



**Need help with your immigration
and asylum issues?**
What you need to know

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This guidance was produced by the Bar Standards Board in collaboration with the Solicitors Regulation Authority and the Office of the Immigration Services Commissioner.

This guide is for you if you are looking for legal help with your immigration or asylum issues. It will explain:

- the different types of people or organisations that can assist you with your immigration/asylum issues;
- how to choose the best one for your case;
- what you should expect from them once you hire them; and
- what you can do if something goes wrong.

Who can help?

There are different types of people and organisations that can give you advice on your case or represent you. These are known as ‘providers’. A ‘provider’ is an adviser or lawyer who is allowed to give immigration advice and services to the public in the UK.

You may not hire a provider to help you with your case at all. This guidance is intended for you if you want someone else to assist you with your case. Below is a list of the different types of provider to help you choose which is best for you.

| Type of provider | What they do | Terms Explained |
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| Immigration advisers | <ul style="list-style-type: none"> • Immigration advisers can give you advice on immigration rules. • Some can only give advice and assistance with simple applications. • Others can do more complex applications and represent you in the tribunal. • You should always check what work your adviser is allowed to do before hiring them. • Immigration advisers are regulated by the Office of the Immigration Services Commissioner (OISC) – OISC advisers. • Immigration advisers are registered (allowed to work) at three different levels, depending on the type and complexity of the work involved. | <ul style="list-style-type: none"> • Applications are the forms you fill in to ask for something to do with your right to stay in the UK, for example, to ask for asylum. • Representation is where a provider helps you to prepare the documents you need to take to the tribunal (or court) and makes the case on your behalf. • The tribunal is the place where a judge makes a decision about your case. • Regulated by the OISC means that there are rules set by the OISC that immigration advisers have to follow to make sure that they do a good job and work in your best interests. |

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| <p>Lawyers</p> | <ul style="list-style-type: none"> • There are three main types of lawyer in the UK that can help with immigration cases – solicitors, barristers and Chartered Legal Executives. • The type of lawyer you need will depend on the case and work to be done. <p>We explain more about the different types of lawyer below:</p> | |
| | <p>Type of lawyer</p> | <p>Regulation - who regulates them?</p> |
| <p>Solicitors</p> | <ul style="list-style-type: none"> • Solicitors give legal advice directly to you. • They will meet with you, work out what your case is, deal with all the paperwork and communicate with others involved. • Some solicitors can appear in court, but others will often hire a barrister to go to court on their client's behalf. | <ul style="list-style-type: none"> • Solicitors are regulated by the Solicitors Regulation Authority (SRA) which means that there are rules that solicitors have to follow to make sure that they do a good job and work in your best interests. |
| <p>Barristers</p> | <ul style="list-style-type: none"> • Barristers can do some of the same things as a solicitor, for example, give advice and draft documents. • They can also represent you in courts and tribunals. • Barristers usually become involved at more advanced stages of a case or if the case is complex. | <ul style="list-style-type: none"> • Barristers are regulated by the Bar Standards Board (BSB) which means that there are rules that barristers have to follow to make sure that they do a good job and work in your best interests. |
| <p>Chartered Legal Executives</p> | <ul style="list-style-type: none"> • Chartered Legal Executives can do the same type of work as a solicitor. • If you hire a solicitor's firm to carry out work for you, a Chartered Legal Executive might do some of the work for you. • Chartered Legal Executives can also apply to become CILEx Immigration Practitioners. This means they are able to work independently, to provide immigration advice and services through their own firms. | <ul style="list-style-type: none"> • Chartered Legal Executives are regulated by CILEx Regulation which means that there are rules that Chartered Legal Executives must follow to make sure they do a good job and work in your best interests. |

Most people who need legal help with immigration or asylum usually go to an adviser or solicitor first. *See below for more information on how to choose a good one.*

Barristers at court or tribunal

If your case needs to go to court or tribunal (for example, because your application for asylum is turned down and you want to appeal), you may want someone, such as a barrister, to make the case on your behalf.

If you have a solicitor or adviser, they may hire a barrister for you (only OISC advisers registered at Level 3 can hire a barrister to represent you in court/tribunal). Or you can hire one yourself. This is called **'public access'**. If you hire a public access barrister, you might have to do some things yourself, like handing documents over to others (eg a court), because most barristers cannot do this. Make sure you check with the barrister and ask them to explain what they can do and what you will have to do.

Not all barristers are 'public access'. *See the list of 'Useful Contacts' to find out how to find one.*

Paying for a provider

Most providers charge for the help they give you, and they are allowed to set their own prices. In many cases, a barrister's fees are similar to the fees of a solicitor. You can talk to more than one provider to compare prices before choosing one. Discuss how and when you have to pay them before you hire them.

