

**REFUGEE GOOD
ACTION PRACTICE**

INSIGHT HUB BULLETIN #18

ACCESS TO LEGAL ADVICE

STAFF WELLBEING

SOURCE: Data taken from Hub Survey #18 collected from 9/6/21 to 22/6/21

DATA DISCLAIMER PLEASE NOTE: The data in this bulletin is based on the responses from organisations who participated in the survey. The sample group is small and therefore the results shown in this report may contain bias and should be used as indicative only. Please contact the Hub team for any validation and verification required.



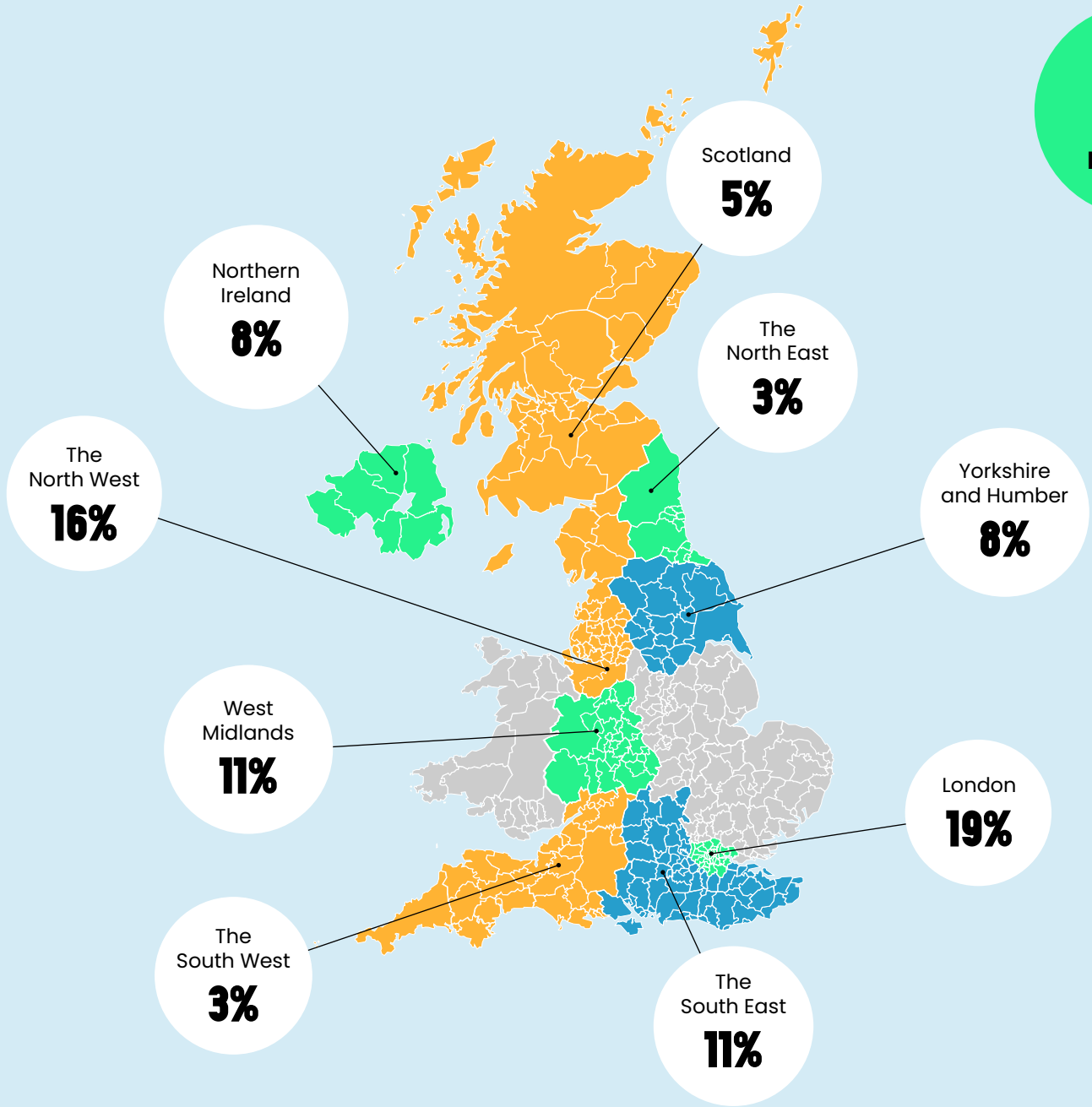
RESPONDENTS PROFILE

37
SURVEY
RESPONSES
ANALYSED

LOCATION OF RESPONDENTS SERVICES

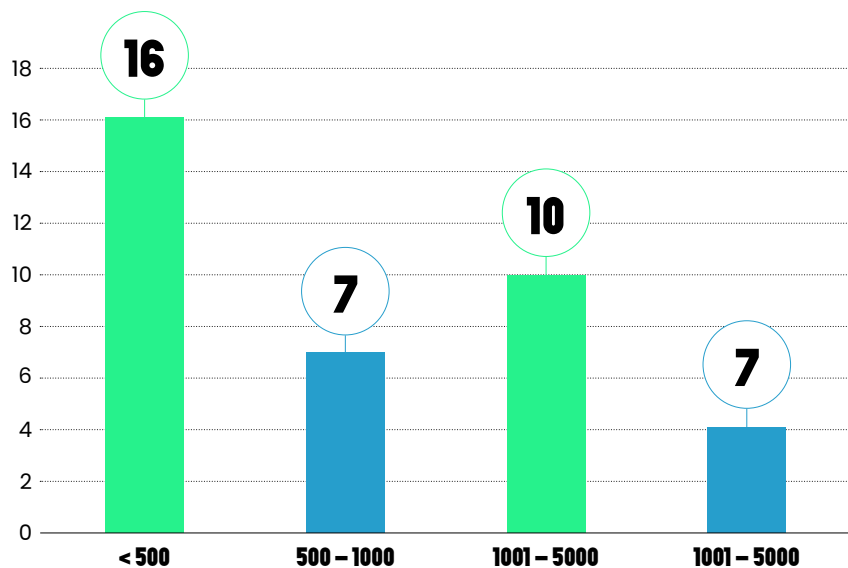
UK-wide
14%

England & Wales
3%





NO. OF PEOPLE SUPPORTED BY RESPONDENT ORGANISATIONS



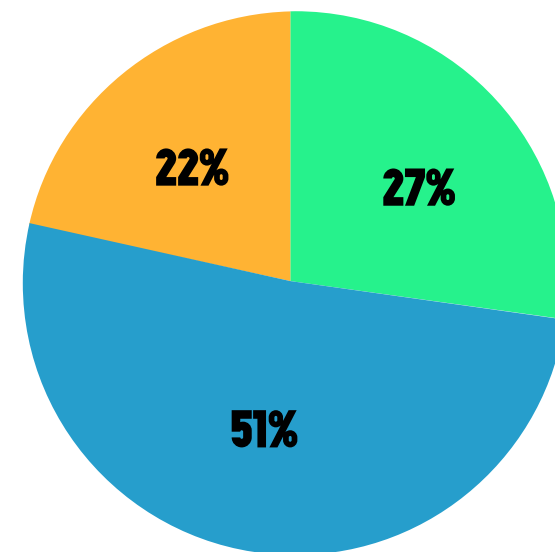
The majority of respondents support
< 500 PEOPLE

"The only funding we have covers EUSS specific cases but we see huge demand in all areas of immigration. Our funding has been cut each quarter."

"During COVID the demand dropped. No asylum dispersal and Home Office extensions to people's leave reduced demand. There was an increase in demand from people with NRPF [No Recourse to Public Funds] - but much smaller than the decrease [during COVID]."



ORGANISATION ANNUAL TURNOVER



● £150,000 or under ● £150,001 up to £1,000,000 ● £1,000,001 or over

Most of the respondents have an annual turnover of between
£150,000 AND £1 MILLION PER YEAR

ACCESS TO LEGAL ADVICE



62% (23 out of 37) respondents confirmed that they give immigration advice to the people that they support. This is mainly legal information, one-off advice and help to pass onto other providers – there are fewer organisations lodging appeals and providing representation for people in appeals.



59% of organisations have supported LGBTQ+ people to access legal advice and support. There is great apprehension amongst people to reveal their status even if it would help their legal case with many not realising that this is grounds for international protection.



ZERO organisations who support people to have access to legal advice have seen a **decrease in their caseload** in the past two years and **44% have seen a significant increase in caseload** – 89% of organisations said this was due to Home Office decision making delays.



All organisations stated that no one they support has adequate access to legal support. They identified that the top 3 migration-related issues that people need access to legal advice and representation are:

1

Asylum applications, lodging fresh asylum claims and further representations

2

Immigration and asylum appeals

3

Advice on their rights and options



38% of organisations said they had seen a **difference in the way certain groups are able to access legal support over others.**



ORGANISATIONAL SUPPORT

14 out of 37 respondents (38%) confirmed that **they do NOT give immigration advice to the people that they support.**

Of these **9** make referrals to specialised legal advice services.

Organisations referred their clients to local providers including local charities, solicitors (through personal connections) and partners. The referrals range from access to expert legal advice to paperwork reviews. They also provided lists of providers to the people they support so they can choose.

