to develop self-advocacy, especially for young people. Groups have worked well for applications based on long residence as people can share ideas about getting evidence. Praxis provides templates for use by friends and colleagues. They are thinking about offering more peer support. There is also a group for women who have been trafficked or suffered other gender-based violence. There is a group for mothers and children, and art therapy including body-mapping and print-making, which can help with the effects of trauma.

The holistic work feeds the advice work as people come back to Praxis over time. People come with many issues including an immediate need for accommodation, or an immediate deadline on a legal issue.

Praxis offers advice and advocacy on all kinds of statutory support (asylum support and local authority Care Act and Children Act). In the event of refusal of asylum support they refer to the Asylum Support Appeals Project for representation at the asylum support tribunal. To

⁵⁸ Praxis 2013/14 Annual Review: *Creating Pathways out of Destitution*

challenge refusal of local authority support, Praxis normally refers to community care solicitors since Praxis is not a solicitors firm and so cannot do judicial review applications. Their immigration advice service is very stretched in terms of both volume and type of demand. Since the LASPO Act they are faced with many applications which cannot be made by solicitors since they are now out the scope of legal aid, particularly those based on family and private life. They have three advisers accredited at OISC level 2, including the two project leads. OISC level 1 advisers are permitted to make straightforward applications based on family life if they fit squarely within the Immigration Rules, but if more complex issues or appeals arise then they need capacity at OISC levels 2 or 3. They are seeking to achieve this by developing partnerships with law centres. They point out that training takes advisers out of casework, whereas working to a higher level under supervision gives real experience of higher level work, learning on the job. Creating solid partnerships with law centres can help develop referral pathways for Praxis clients and give law centres the benefit of cases in which the ground work has been done. Some of this ground work can be done by OISC level 1 advisers in Praxis, both paid and volunteer advisers under supervision. A further obstacle to applications to resolve immigration status is the fee charged by the Home Office, and more recently the additional immigration health surcharge. Praxis can sometimes help clients find ways to raise funds to meet this, but it can be a slow process and create further delay for clients trying to regularise their status. Praxis began a NRPF accommodation project about three years ago with an emergency flat for women and children. Since then they have gained access to more properties which are used by social services for families with NRPF. Praxis' accommodation schemes are described more fully in Hutton and Lukes 2015. Praxis has developed expertise in applying to lift NRPF conditions on leave to remain. Statutory services refer to their accommodation project, and the need for accommodation is often urgent. Praxis comment however that resolving immigration status is nearly always the key to resolving the whole situation. To maintain effective working they use an internal referral process. However, it is also necessary that the project can offer overall expertise, not an atomised service, otherwise, particularly given the volume of work, things can get lost. Praxis signposts to informal hosting networks e.g. London Hosting, London Catholic Worker, Just Homes. But provision is very far from meeting the need. All of these networks contact Praxis for immigration advice. Destitution has become much more common, and is high on Praxis' agenda. They are keen to demonstrate that resolving immigration status can resolve homelessness.

Appendix 5

Doncaster Conversation Club

Doncaster was an area of relatively high dispersal until the end of 2007⁵⁹, since when there has been steady dispersal there but in smaller numbers⁶⁰.

It has historically been an area of shortage of legal advice and of all forms of support for destitute asylum seekers.

The Conversation Club and Drop-in was gradually established from a beginning in 2010 over years of steady commitment by local people, the Friends Meeting House which offered premises, and support from NGOs. The club meets weekly and is now attended regularly by a worker from Migrant Help who can respond to queries about asylum support, Northern Refugee Centre's adviser who has taken a leading role in the development of the Drop-In, and the Red Cross.

The role of NRC's advice worker is interesting. She is an experienced advice worker registered at OISC level 1 who also has over 9 years experience of community development. She has taken responsibility for the development of the Club, and has developed close working links with a local medical practice where many of the asylum seekers attending the drop-in are registered, with Migrant Help, the Red Cross, and legal advice organisations which may be accessible to Drop-in clients even though they are not physically present in Doncaster. These include the Manuel Bravo Project in Leeds, which employs OISC accredited advisers to levels 2 and 3, and can represent in tribunals, South Yorkshire Refugee Law and Justice, a much smaller organisation based in Sheffield, which does in-depth research for fresh claims in cases where the initial merits fall below the legal aid threshold, and McKenzie Friend Support and Service in Bradford.