If you cannot afford to pay for legal advice and representation, you might be able to get legal aid. Legal aid means the government helps you meet the costs

of legal advice and representation, but is only available for certain types of cases, like asylum cases and appeals, cases involving domestic violence or trafficking and detention and bail cases. Always ask your provider whether you can get legal aid, or you can check yourself on the Government's [Legal Aid website](#).

If you cannot get legal aid, some OISC advisers can help you for free. The Bar Pro Bono Unit can also provide free legal help if you cannot afford to pay, but you need to be put in touch with them by an advice agency, like Citizen's Advice or a Law Centre.

See 'Useful Contacts' on page 8 to find advisers and organisations that can help.

See 'You have the right to question providers' on page 5 for questions you can ask a provider about how they charge.

Choosing a good provider

One of the best things you can do to help you choose a good immigration provider is to make sure that you choose one that is regulated. Regulators make sure that the people they regulate meet the high professional standards expected. For example, providers must:

- **be honest** with you;
- **act in your best interests;** and
- keep their **knowledge of immigration law and practice up to date.**

OISC advisers, solicitors, barristers and Chartered Legal Executives have to follow rules set by the official bodies that regulate them. Regulation gives you protection if something goes wrong. People who are not regulated might have little or no knowledge of immigration law and practice. Do not feel you have to use a provider just

because someone you know recommended them. Choose one that is regulated, professional and takes your case seriously.

If you are not sure who the best person is to help, visit an advice agency (an independent organisation funded by charities or government) or talk to a few providers directly to see whether they can help with your issue. Some providers will meet you for free at first, but some might charge you for this, so make sure you check with them.

See 'Useful Contacts' on page 8 to find a provider.

You have the right to question providers

Ask providers as many questions as you need to until you fully understand your options, what the payment arrangements are and whatever else you want to know. Make sure you have enough information to decide who the right provider is for you. You could ask:

- 1. Who regulates you?** Your provider must be regulated – by the OISC, CILEx Regulation, the SRA or the BSB.
- 2. Can I get legal aid or other help with the cost of my legal service?** A good provider will check whether you can get legal aid and discuss this with you. Whether you are paying yourself or getting legal aid should not affect the quality of service you receive. (If you hire a 'public access' barrister, you cannot apply for legal aid).
- 3. How do you charge and how do you cost your service?** Some providers charge an hourly rate for their work, others charge a fixed

fee, for example, for making an application or representing you in court. You can also ask your provider if you can pay in instalments (pay the bill in stages over a period of time) – although not everyone will allow this.

- 4. What will my final bill be? Are there any extra costs?** A good provider will clearly explain how, when and for what you will be charged. You should only pay for the work you agreed. If your provider wants you to pay more, they must show you what it is for. Always ask for receipts for anything you pay them. You have the right to challenge or complain about your bill.
- 5. How often will I hear from you and how will you contact me? How can I contact you?** A good provider will let you know when and how often they will be in contact, and will keep you updated at each stage of your case. But if you have not heard from them for a while, there is no reason to panic – this could just mean that there are no updates on your case.

Starting work with your provider

You should be open and honest with your provider from the start. To help you properly, they need to know everything that might be relevant to your case. Remember: your provider must keep everything you tell them confidential. Also, ask your provider what documents they need from you. This will help to avoid problems or delays in your case.

When they start working for you, your provider must give you key

information, such as:

- the work they have agreed to do;
- how and when you will have to pay; and
- how to complain if you are not happy with their service.

Often this will be in a letter – barristers and OISC advisers *must* send you a letter, but solicitors might provide this information in another way. You have the right to **ask for copies of all documents relevant to your case**, including the advice they give you (although some might charge you for this).

A **good** provider will also:

- ✓ Be respectful and understanding
- ✓ Ask you relevant questions about your case and listen to you
- ✓ Explain your options and help you to make your own decisions
- ✓ Help you understand what is happening at each stage and involve you in the process
- ✓ Explain any decision that has been made, what that means for you and any next steps
- ✓ Give you copies of letters, documents and applications they have done for you.

Do not believe a provider who says they can influence the outcome of your case or get you special treatment.

What if I am getting a bad service?

Sometimes it is difficult to know if you are getting a bad service. To help you decide,

ask yourself:

- Is my provider advising and doing what is best for me?
- Is my provider trying to push or convince me into something that does not feel right?
- Am I paying a lot of money when my case does not seem to be progressing?