“We have no formal arrangement but are able to refer with some success due to personal work relationships with the practitioners and as a result of sector networks in the local area.”

“We give guidance on how to choose a solicitor/advisor however prefer not to recommend specific advisors. We would like to create a Preferred Advisor List.”

“We are a tiny, tiny community group_..._ we refer to local charities for legal advice.”

Only a third of these organisations would be interested in giving advice in the future. They cited the following reasons for this being the main barrier to giving immigration advice:

- 1 Lack of staff capacity
- 2 Lack of funding
- 3 Lack of expertise in immigration law
- 4 Lack of expert supervision

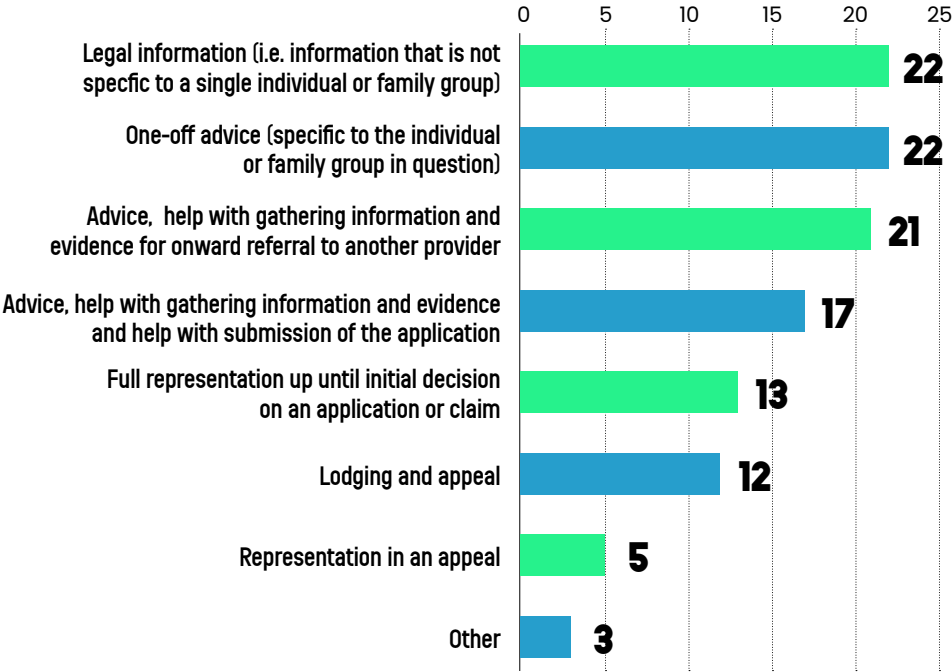
“Legal Aid Solicitors are increasingly hard to find and we spend more time fruitlessly searching. We rarely get new claims, but more complex appeals and tribunal cases are frequent. Even when we prepare statements we still can’t get Legal Aid solicitors.”

“Home Office (and Migrant Help) delays have caused incredible distress and hardship.”

“There are limits to how many cases a lawyer can viably take on at any given time, and so having an increased number of cases which may be dormant for long periods has a negative impact on resources.”

PROVISION OF LEGAL ADVICE

TYPE OF IMMIGRATION ADVICE GIVEN



- 23 out of 37 respondents (62%) confirmed that they give immigration advice to the people that they support.
- The type of advice given was mainly legal information, one-off advice and help to pass onto other providers. There are fewer organisations lodging appeals and providing representation for people in appeals.

IMMIGRATION MATTERS

The top 4 immigration matters dealt with by the participating organisations were:

- Family applications
- Change of Conditions applications (to remove NRPF condition)
- EU Settlement Scheme applications
- Citizenship applications for children (registration)

The immigration matters that were dealt with least included:

- Stateless applications
- Windrush scheme applications
- Visit visas
- Student visas

NON-IMMIGRATION MATTERS

The top 3 non-immigration matters dealt with by the participating organisations were:

- Housing matters
- Benefits applications
- Section 17 applications
- Also Access to education (UASC), hate crime reporting and advice/advocacy, asylum support, destitution support were also listed

The non-immigration matter that was dealt with least was criminal (NOT including impact on immigration status or immigration applications).

“Since the introduction of the Preliminary Information Questionnaire it has become necessary for people to get a lawyer at a much earlier stage of their case than was the case previously.”