The advice worker offers can advise on appropriate routes out of destitution. She is aware of the conditions to meet for a fresh claim, the criteria for statutory support, the existence of other legal routes such as Article 8 claims, and the option of AVR. She can advise asylum seekers where they can get more advice about these routes. This is an example of how an experienced OISC level 1 worker can fill the triage role effectively, particularly when she has knowledge of local conditions.

The Drop-in and Conversation Club provides 'conversation, advice, signposting, information and support'.⁶¹ Funding for the next period has been secured by a piece of work which demonstrates some of the issues highlighted by this research.

Funding: The advice role in the Club is vital to enable refugees and asylum seekers to find out how to progress or resolve problems including but not limited to their legal situation. Funding for advice is at a low ebb in the region, and there was a challenge to the survival of the Club and the advice role within it. Locally there was a growth in recognition of health needs of refugees and asylum seekers, and as well as positive collaboration between a GP practice and the Drop-in. Access had been arranged to IAPT, Freedom from Torture and Solace workers. The partnerships in and around the Doncaster drop-in illustrate the developing understanding locally of the important interaction between therapeutic and legal work. NRC's advice worker and volunteers arranged a presentation by Drop-in clients to the Primary Care Clinical Commissioning group. The asylum seekers were able to express to the CCG the fundamental importance to them of security of status, of knowing that they are working on their legal situation. One person said: 'I cannot smell the lavender when

⁵⁹ A high of 1,066 in 2004, dropping to 656 at the end of 2007.

⁶⁰ 347 in Q2 2009 was the peak from 2008 onwards, with numbers mainly in the 100s and 200s since 2009.

⁶¹ Doncaster Conversation Club leaflet

someone might come knocking at my door to take me away'. As a consequence of the presentation, and no doubt of the relationship-building which preceded it, the CCG agreed to fund the drop-in for the next period.

Co-working on fresh claims

The drop-in does not do any of the preparation work on a fresh claim, but if it appears that there might be grounds, the NRC adviser can refer to Manuel Bravo in Leeds. The Red Cross and Conversation Club whenever possible will fund travel to Leeds for a consultation, and a drop-in volunteer will accompany an asylum seeker who is anxious or vulnerable.

Development/advice role

It has been critical to the development of the Drop-in/Conversation Club that the worker employed by NRC is able to do both development work and OISC accredited advice. She sees local relationship-building and advising asylum seekers as being all of one piece and considers that these areas of activity cannot be meaningfully separated if there is a serious attempt to meet asylum seekers' needs and find resolutions to their situation.

Appendix 6

Thank you to the following people who helped by sharing information about their projects, research and experience.

Name	Organisation
Almaamy Taal	Hope Housing Birmingham
Amanda Shah	Refugee Action Manchester
	ARKH Hull
Bashir Siraj	Open Doors Hull
Carita Thomas	Howells solicitors Sheffield
Catherine Evans	Southwark Law Centre
Clare Hurst	Newcastle Law Centre
Dave Smith	NACCOM
Dave Stamp	ASIRT Birmingham
Denise McDowell	Greater Manchester Immigration Aid Unit Manchester
Dorothy Ismail	FODI (Friends of the drop-in) Sunderland
Eithne Dodwell	Beacon Bradford
Ewan Roberts	Asylum Link Merseyside Liverpool
Geoff Wilkins	Hope Housing Birmingham
Hazel Williams	Asylum Support Appeals Project
Heather Petch	Consultant
Hilary Hodgson	Red Cross Newcastle
Ingrid Preston	Migrant Legal Project Bristol
Joan Macfarlane	ASSIST Sheffield
John Donkersley	Sheffield CAB; South Yorkshire Refugee Law and Justice
Jonathan Ellis	Red Cross London
Kath Sainsbury	Justice First Stockton-on-Tees
Lucy Simmonds	Red Cross South Yorkshire
Mark Foster	Cardinal Hume Centre Westminster, London
Mary Stone	Bolton CAB
Mel Steel	Praxis Bethnal Green, London
Neil McKittrick	Red Cross, Belfast
Patrick Jones	Asylum Aid, London
Piotr Kuhlczak	Red Cross and NEST, Leicester
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Richard Malfait	R.Malfait Consultants Ltd.
Richard Orton	Northern Refugee Centre Wakefield
Rosie Longley	Red Cross South Yorkshire
Roz Holland	Boaz Trust Manchester
Sabeeha Khan	Manuel Bravo Project Leeds
Sarah Taal	Hope Housing Birmingham
Shari Brown	Restore Birmingham
Tim Hilton	Refugee Action Manchester