Good service is not always about price. Many organisations provide good quality advice for free, and just because you pay more does not mean it is better service. If you are unhappy with the service you are getting, you can:

- **Complain.** You have the right to complain about any problems with your provider, even if you are getting legal aid. You can complain for a number of reasons, for example if your provider gives you poor advice and/or service, or if they charge you unreasonable fees or for work they have not done.

If you want to complain about a barrister or solicitor, you must:

- Complain directly to them and they have eight weeks to respond to you
- If you do not get a response or are not happy with it, you can then complain to the Legal Ombudsman by visiting their [website](#) or calling 0300 555 0333.

To complain about an OISC adviser, complain to the OISC directly via their [website](#) or by calling 0345 000 0046.

If you find out about someone giving advice who is not regulated, you can also report them to the OISC.

- **Change your provider.** You have the right to change provider if you want to, although this might involve extra cost and time because a new provider must be hired and needs to learn about your case. You may also have to pay your provider for the work they have already done before they release your documents to your new provider.

If you are receiving legal aid but want to change your provider, you may have to make a formal complaint about your current provider in order to switch to a new provider. Certain types of cases require this – but not all. Check this with your provider when you hire them.

Useful Contacts

Finding a legal services provider

[Bar Council's Bar Directory](#): Search directory of practising barristers by region and specialism.

[CILEx Regulation's Authorised Practitioners Directory](#): Search the directory of individuals authorised by CILEx Regulation to carry out legal work in England and Wales.

[Office of the Immigration Services Commissioner \(OISC\)](#): Adviser finder – search OISC advisers regulated by region, specialism and organisation/adviser.

[Public Access Portal](#): Search directory of public access barristers by region, specialism and seniority.

[The Law Society's Find a Solicitor](#): Search directory of solicitors by region and specialism.

Advice and Helplines

[Asylum Aid](#): Provides legal advice and representation. Advice Line: 020 7354 9264.

[Asylum Support Appeals Project \(ASAP\)](#): Supporting asylum seekers to appeal, free legal representation and advice. Advice Line: 020 3716 0283.

[Bail for Immigration Detainees \(BiD\)](#): Provides legal advice, information and support to immigration detainees. Helpline for detainees: 020 7456 9750.

[Bar Pro Bono Unit](#): Free advice and advocacy on legal matters (applications based). Contact: 020 7092 3960.

[Citizen's Advice](#): Free, independent and impartial advice on a range of issues and rights. Advice Line: 03444 111 444 (England); 03444 77 20 20 (Wales).

[Coram Children's Legal Centre](#): Free legal information, advice and representation to children, young people, their families, carers and professionals. Advice Line: 0207 636 8505.

[Joint Council for the Welfare of Immigrants](#): Legal advice and representation. An advice line for irregular or undocumented migrants in London. Advice Line: 020 7553 7470.

[Law Centres](#): Provide legal advice and representation to disadvantaged people. To find your local Law Centre click on the link or ring the Law Centres Network on 020 3637 1330.

[Migrant Help UK](#): Advice, guidance and support for vulnerable migrants, including those who have been trafficked. An advice line for people claiming asylum. Advice Line: 0808 8000 630.

[National Domestic Violence Helpline](#): A 24-hour free helpline for women experiencing domestic violence, their family, friends, colleagues and others. Helpline: 0808 2000 247.

[Rethink Mental Illness](#): Advice, support and advocacy for people with mental health problems and access to justice issues. Advice and Information Service: 0300 5000 927.

[Rights of Women](#): Charity helping women with legal issues, including asylum and immigration, trafficking, the rights of Europeans and their families; advice line. Immigration and Asylum Law Advice Line: 020 7490 7689.

[Stop Hate UK](#): Information and support for victims of discrimination and hate crimes. Helpline: 0800 138 1625.

[The Salvation Army](#): Support for adult female and male victims of human trafficking. Helpline: 0300 3038151.

[UK Lesbian and Gay Immigration Group](#): Supports LGBT asylum seekers and those wishing to immigrate here to be with their same-sex partner. Helpline: 020 7922 7811.

[Victim Support](#): Supports vulnerable witnesses. Support Line: 0808 1689 111.

Complaining about a legal provider

[Legal Ombudsman](#): To complain about a solicitor or barrister.

[Office of the Immigration Services Commissioner \(OISC\)](#): To complain about an individual or organisation.

There are a number of local charities and organisations that you could also access for help. You should look what is available locally, either online or by asking the local authority or Citizens' Advice. Many of these organisations have limited resources, which means they cannot help everyone who contacts them.



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