GROUPS OF PEOPLE RECEIVING ADVICE FROM RESPONDENT ORGANISATIONS



72%

People seeking asylum living in Home Office accommodation; initial accommodation (including in asylum hotels) or dispersal



72%

People who have been refused asylum who are living in the community



72%

Undocumented migrants (who have not claimed asylum)



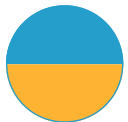
64%

EU nationals and their family members



56%

Migrants with family/private life visas or discretionary leave



52%

Ukrainians



28%

Migrant domestic workers



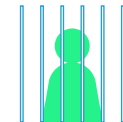
28%

Unaccompanied asylum seeking children and age disputed minors



12%

Seasonal agricultural workers



12%

People in immigration detention

68% OF ORGANISATIONS GAVE ADVICE VIA A HYBRID MIX OF IN PERSON AND REMOTE. REMOTE CONNECTION IS OFTEN THE FIRST STEP

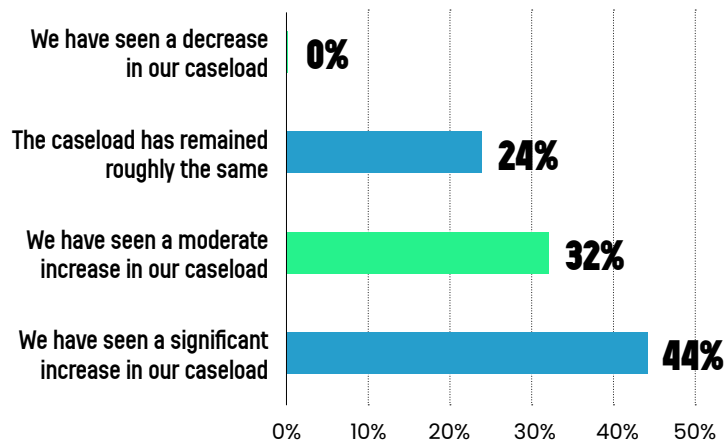
"Appointments between a caseworker and client are mainly by phone or by Zoom, with interpreting as needed."

"Signposting is often via email or phone; advice is usually and now more often face to face, but we do use Zoom for client meetings."

"Whatsapp video calls are excellent for family reunion and can include the interpreter as well as family members abroad."

"Client choice and urgency determine if the first meeting is remote. Triage where possible is done face to face and check-in meetings are now remote (mostly via Zoom)."

IMMIGRATION ADVICE CASELOAD CHANGES IN THE LAST TWO YEARS



FUNDING FOR PROVISION

36% of organisations received funding from Charitable Trusts and 20% from Local Authorities. Many other organisations stated other sources which included Home Office funding, Legal Aid, and University in-house Law staff.



CASELOAD

76% of organisations have seen a moderate or significant increase in their caseload in the past two years (No organisations have seen a decrease in their caseload)

ALL ORGANISATIONS STATED THAT NO-ONE THEY SUPPORT HAS ADEQUATE ACCESS TO LEGAL ADVICE

The top 3 migration-related issues that are most difficult for organisations to access or provide legal advice or representation for their clients:

- 1 Asylum applications, lodging fresh asylum claims and further representations
- 2 Immigration and asylum appeals
- 3 Advice on their rights and options

The top 3 that organisations are finding it most difficult to access or provide legal advice or representation on for their clients:

- 1 Immigration and asylum appeals
- 2 Asylum applications, lodging fresh asylum claims and further representations.
- 3 Support to gather evidence for their case

This finding suggests that those who most need access to legal advice find it the most difficult to get provision

"It is important that the PIQ (Preliminary Information Questionnaire) is responded to as fully as possible, meaning that case preparation is now front loaded to an extent - this has negatively impacted the already very limited resource of legal aid lawyer availability, as cases need to be taken on at a much earlier stage, and are still taking just as long (if not longer) to resolve."

ORGANISATIONS' REASONS FOR INCREASED CASELOAD



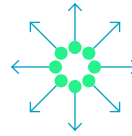
89%

Delays in Home Office decision making



79%

Increase in volume of clients and client needs due to the ongoing crisis situations (COVID-19, Afghanistan, Ukraine)



58%

New /Increased dispersal to local area



58%

Reduced capacity in other local services (e.g. Legal Aid providers closing or not taking cases)



16%

Reduced staff capacity due to funding issues



68%

Changes in government policies affecting our clients (e.g. EUSS, Rwanda Offshoring)



63%

Poor provision of support in Asylum hotels



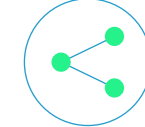
26%

Demographic changes in our area



11%

Reduced staff capacity to provide advice due to burnout

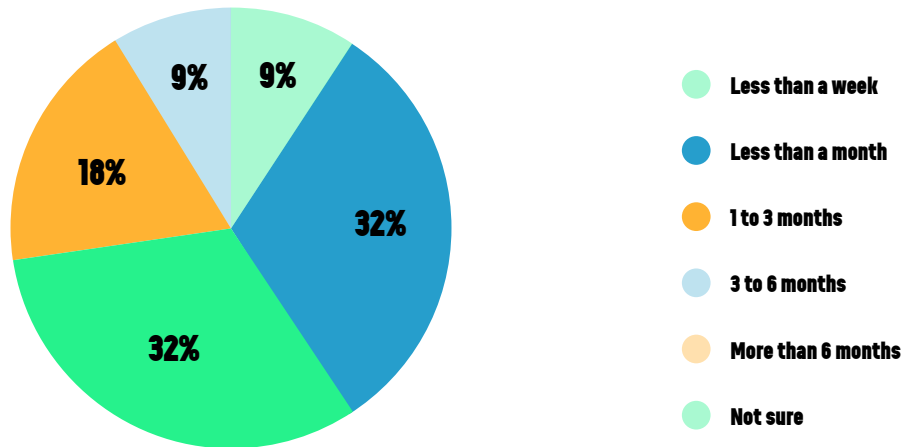


16%

Increased visibility and information sharing about organisation's immigration advice services



TIME TAKEN FOR PEOPLE SUPPORTED TO ACCESS LEGAL ADVICE



MOST PEOPLE WAIT 1 TO 3 MONTHS TO ACCESS LEGAL ADVICE

Waiting lists for access to legal advice have become longer with 86% of organisations reporting that people are taking longer to access immigration advice.

"This depends on what you mean by access to advice; we can triage and provide advise within a week to say that people need L2 advice or quickly provide good written advice, but if they need ongoing casework they will need to wait a very long time to see an accredited caseworker and then even longer to get referred to someone else if we can't help or if the matter is in scope and we need to find a legal aid solicitor."



NATIONAL PRIDE MONTH

- 59% of organisations have supported LGBTQ+ people to access legal advice and support.
- There is great apprehension amongst people to reveal their status even if it would help their legal case with many not realising that this is grounds for international protection.
- Many are fearful from their experiences in their homeland or fear from their own community.

"Huge demographic changes & increased demand on the South Coast, with no increased capacity to meet it. Asylum contingency hotels springing up overnight with associated needs & demand - but the only local legal aid provider not taking on any new cases."

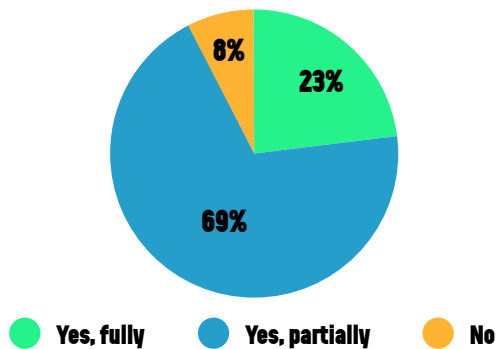
"We have a very low number of cases because we have to take on cases to work with students and we have other obligations at work."

"Brexit and introduction of immigration controls on EU nationals, delays in the asylum process leading to more calls from social workers/concerned professionals."

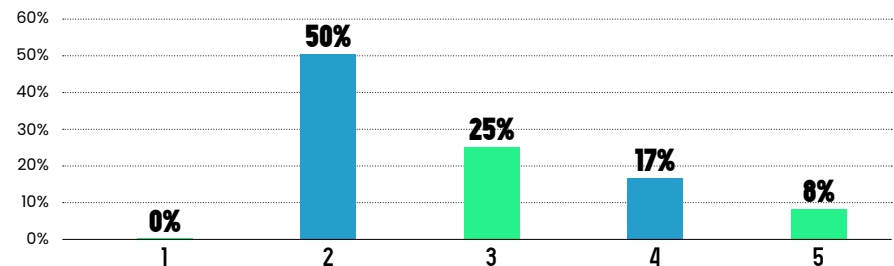
WE ARE KEEN TO UNDERSTAND MORE ABOUT THE IMPACT OF THE ONGOING CRISIS AND HOW CHANGES IN GOVERNMENTAL POLICIES HAVE AFFECTED THE PROVISION AND AVAILABILITY OF LEGAL ADVICE.

AFGHAN CRISIS

Have Afghan arrivals you supported been able to access legal advice?

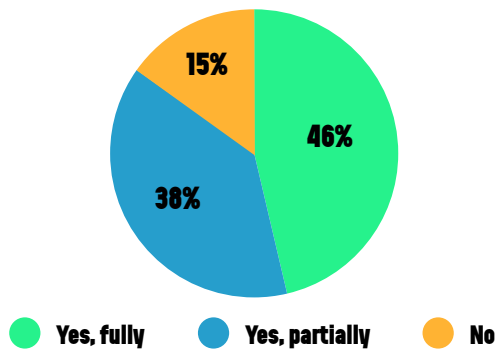


Support available to Afghan arrivals on a scale of 1 to 5 (with 1 being very limited/poor support to 5 being full support)

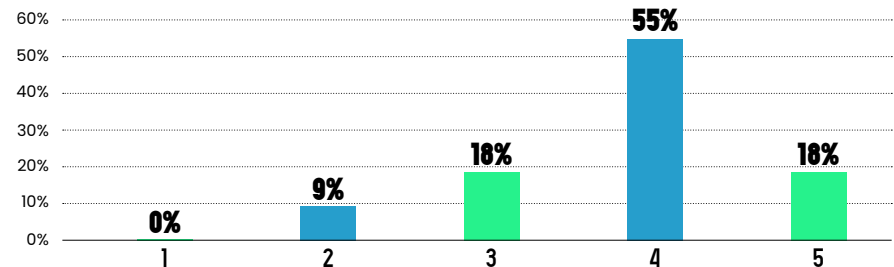


UKRAINE CRISIS

Have Ukrainian arrivals you supported been able to access legal advice?



Support available to Ukraine arrivals on a scale of 1 to 5 (with 1 being very limited/poor support to 5 being full support)





ASYLUM HOTELS

- **14 organisations are supporting people in asylum hotels with 8 of them providing legal information.** The main legal support needs for people in hotels is:
 - Swift access to asylum and immigration advice - many are not legally represented and are given very little information in the hotels.
 - Specific legal advice on asylum claims.
 - Many are waiting months for substantive interviews; and often longer to get LA representation.
 - To gain an understanding aware of their broader rights when they have lawyers - there is a lack of on site advice provision which is combined with lengthy time in hotels and lack of local capacity to take on asylum cases via legal aid.
 - **Organisations use a variety of tools to support people in hotels** including Asylum guides, the Right to Remain Toolkit, workshops for general dispersal guidance, 1:1 appointments and onward referrals. There are also specific advice sheets for circulation in the hotels and 1 organisation is seeking to obtain OISC L3 regulation so it can directly provide specific immigration advice.
 - Of the 8 organisations providing legal information to people in asylum hotels none said that people fully received the legal support that met their needs.
 - 5 organisations said people received no legal support.

"It's very difficult to communicate with people in the hotels and to provide information about people's rights including access to immigration legal advice."

"We are not delivering advice on site at present due to a lack of resources and we have a small number of individuals coming through to our centre. The lack of any funding for those in the hotel presents a major barrier to them being able to travel to appointments with a legal rep assuming they / we can secure one."

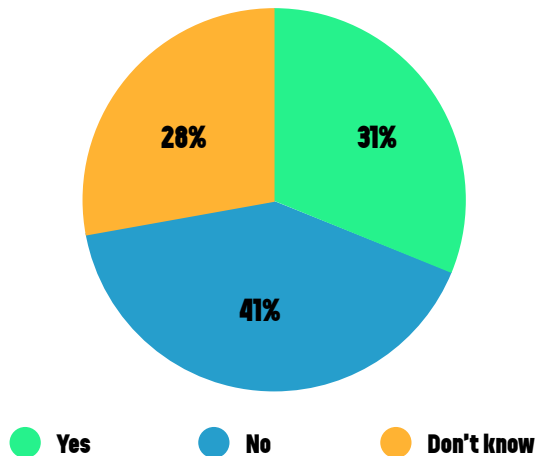
"No capacity to [provide or refer clients living in asylum hotels to legal advice]- we know that the need is for individual casework, not just a monthly one-off general briefing, and we simply don't have the capacity to deliver and follow up on this. Also we're not a legal aid provider, and believe that we should always defer/refer to legal aid where it still exists."

"It is important that the PIQ is responded to as fully as possible, meaning that case preparation is now front loaded to an extent - this has negatively impacted the already very limited resource of legal aid lawyer availability, as cases need to be taken on at much earlier stage, and are still taking just as long (if not longer) to resolve."

"The immigration adviser needs not just to know immigration law, they need increased resilience to the impact of the work on their own emotional wellbeing; the need to be continually alert to the chaos that is the Home Office decision-making process; changes of policy; regulation; and interpretation of these. The hostile environment is being embedded from the Cabinet down to the street."

RWANDA OFFSHORING

Has the announcement of Rwanda offshoring impacted the number of clients seeking legal advice and support from your organisation?



"People are very scared. Some have said they feel unsafe, some have shared suicidal ideation with us, and some have indicated that they may go into hiding."

"More people have been in touch to find out if they will be sent to Rwanda and more people have been seeking advice from solicitors."

"The people we work with in Calais are very confused and worried about the new regime and how it's going to be implemented."

EU SETTLEMENT SCHEME

- **11 organisations are providing support or legal advice to EU nationals regarding EU Settlement Scheme** - there are still large numbers of children without status.
- Many people are still arriving in the UK this year with no permission to work in the UK and no right to EUSS.
- Currently the biggest challenge is a relatively rapid increase of refusals and having to support users to understand the grounds, and support AR/appeal, or referring for full appeal representations. Almost all new cases require L2 or at least experienced L1 under supervision.
- Ongoing concerns are long waiting times for decisions, issues for clients with criminal records, and EU nationals coming with refusals but with no eligibility who were misadvised.
- *"The approach from the Home Office team is generally flexible where we can provide sufficient grounds for late applications. The complexity and time taken on cases is much longer now than 6 months ago."*

DETENTION CENTRES

- Only 1 organisation has provided support in detention centres ensuring people supported have access to a solicitor

GROUP DIFFERENCES

- 38% of organisations said they had seen a difference in the way certain groups are able to access legal support over others.
- The groups with the **best access to legal support** are Ukrainians; Afghans coming via the resettlement scheme; EU / EEA citizens under EUSS; well supported people who have a good solicitor and are confident to speak up for themselves; and those eligible for legal aid.
- The groups with the **least access to legal support** are Asylum Seekers; Overstayers; People in Asylum hotels (due to limited coordinated support and hotel staff who are not specialists in any of the support people need); Afghan or British Afghans with family still in Afghanistan; people with human rights claims; and people who don't know what they are entitled to - who don't have good support and are too afraid to speak up.

ANTI-REFUGEE LAW (NATIONALITY AND BORDERS BILL)

- 62% of organisations are doing or planning work to address the impact of the Anti-Refugee (Nationality and Borders) bill on clients.
- *"We are participating in national campaigns and adding our collective voice. We are also ensuring that clients have full information on their rights, and are sharing this information with other relevant organisations around us."*
- *"We have been offering legal information sessions in Calais. We will also remain committed to supporting separated families access family reunion and challenging the "insurmountable."*
- *"Our lawyers are learning all the new laws so that they can best represent people affected by the provisions in the Act. We are building links with hotels and other front-line providers so that we can identify those who are affected."*
- *"Educating ourselves on the likely impact on our clients, in order to be able to tailor our support accordingly."*
- 65% are engaged in campaigns or advocacy work which focus on access to justice.

"Brexit and introduction of immigration controls on EU nationals, delays in the asylum process leading to more calls from social workers/concerned professionals."

"Higher demand for all immigration categories but no funding available for free immigration advice."

STAFF WELLBEING



76% of organisations feel that staff are “surviving”, 17% are “thriving” and 7% are “struggling.”

KEY MESSAGES

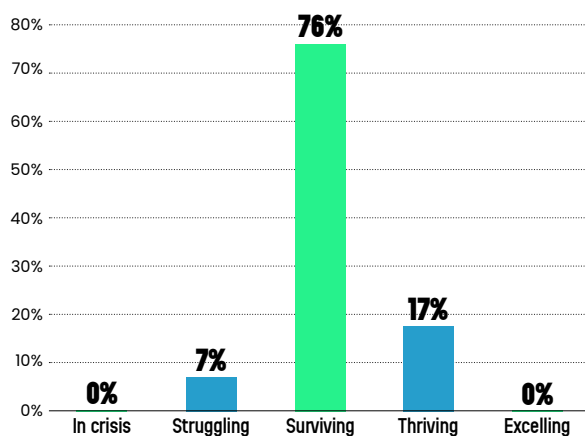


Organisations are taking steps to tackle concerns about staff wellbeing. These include responding to capacity issues by reducing caseload and recruiting new staff, providing peer support between frontline staff, providing and organising training. They have also introduced employee assistance programmes or referring individuals for support/services as well as offering compressed hours, TOIL, and extended sick leave provision.



The main barriers affecting the organisations’ ability to address staff wellbeing issues are **heavy workload** and **ongoing crises** as well as **limited opportunities** to get funding that support initiatives on staff wellbeing.

POSITION OF ORGANISATION WITH REGARDS TO STAFF WELLBEING (SOURCE: DELPHIS)



MOST ORGANISATIONS BELIEVE THAT STAFF FEEL LIKE THEY ARE “SURVIVING” WITH NO ORGANISATION “EXCELLING” BUT ALSO NO ORGANISATION “IN-CRISIS”.

The top 3 mental health and wellbeing issues the staff in organisations are currently experiencing / reporting include:

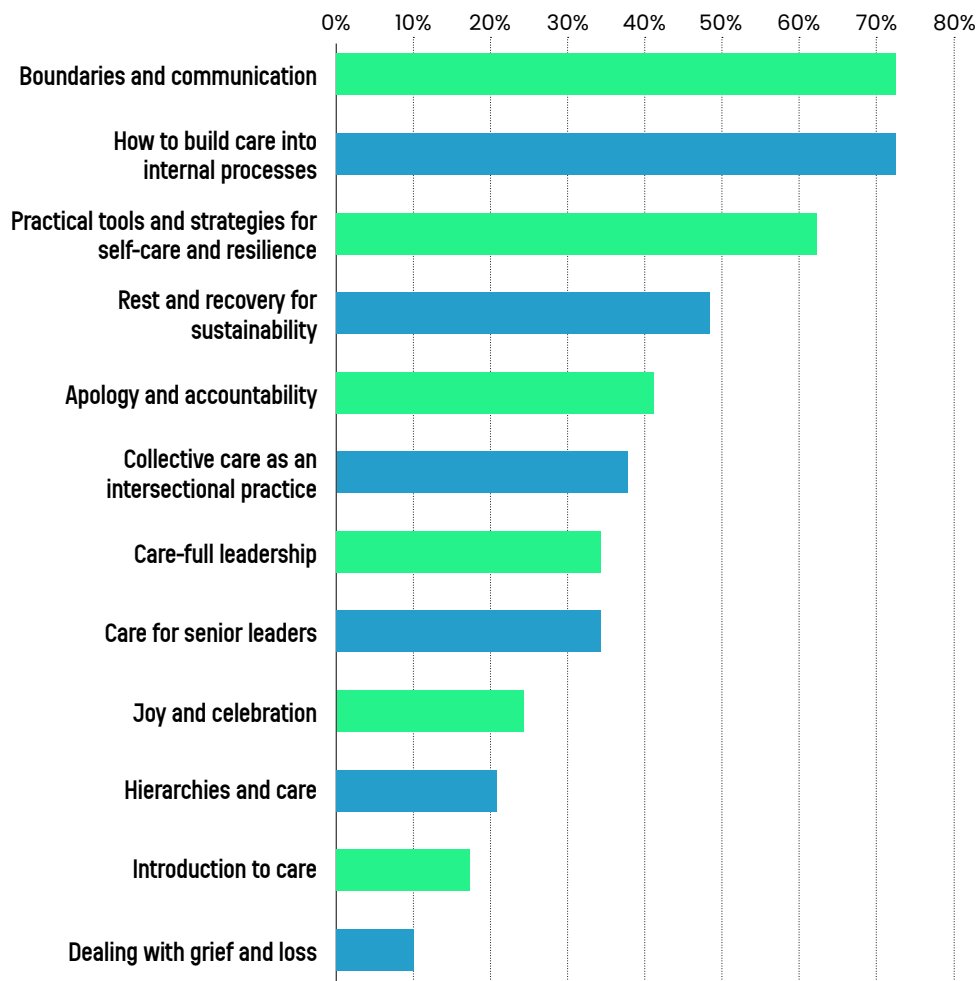
- 1 Overwork
- 2 Financial worries / cost of living crisis
- 3 Stress and anxiety

Also concerns about the political landscape and constant crises were highlighted as wellbeing issues and causes of stress and anxiety.

The top 5 measures being taking or being developed by organisations to address staff wellbeing and mental health:

- 1 Responding to capacity issues including reducing caseload and recruiting new staff
- 2 Peer support between frontline staff
- 3 Providing/organising training
- 4 Employee assistance programmes or referring individuals for support/services
- 5 Offering compressed hours, TOIL (time off in lieu), and extended sick leave provision

TOPICS MOST RELEVANT FOR ORGANISATIONS



TIPS FROM ORGANISATIONS

"We ran a wellbeing survey for staff last year and following this, we sought access to an EAP, reviewed and extended our policies and sabbaticals, and carried out a pay review."

"We put workload and wellbeing on the list of standing items for all line management meetings so that these are always asked about and challenges can be addressed early."

"We have implemented waiting lists and we sometimes close some services when they are oversubscribed."

"We use social work supervision, we have always kept caseloads very reasonable as we focus on provision of long term support."

"Monday catch-up meetings are sociable as well as for business; we have a staff whatsapp; plenty of good communication and management, encouraging talents."

"People have the theory of what to do for their wellbeing, but it is not always implemented."

76% OF ORGANISATIONS would like to see **FUNDING OPPORTUNITIES** for specific wellbeing work in order to further support the wellbeing staff

79% OF ORGANISATIONS would be interested in taking part in **FREE WORKSHOPS** for sector organisations focusing on individual and collective care planned by the Insight Hub

**REFUGEE GOOD
ACTION PRACTICE**